

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

SESAME SOFTWARE, INC.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO:
)	
CAPSTORM, LLC,)	
)	
Defendant.)	
	/	

COMPLAINT

Plaintiff Sesame Software, Inc. brings this action against Defendant CapStorm, LLC and alleges as follows.

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*

THE PARTIES

2. Plaintiff Sesame Software, Inc. (“Sesame Software”) is a corporation organized and existing under the laws of the State of California, with its principal place of business at 5201 Great America Pkwy, Ste. 320, Santa Clara, California 95054.

3. On information and belief, Defendant CapStorm, LLC (“CapStorm”) is a Florida limited liability company with a principal address at 2800A US Highway 98W, Santa Rosa Beach, Florida 32459.

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over CapStorm because CapStorm resides in the State of Florida and this judicial district, is doing business in the State of Florida and this judicial district and has committed tortious acts within the State of Florida and this judicial district, including patent infringement through the making, using, selling, offering for sale and/or importing of infringing products.

6. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because CapStorm is incorporated in and has its principal place of business within the State of Florida and this judicial district.

FACTUAL BACKGROUND

SESAME SOFTWARE

7. Sesame Software is an innovative software company in the field of data warehouse, data backup and recovery, and data integration.

8. Sesame Software’s on-premises and cloud applications empower data teams to make faster, more effective business decisions.

9. Organizations across the world and all industries use Sesame Software to empower their data teams, unify their systems and drive their business forward.

10. Sesame Software promotes its products online and elsewhere, including on its corporate website, <https://sesamesoftware.com>.

11. Sesame Software's product "Relational Junction" sets the industry standard for data warehousing, replication, integration, cloud migration, and complete backup and recovery capabilities to reduce business risk, eliminate data loss and ensure regulatory compliance.

12. Sesame Software's Relational Junction product has been in commercial use since September 2004.

THE PATENT-IN-SUIT

13. Sesame Software maintains a robust patent portfolio that covers various aspects of its innovative technology.

14. On January 21, 2020, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,540,237, entitled System and Method for Procedure for Point-In-Time Recovery Cloud or Database Data and Records in Whole or in Part ("the '237 Patent").

15. A true and correct copy of the '237 Patent is attached as Exhibit A.

16. Sesame Software is the sole owner of right and title to the '237 Patent.

17. The '237 Patent is subsisting and presumed valid under 35 U.S.C. § 282.

18. The '237 Patent is directed, in part, to a user interface, system and method for the recovery and restoration of software records to other versions to address consequences of database corruption or data deletion.

19. Claim 1 of the '237 Patent recites a system comprising:

a) a non-transitory memory comprising a current copy of a source database, a current data archive and a historical data archive, wherein the historical data archive comprises prior versions of a plurality of records previously received via the current data archive;

b) a display device;

c) an input channel receiving selections and selection data; and

d) one or more processors communicatively coupled with the memory, the display device and the input channel, and the one or more processors configured to perform operations comprising:

e) displaying a first user interface element on the display device, the first user interface element enabling a receipt from the input channel of a date and time range to filter records by update time stamps as are individually associated with each record of a record archive;

f) displaying a second user interface element on the display device, the second user interface element enabling a receipt from the input channel of one or more record types to include in a record recovery action;

g) displaying a third user interface element on the display device, the third user interface element displaying a listing of a plurality of record types and enabling a receipt from the input channel each displayed record type for inclusion in a record recovery action;

h) displaying a fourth user interface element on the display device, the fourth user interface element displaying and enabling a receipt from the input channel of an additional plurality of records from a plurality of relationally related records present in the current data archive in separated lists for each distinguishable record type;

i) displaying a fifth user interface element on the display device, the fifth user interface element displaying and enabling a receipt from the input channel of a specific version of a record from the historical data archive for a given record present in the current data archive;

j) generating a recording of a recovery workflow specifying selected records for use by an information recovery process;

k) copying each record specified in the information recovery workflow from the current data archive into the historical data archive;

- l) updating specified records into the corresponding records in the current data archive;
- m) setting a recovery status field flag in records updated in the current data archive in accordance with the recovery workflow; and
- n) updating the source database in accordance with each record updated in the current data archive by using the recovery status field flag as an indicator of whether to newly create records or update source database records specified in the recovery workflow.

