

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

VTRAX TECHNOLOGIES LICENSING, INC.
a Florida Corporation,

Plaintiff,

v.

SALESFORCE.COM, INC.,
a Delaware Corporation,

Defendant.

Civil Action No. 9:11cv80124

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, vTRAX Technologies Licensing, Inc., for its Complaint against Defendant, salesforce.com, inc., alleges as follows:

INTRODUCTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

THE PARTIES

2. Plaintiff, vTRAX Technologies Licensing, Inc. (hereinafter “vTRAX”), is a Florida Corporation, with a principal place of business located at 5500 Military Trail, Suite #22-317, Jupiter, Florida 33458.

3. On information and belief, Defendant, salesforce.com, inc. (“Defendant”), is a

Delaware corporation authorized to do business in the State of Florida, with a principal place of business located at The Landmark @ One Market Street, Suite 300, San Francisco, California 94105.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §271 *et seq.*

5. This Court has personal jurisdiction over Defendant as: (i) Defendant maintains regular and systematic business contacts with the State of Florida and within this judicial district and division; (ii) Defendant purposely, regularly, and continuously conducts business in the State of Florida and within this judicial district and division; (iii) Defendant purposefully directs its activities at residents of the State of Florida; (iv) the cause of action set forth herein arises out of or relates to the Defendant's activities in the State of Florida; and (v) the exercise of jurisdiction over Defendant will not offend the traditional notions of fair play and substantial justice.

6. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §1331, §1338(a), §§1391(b)(c), and §1400(b).

COUNT ONE: PATENT INFRINGEMENT

7. vTRAX realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

8. On March 8, 2005, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,865,268, entitled "Dynamic, Real-Time Call Tracking For Web-

Based Customer Relationship Management.” A true and correct copy of U.S. Patent No. 6,865,268 is attached hereto as Exhibit “A.”

9. On August 11, 2009, the United States Patent and Trademark Office duly and legally issued a Reexamination Certificate for United States Patent No. 6,865,268. A true and correct copy of the Reexamination Certificate issued for U.S. Patent No. 6,865,268 is attached as Exhibit “B.”

10. vTRAX is the owner, by assignment, of all right, title, and interest in and to U.S. Patent No. 6,865,268 (hereinafter the “‘268 Patent”), including the right to bring suit for past, present, and future patent infringement, and to collect past, present, and future damages.

11. The ‘268 Patent is valid and enforceable.

12. On information and belief, Defendant has in the past and continues to infringe the ‘268 Patent. The infringing acts of Defendant include, but are not limited to, Defendant’s manufacture, use, offer for sale, and/or sale of software and/or methods for the use and operation of a customer service contact center.

13. On information and belief, Defendant’s infringing acts, which constitute infringement of one or more claims of the ‘268 Patent in violation of 35 U.S.C. §271 include, but are not limited to, Defendant’s manufacture, use, offer for sale, and/or sale of its Sales Cloud, Service Cloud, Chatter, RemedyForce, and Force.com Customer Relationship Management (CRM) systems, services, software, and methods.

14. On information and belief, the Defendant’s infringement of the ‘268 Patent has been, and continues to be, willful and deliberate, entitling vTRAX to increased damages pursuant to 35 U.S.C. §284 and to attorneys’ fees pursuant to 35 U.S.C. §285.

15. vTRAX has and continues to suffer damages as a direct and proximate result of Defendant's infringement of the '268 Patent and will suffer additional and irreparable damages unless Defendant is permanently enjoined by this Court from continuing its infringement. vTRAX has no adequate remedy at law.

16. vTRAX is entitled to: (i) damages adequate to compensate it for Defendant's infringement of the '268 Patent, which amounts to, at a minimum, a reasonable royalty; (ii) treble damages; (iii) attorneys' fees; (iv) costs; and (v) a preliminary and thereafter permanent injunction.

PRAYER FOR RELIEF

WHEREFORE, vTRAX seeks the following relief:

- a. That Defendant be ordered to pay damages adequate to compensate vTRAX for its infringement of the '268 Patent pursuant to 35 U.S.C. §284;
- b. That Defendant be ordered to pay vTRAX treble damages and attorneys' fees pursuant to 35 U.S.C. §§284 and 285;
- c. That Defendant be enjoined from further infringement of the '268 Patent pursuant to 35 U.S.C. §283;
- d. That Defendant be ordered to pay prejudgment interest;
- e. That Defendant be ordered to pay all costs associated with this action; and
- f. That vTRAX be granted such other and additional relief as the Court deems just and proper.

* * * * *

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), vTRAX demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted, this 1st day of February, 2011.

/s/ David J. George

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