

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KEYSOFT, INC.

Plaintiff,

v.

SALESFORCE, INC.,

Defendant.

C.A. No. _____

DEMAND FOR JURY TRIAL

**PLAINTIFF KEYSOFT, INC.’S COMPLAINT FOR
PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiff Keysoft, Inc. (“Plaintiff” or “Keysoft”), by and through its undersigned counsel, file this Complaint for Patent Infringement against Salesforce, Inc. (formerly known as Salesforce.com, Inc.) (“Defendant” or “Salesforce”) and alleges as follows:

NATURE OF THE ACTION

1. This action seeks legal and equitable relief based on Salesforce’s unlawful infringement of U.S. Patent No. 8,271,315 (“the ’315 Patent” or “Patent-in-Suit”), which generally relates to Personal Information Utilization Systems and Personal Information Utilization Program for Commodity Based Identification to improve the quality of service for customers by sharing and utilizing personal information on customers amongst a variety of industries.

PARTIES

2. Plaintiff Keysoft is a Japanese corporation with a place of business at 116-1, Kouyama, Matsuda-Machi, Ashigarakami-Gun, Kanagawa, Japan 258-0002.

3. Defendant Salesforce is a Delaware corporation with its principal place of business located at Salesforce Tower, 415 Mission Street, San Francisco, California, USA. Salesforce is a publicly traded company that may be served through its registered agent for

service, Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

4. This is a civil action that arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, but not limited to, 35 U.S.C. §§ 271 and 281. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. The Court has both general and specific personal jurisdiction over Salesforce because Salesforce is a Delaware corporation, and continuously and systematically conducts business in the State of Delaware and in this judicial district. Salesforce has also purposefully availed itself of the benefits of this Court; see *Salesforce v. Microsoft*, Civ. No. 1:2010-cv-00555, (D. Del. 2010). Exercising personal jurisdiction over Salesforce in this patent infringement action comports with due process and traditional notions of fair play and substantial justice.

6. Upon information and belief, Salesforce has and currently partners with the Delaware Department of Technology and Information (“DTI”) to develop and offer the DTI Salesforce Application based upon a Salesforce Customer Relationship Management application (“CRM”).¹

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b), in that Salesforce is a Delaware corporation, is subject to personal jurisdiction in this judicial district, and has further committed acts of infringement in this judicial district.

¹ Information regarding the DTI – Salesforce partnership may be found at <https://dti.delaware.gov/digital-innovation/salesforce/> (last accessed February 22, 2024).

BACKGROUND

Mr. Yoshimitsu Kagiwada and the Patent-in-Suit

8. The named inventor of the patent-in-suit, the '315 patent, and a CEO of Keysoft, Mr. Yoshimitsu Kagiwada, graduated from Keio University, and has been an innovator in the field of big data marketing for over two decades.

9. Mr. Kagiwada founded Keysoft in November of 1992 in response to his independent research and analysis revealing linkages between apparently unrelated events and purchases.

10. At that time, Mr. Kagiwada was serving as a director of a bedding manufacturer and conducted independent research looking into when and why customers typically purchase bedding. He found that (i) 30% of purchases occurred during marriage, (ii) 30% occurred during home construction, and (iii) 25% during relocation. In fact, when Mr. Kagiwada compared the effectiveness of distributing bedding flyers to newly constructed homes versus other existing residences, the former showed significantly better results.

11. Mr. Kagiwada, thus, discovered that by leveraging data related to events such as new home construction, relocation, and marriage, sales of bedding, furniture, and home appliances could be increased by targeted advertising based upon event and occurrences unrelated to bedding sales in the first instance.

12. Based on this discovery, the patent application that matured into the '315 Patent was filed in May 2001, and was granted in the U.S. and Japan.

13. Mr. Kagiwada, additionally, filed a patent application for crowdfunding in February 2001, and which was granted in Japan in 2011.

14. Mr. Kagiwada is a named inventor of 3 issued U.S. patents, including those in the field of big data marketing as well as over 15 pending and/or published applications in the U.S.,² and holds approximately 30 other patents worldwide.

Salesforce's CRM Application(s)

15. Salesforce offers several CRM applications,³ which are marketed under the names Sales Cloud, Service Cloud, and Marketing Cloud, which upon information and belief, all operate in a substantially similar manor.

16. Upon information and belief, Salesforce began commercially offering one or more of these CRM applications since at least as early as 2009.

17. Upon information and belief, Salesforce markets, offers, leases, and sells its CRM applications to customers nationwide.