THE COPYSTORM PRODUCT

20. CapStorm manufactures back-up and recovery software for Salesforce customer relation management (“CRM”), a cloud-based system for managing relationships and interactions with customers and potential customers.

21. CapStorm provides the software product “CopyStorm,” including CopyStorm/Restore 10.52.2 (collectively, “Infringing Product”).

22. CopyStorm is referred to as a salesforce backup solution.

23. CopyStorm is advertised on the website <https://www.capstorm.com/>; <https://learn.CopyStorm.com/copystorm/>; YouTube and elsewhere.

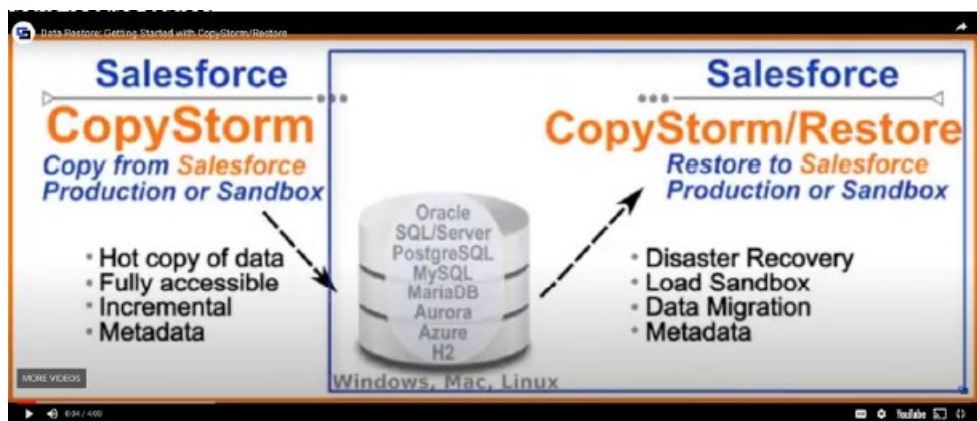
24. Based on CapStorm’s promotions, CopyStorm replicates a salesforce instance, then copies the structure and data to a relational database such as SQL/Server, MySQL, PostgreSQL, Oracle, or DB2.

INFRINGEMENT OF THE '237 PATENT BY THE COPYSTORM PRODUCT

25. When run on a general-purpose computer, CopyStorm contains all of the elements of at least claim 1 of the '237 Patent, either literally, or under the doctrine of equivalents.

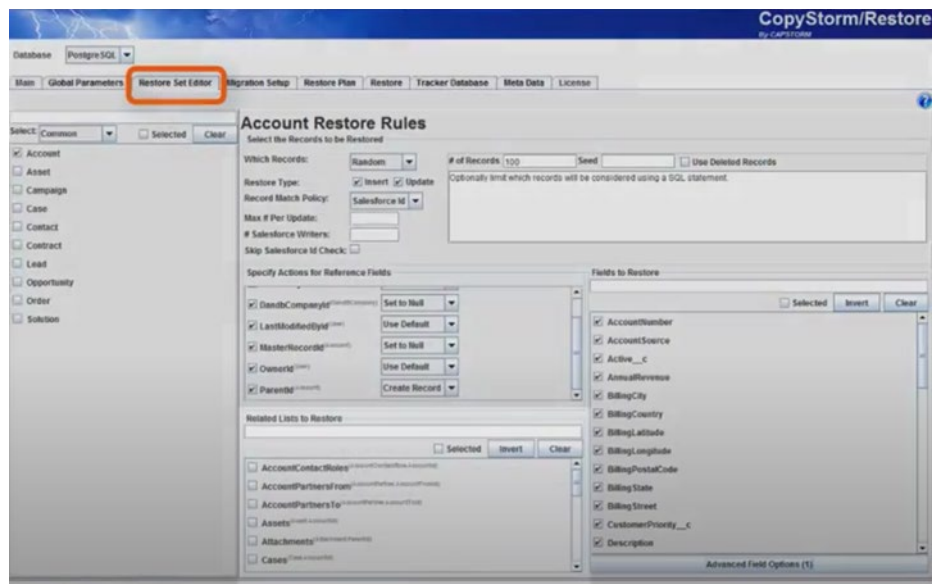
26. On information and belief, CopyStorm is a software product designed to accomplish a business objective on a computer system having:

a) a non-transitory memory containing a backup of Salesforce, in a local relational database containing source records, and a historical database with the ability to restore the source records to previous versions:



b) a graphical user interface requiring the use of a display device;

c) a page which allows selection of data to be restored:



d) running on the architecture of a modern computer with processors, memory, an input channel, and processors programed to perform the following operations:

e) selection of data to be restored by writing database SQL queries, whereby the structure of logging tables provide the ability to restore prior versions of records from a versioning database comprised of the current copy of the source data and before and after images of the changed fields:

Account records matching this filter will be restored.

Show API Names

Table: Account
Name Is Blank [Click to Edit](#)

Combining Operators
 AND
 OR
 NOT

Filter:

- IndustryDetail__c
- IsDeleted
- Jigsaw
- JigsawCompanyId
- LastActivityDate
- LastModifiedById
- LastModifiedDate
- LastReferenceDate
- LastViewedDate
- LocalTimezone
- MasterRecordId
- Max_Community_End_Date
- Name
- New_Customer_Date__c
- NoPublicity__c
- NumberOfEmployees
- OwnerId
- ParentId
- Payment_Terms__c
- Phone
- PhotoUrl

Show: **Queried Fields** Show At Least **10** Records [Refresh Preview](#) [Show Query](#)

Id	Name
<div style="border: 1px solid black; padding: 5px; background-color: #4a7ebb; color: white; width: fit-content; margin: 0 auto;"> Drag-and-drop fields from the list to add to the filtering criteria </div>	

[Save](#) [Cancel](#)

Account records matching this filter will be restored.

Show API Names

Table: Account

Name = "Acme"
 OR
 NumberOfEmployees > 7
 AND
 Description = [Done](#) [X](#)

Click on a row to edit filter criteria.

Press "Done" to save or "X" to delete the criteria.

Combining Operators
 AND
 OR
 NOT

Filter:

- BillingState
- BillingStreet
- CopyStorm_Purchase_Date
- Copy_Billing_Address_to_Shipment
- CreatedById
- CreatedDate
- Customer_Keys__c
- Customer_Not_Active_Date
- DOZISF_ZoomInfo_First_Up
- DOZISF_ZoomInfo_Id__c
- DOZISF_ZoomInfo_Last_Up
- Description
- Fax
- Govern_Purchase_Date__c
- Id
- Industry
- IndustryDetail__c
- IsDeleted
- Jigsaw
- JigsawCompanyId
- LastActivityDate
- LastModifiedById

Show: **Queried Fields** Show At Least **10** Records [Refresh Preview](#) [Show Query](#)

Id	Name	Description	NumberOfEmployees
<div style="border: 1px solid black; padding: 5px; background-color: #4a7ebb; color: white; width: fit-content; margin: 0 auto;"> Sample Query: Table: Account Filter by "Name" equals "Acme" And ("NumberOfEmployees" is greater than 7 Or "Description" equals some given value) </div>			

[Save](#) [Cancel](#)

Account records matching this filter will be restored.

Show API Names

Table: Account
Name Starts With "Arizona" [Click to Edit](#)

Combining Operators
 AND
 OR
 NOT

Filter:

Preview the filter to verify that the correct records are found

Show: Queried Fields Show At Least 10 Records Refresh Preview Show Query

Query finished with 2 records found.

Id	Name
0011B00002GwW2KQAV	Arizona State University
0011B00002GwWJLQA3	Arizona State University

Press Save to close the dialog and update the filter or Cancel to discard changes.

Records matching the criteria are shown in the table.

Show only the queried fields, or all fields on the records

Save Cancel

Account records matching this filter will be restored.

Show API Names

Table: Account
 Billing Street Starts With "A"
 Account Name Starts With "Arizona" [Click to Edit](#)

Combining Operators
 AND
 OR
 NOT

Filter:

Click on fields to change filter criteria.

Right-click to copy and paste individual filter items or the entire filter.

Copy Selection (Account Name)
 Copy Filter
 Paste Selection to OR
 Paste Filter As New

Drag and Drop Fields to add them to the filter or expand references to filter on related data.