18. “CRM stands for customer relationship management, which is a solution for storing and managing prospect and customer information, like contact info, accounts, leads, and sales opportunities — all in one central location. But it’s not just a fancy contact list. A CRM solution is one of the most valuable, game-changing pieces of business technology available because of how it uses that customer info.”⁴

19. Salesforce CRM stores customer information received from CRM users (e.g., salespeople from with the same organization as well as their partners), which customer information is shared and available in real-time to the other Salesforce CRM users located anywhere in the world.

² Information regarding Mr. Kagiwada’s U.S. patents and applications may be found at <https://patents.justia.com/inventor/yoshimitsu-kagiwada> (last accessed February 21, 2024).

³ Information regarding Salesforces’ CRM was obtained from <https://www.salesforce.com/products/small-business/?d=pb> (last accessed February 22, 2024).

⁴ Information regarding Salesforces’ CRM was obtained from <https://www.salesforce.com/products/small-business/?d=pb> at “Salesforce CRM for Small Business FAQ” (last accessed February 22, 2024).

20. The stored customer information maybe from current customers or potential customers (i.e., sales leads) and includes customer communications, purchase histories, inquires, complaints and responses, in addition to basic customer information.

21. Salesforce CMR gives users “access to contact databases that can be filtered to find your ideal prospects and decision makers within a company, provide social data on those contacts, and deliver insights into what customers are talking about ...” by checking and comparing the respective customer information to identify similarities in purchases and interests.⁵

22. Upon determining these similarities between customers based upon customer information and retrieving the identity the associated customer(s), Salesforce CRM provides the user with such customer information to help develop, manage and marketing campaigns.

23. According to Salesforce, “CRM automates some sales functions, so you can accelerate and streamline the sales process. Put all your customer information in one place, so your team can access it from anywhere. No more spreadsheets, searching through emails, or looking for a sticky note. You can move leads through your sales team quickly and easily. That’s the power of customer relationship management — CRM.”⁶

24. Upon information and belief, Salesforce has received hundreds of millions of dollars in revenues from Salesforce’s CRM applications in the United States.

⁵ Information regarding Salesforces’ CRM was obtained from <https://www.salesforce.com/products/small-business/?d=pb> at “Salesforce CRM for Small Business FAQ” (last accessed February 22, 2024).

⁶ Information regarding Salesforces’ CRM was obtained from <https://www.salesforce.com/products/small-business/?d=pb> at “Salesforce CRM for Small Business FAQ” (last accessed February 22, 2024).

Salesforce had actual knowledge of the '315 Patent no later than March 2015

25. On March 10, 2015, Mr. Kagiwada met with Mr. Hoshina (from Salesforce's Japanese subsidiary), Mr. Hihara (from JCB Co., Ltd.) and Professor Nobuo Saito (from Keio University).

26. During the meeting, Mr. Kagiwada asked Mr. Hoshina if Salesforce was using big data, and specifically, analyzing customer information from major companies in the cloud to develop and inform marketing decisions. Mr. Hoshina responded in the affirmative.

27. Mr. Kagiwada advised Mr. Hoshina that he possessed the fundamental patents for this application in both the United States and Japan and provided Mr. Hoshina with printed copies of the '315 patent and Japanese patent to share with Salesforce's U.S. Headquarters.

Patent-in-Suit

28. On September 18, 2012, U.S. Patent No. 8,271,315, entitled "Personal Information Utilization Systems and Personal Information Utilization Program For Commodity Based Identification," was duly and legally issued by the U.S. Patent and Trademark Office to Yoshimitsu Kagiwada. A true and correct copy of the '315 Patent is attached as Exhibit 1.

29. Keysoft is the assignee of the '315 Patent and has all rights to sue for infringement and collect damages for past infringement.

30. The '315 Patent claims priority to PCT No. PCT/JP02/11502 filed on November 5, 2002, and the '315 Patent published as U.S Patent Application Publication U.S. 2006/0155646 on July 13, 2006.

31. Claim 1 of the '315 Patent recites:

1.	A personal information utilization system comprising:
	a personal information storage means;

	a communication means; and
	a processor configured for controlling operation of the personal information storage means and the communication means, said personal information storage means storing personal information of a plurality of information disclosing persons and storing first commodity provision information pertaining to a first commodity provided to at least one of the plurality of information disclosing persons by a first commodity provider, and the processor further configured for:
a)	receiving second commodity provision information from a second commodity provider that is different than the first commodity provider, the second commodity provision information received from an information search side terminal via said communication means, the second commodity provision information including at least one of an attribute of the first commodity or information pertinent to providing the first commodity;
b)	checking said received second commodity provision information against the first commodity provision information;
c)	identifying, as a result of said checking, at least one specific information disclosing person from the plurality of information disclosing persons, the at least one specifically identified information disclosing person associated with said first commodity provision information, said identifying by using the second commodity provision information as a key such that the second commodity provision information at least partially coincides with the first commodity provision information;
d)	reading out at least a portion of the personal information of said at least one specifically identified information disclosing person from said personal

	information storage means; and
e)	transmitting said read out at least a portion of the personal information to said information search side terminal via the communication means.