Show: Queried Fields Show At Least 10 Records Refresh Preview Show Query

Query finished with 24 records found.

Id	Name	BillingStreet
0011300001aF3CyAAK	Software One, Inc.	Accounts Payable20875 Cross
0011300001e4UweAAE	Agero	ro AdministrativeService C
0011300001emjC9AAA	ABB Information Systems Ltd	ABB Information Systems Ltd.Co
0011300001j0XwCAAU	CRP Medios y Entretenimiento	Av. J. Pastor Dávila 197
0011300001k1U11111		Av. Melchor Pérez de Olguín #2642
		Agreco Technology Centre City P
		Auditing Department One City Hal
		Abbey Park Warwickshi
		Aldwych House Midwych, L
		SOS Children's Villages of Spain)
		Aldeas Inf
		ABB Inform

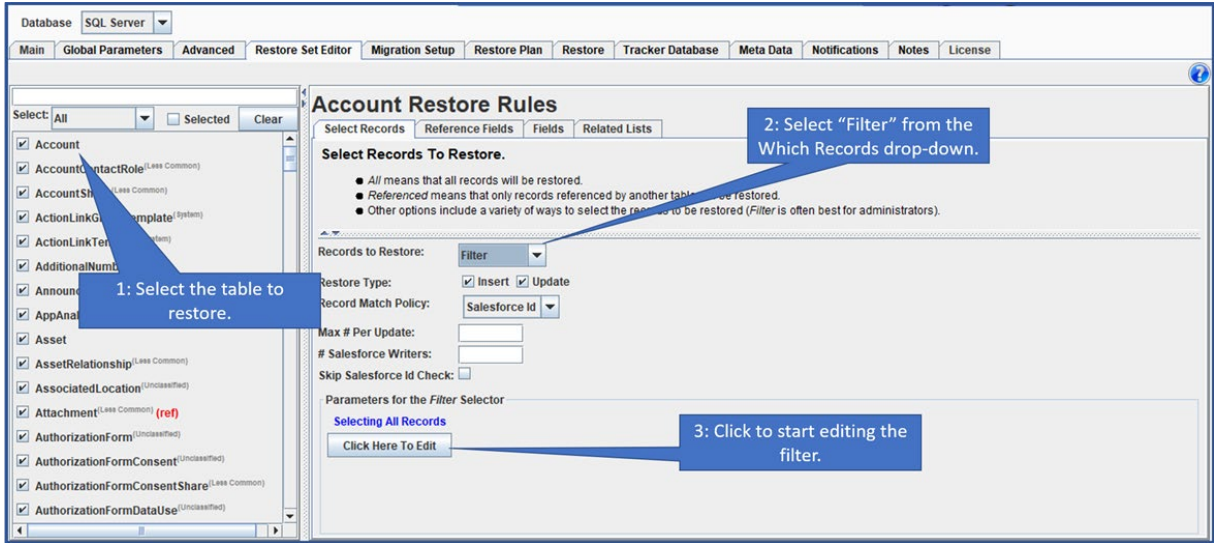
View the SQL used when running the filter.

Test the filter criteria and verify results.

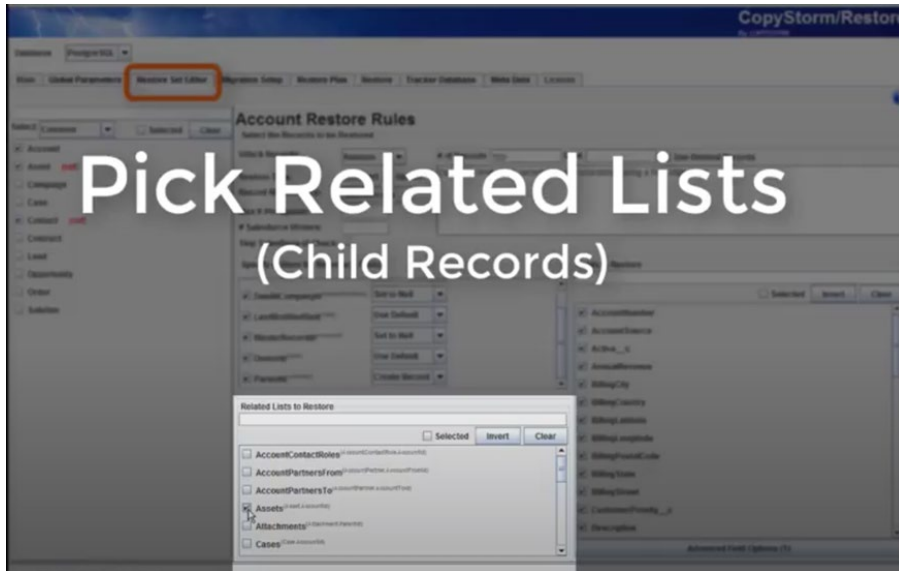
Sample Query:
 Table: Account
 ("BillingStreet" begins with the letter "A"
 Or
 "Account Name" begins with "Arizona")

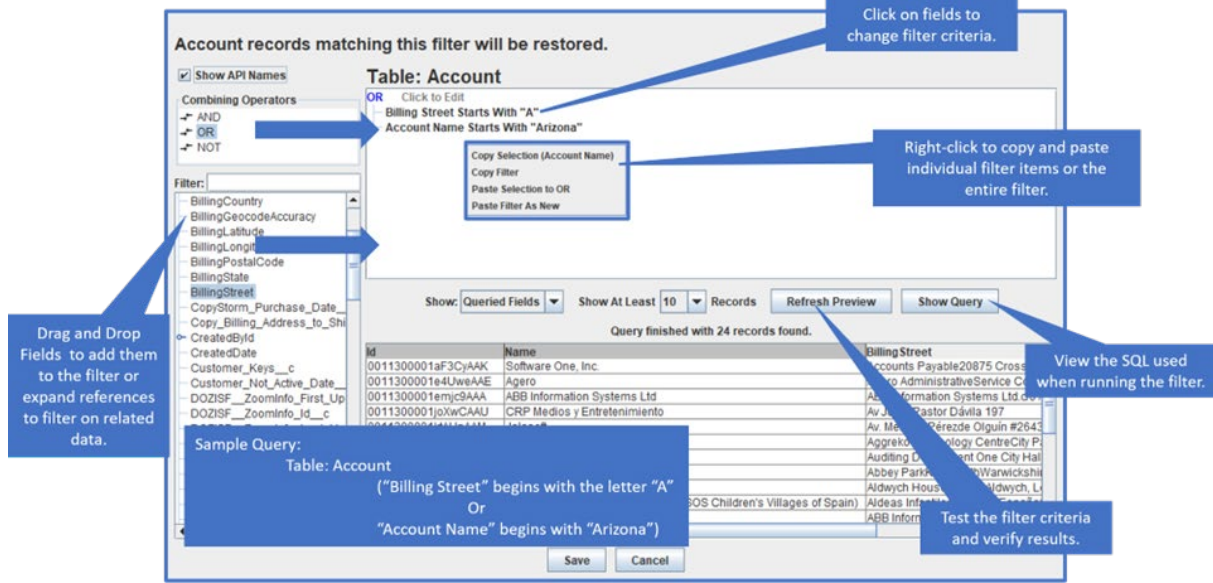
Save Cancel

f) a page which allows selection of data types to be restored:



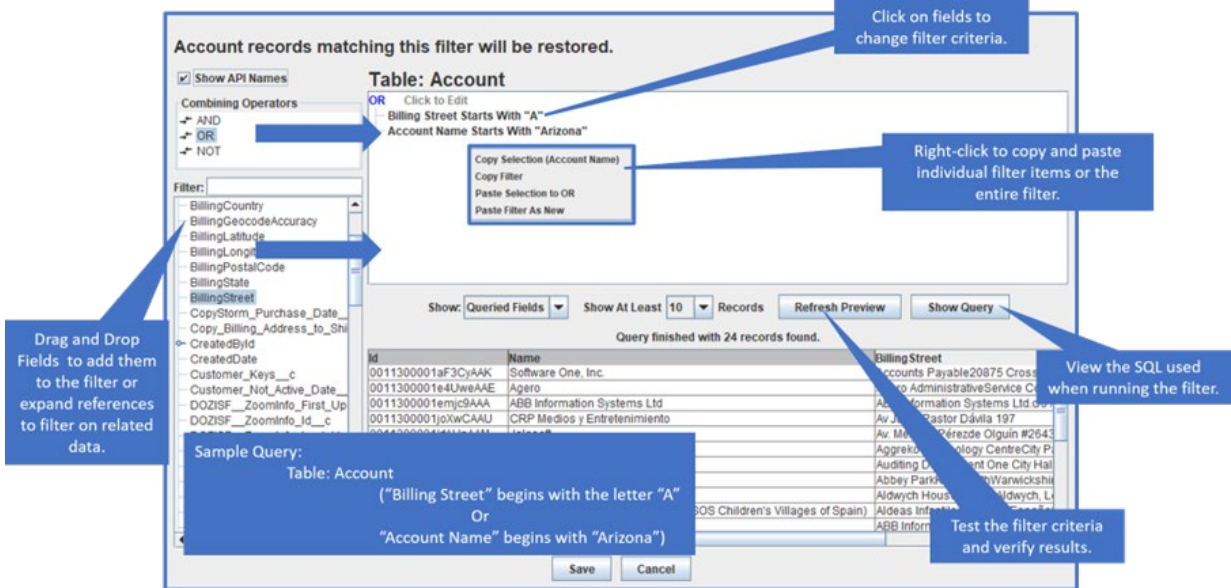
- g) a page which allows selection of data types to be restored;
- h) a related lists picker for showing selected child records:





- i) the ability to perform a versioned (*i.e.*, point-in-time) recovery;
- j) a versioning database table that contains before and after images of each

field that changed:





- k) reconciling all versions of the field changes (in memory) before they can be restored in the original source system (Salesforce) back to a known state;
- l) reading from the current data archive, applying changes from the field-level versioning table, and assembling the record in memory, then putting it back in the original source system (Salesforce); and/or applying changes from field-level versioning table to the backup table for each record type, then sending them to the original source system (Salesforce);
- m) a native Salesforce field in the API called “isDeleted” indicating whether the record was deleted in the source system (Salesforce) and restoring records if the value of isDeleted is TRUE; and
- n) an “isDeleted” flag indicating whether the record should be created in the original source (Salesforce.com) or updated if restoring to a prior version.

27. On information and belief, the CopyStorm product infringes additional claims of the '237 Patent, including one or more of claims 3, 4, 7, 8, 12, 19 and 20.

DIRECT INFRINGEMENT

28. CapStorm is a direct infringer of one or more claims of the '237 Patent.

29. On information and belief, CapStorm's officers, directors, employees, agents, representatives, affiliates, individuals sponsored by CapStorm, and/or persons who endorse CapStorm and/or their Infringing Product, deployed or otherwise used the Infringing Product on a general-purpose computer meeting all of the limitations of one or more claims of the '237 Patent.

30. CapStorm encouraged and/or is aware that its officers, directors, employees, agents, representatives, affiliates, individuals sponsored by CapStorm, or persons who endorse CapStorm and/or their Infringing Product, have deployed or otherwise used the Infringing Product on a general-purpose computer, and these individuals or entities are and were acting under CapStorm's direction and control.

INDIRECT INFRINGEMENT

31. By virtue of their activities, CapStorm is and was an indirect infringer of one or more claims of the '237 Patent, including committing inducement to infringe and/or contributory infringement.

Inducement to Infringe

32. CapStorm has induced direct infringement by one or more consumers, end users, or other individuals who have purchased or acquired the Infringing Product (“End Users”).

33. End Users have deployed or otherwise used the Infringing Product and are therefore direct infringers.

34. CapStorm has been aware of the ‘237 Patent since at least October 6, 2021, when it was expressly notified of the ‘237 Patent and then acted with the specific intention to induce End Users to infringe one or more of the claims.

35. CapStorm knew that the activities of End Users would constitute infringement of ‘237 Patent, or despite knowing there was a high probability that the activities of the End Users would constitute direct infringement, turned a blind eye towards that high probability.

36. The Infringing Product contains features that were created or developed for the specific purpose of practicing one or more of the claims in the ‘237 Patent.

37. CapStorm’s labels, instructions, advertising and/or associated materials for the Infringing Product provide the elements of one or more of the claims in the ‘237 Patent in a manner that encourages, urges, or induces End Users to infringe.