32. Claim 2 of the '315 Patent recites:

2.	A non-transitory computer-readable medium having stored thereon a personal information utilization program that, when executed by an information processing means, performs a method comprising:
a)	receiving second commodity provision information from a second commodity provider;
b)	checking the second commodity provision information against first commodity provision information pertaining to a first commodity provided to at least one of a plurality of information disclosing persons by a first commodity provider, the first commodity provider different than the second commodity provider;
c)	identifying, as a result of the checking, at least one specific information disclosing person of the plurality of information disclosing persons, the at least one specific information disclosing person associated with said first commodity provision information, said identifying by using at least a portion of the second commodity provision information as a key such that the second commodity provision information partially coincides with the first commodity provision information;
d)	reading out personal information of the at least one specific information disclosing person from a personal information storage means that stores respective personal information of each of the plurality of information

	disclosing persons; and
e)	transmitting at least a portion of said read out personal information to said second commodity provider via a communication means.

COUNT I – PATENT INFRINGEMENT

33. Plaintiff Keysoft incorporates by reference and realleges Paragraphs 1-[33] of its Complaint, and further incorporates by reference the Preliminary Infringement Claim Chart U.S. Patent 8,271,315; Claims 1 and 2 (attached as Exhibit 2), as though both are fully set forth herein.

34. The allegations provided below are exemplary and without prejudice to Keysoft’s infringement contentions. In providing these allegations, Keysoft does not convey or imply any particular claim constructions or the precise scope of the claims. Keysoft’s claim construction contentions regarding the meaning and scope of the claim terms will be provided under the Court’s scheduling order and local rules.

35. The ’315 Patent is presumed valid pursuant to 35 U.S.C. § 282.

36. Upon information and belief, all of the infringing activities are controlled by Salesforce entities located within the United States and occur within the United States.

37. Salesforce had actual notice of the ’315 Patent no later than March 2015.

38. Salesforce is not licensed or authorized to make, use, sell, offer to sell, or import any product, service or application that is covered by the claims of the ’315 Patent.

39. Upon information and belief, Salesforce has directly infringed and will continue to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the ’315 Patent in violation of 35 U.S.C. § 271(a), including but not limited to Claims 1 and 2, every time Salesforce makes, uses, offers to sell, or sells a CRM application.

40. Upon information and belief, Salesforce has actual knowledge that their activities constitute direct, indirect, or joint infringement of the ’315 Patent, or have willfully

blinded themselves to the infringing nature of their activities, and yet continue their infringing activities.

41. Upon information and belief, Salesforce is actively inducing its clients to directly infringe one or more claims of the '315 Patent and/or are contributing to others' infringement of one or more claims of the '315 Patent.

42. Upon information and belief, Salesforce's ongoing infringement of the '315 Patent is and will be willful, deliberate, and intentional.

43. Salesforce's infringing activities are damaging Plaintiff Keysoft in an amount to be determined at trial. Additionally, the willful and deliberate nature of Salesforce's infringing activities entitles Plaintiff to recover trebled actual damages and to recover their attorneys' fees and costs incurred in this action.

JURY DEMAND

44. Plaintiff demands a trial by jury on all issues presented in this Complaint so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Court to enter judgment against Salesforce, Salesforce's subsidiaries, affiliates, agents, servants, employees, and all persons in active concert or participation with Salesforce, and grant the following relief:

- (A) A finding that Salesforce has directly and indirectly infringed one or more claims of the '315 Patent;
- (B) An award of damages adequate to compensate Plaintiff for Salesforce's infringement of the '315 Patent under 35 U.S.C. § 284;
- (C) A determination that Salesforce infringement of the '315 Patent has been willful and deliberate;

- (D) A determination that this action is “exceptional” under 35 U.S.C. § 285, thereby entitling Keysoft to an award of its reasonable attorneys’ fees and costs incurred in prosecuting this action;
- (E) An award of enhanced damages under 35 U.S.C. § 284 of treble damages based on the willful and deliberate nature of Salesforce’s infringement;
- (F) An award of pre-judgment and post-judgment interest on all damages computed;
- (G) An award of court costs and attorneys’ fees as allowed by applicable law; and
- (H) Such other relief as this Court deems fair, just, and appropriate.

Date: February 26, 2024

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