38. CapStorm instructs End Users to deploy or otherwise use the Infringing Products in a manner that meets the limitations of one or more of the claims in the '237 Patent.

39. As a direct result of CapStorm's activities, End Users deployed or otherwise used the Infringing Product and therefore met the limitations of one or more of the claims in the '237 Patent.

40. CapStorm has specifically intended to cause and therefore induced End Users to directly infringe one or more of the claims of the '237 Patent.

Contributory Infringement

41. CapStorm has contributed to direct infringement by End Users.

42. The Infringing Product is a special purpose product created, developed and intended to be used to meet one or more of the claims of the Patents-In-Suit.

43. The Infringing Product is not a staple article of commerce.

44. The Infringing Product is not suitable for any non-infringing uses.

45. None of CapStorm's instructions, promotions, advertisements or other materials associated with the Infringing Product disclose any uses that do not infringe at least one claim of the '237 Patent.

46. The inclusion of the features in the Infringing Products that are recited in one or more of the claims of the '237 Patent was material to meeting the limitations the claim(s).

47. CapStorm had knowledge that the Infringing Product was especially designed for, deployed, or otherwise used by End-Users for practicing the invention claimed in one or more of the claims of the '237 Patent.

48. CapStorm had knowledge that the Infringing Product, when deployed or otherwise used by End Users, infringed one or more claims of the '237 Patent.

49. CapStorm knowingly and willfully elected to indirectly infringe the '237 Patent despite knowledge of the existence of the '237 Patent, and the infringing nature of the Infringing Product, or turned a blind eye to such infringement.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 10,540,237

50. Sesame Software repeats, realleges and incorporates paragraphs 1-49, as if fully restated herein.

51. CapStorm has directly infringed, is directly infringing and will continue to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '237 Patent under 35 U.S.C § 271(a) by making, using, selling, offering for sale and/or importing the Infringing Product.

52. CapStorm has infringed, is infringing, and will continue to infringe, literally and under the doctrine of equivalents, by inducing the infringement of others, of one or more claims of the '237 Patent under 35 U.S.C § 271(b) by making, using, selling, offering for sale and/or importing the Infringing Product.

53. CapStorm has infringed, is infringing, and will continue to infringe, literally or under the doctrine of equivalents, by contributing to the infringement of others, of one or more claims of the '237 Patent under 35 U.S.C § 271(c) by making, using, selling, offering for sale and/or importing the Infringing Product.

54. CapStorm's acts of patent infringement are willful.

55. Sesame Software has no adequate remedy at law.

56. CapStorm's patent infringement is causing irreparable injury to Sesame Software and, unless enjoined, will continue to cause irreparable injury.

57. As a result of CapStorm's intentional and willful infringement, Sesame Software is entitled to an injunction and damages in a sum to be determined.

PRAYER FOR RELIEF

WHEREFORE, Sesame Software demands judgment in its favor on all Counts in its Complaint and request the following relief:

1. Enter a judgment that CapStorm has infringed and is infringing one or more claims of the Patent-In-Suit under 35 U.S.C. § 271;
2. Permanently enjoin CapStorm, their respective officers, directors, agents, servants, and employees, and all individuals in active concert or participation with each, from directly infringing the Patent-In-Suit; or inducing or contributing to the infringement by others in accordance with 35 U.S.C. § 283;

3. Award Sesame Software damages adequate to compensate for CapStorm's infringing acts, at a minimum at reasonable royalty, in accordance with 35 U.S.C. § 284;

4. Increase CapStorm's damages up to three times in view of its deliberate and willful infringement, in accordance with 35 U.S.C. § 284;

5. Award Sesame Software interest and costs pursuant to 35 U.S.C. § 284 and Rule 54(d) of the Federal Rules of Civil Procedure.

6. Declare that this case is exceptional under 35 U.S.C. § 285 and award Sesame Software its attorneys' fees, expenses and costs; and

7. Award such other relief as this Court deems just and proper.

JURY DEMAND

Sesame Software demands a trial by jury on all issues so triable as a matter of right.

Dated: August 16, 2022

Respectfully submitted,

Gregory L. Hillyer

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