IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SERENITIVA LLC, Plaintiff, **v.** **SAP AMERICA, INC.,** Defendant.	**CIVIL ACTION NO 6:17-cv-460** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Serenitiva LLC makes the following allegations against SAP America, Inc.

PARTIES

2. Plaintiff Serenitiva LLC ("Plaintiff" or "Serenitiva") is a Texas limited liability company with its principal place of business at 1400 Preston Rd, Suite 492, Plano, Texas 75094.

3. On information and belief, SAP America, Inc. ("Defendant" or "SAP") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 3999 West Chester Pike, Newtown Sq, PA 19073.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has committed acts of infringement in this District and has a regular and established place of business in this District. This includes, without limitation, the Plano office of SAP America, Inc., located at 7500 Windrose Avenue, Suite 750, Plano, TX 75024.

6. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,865,268

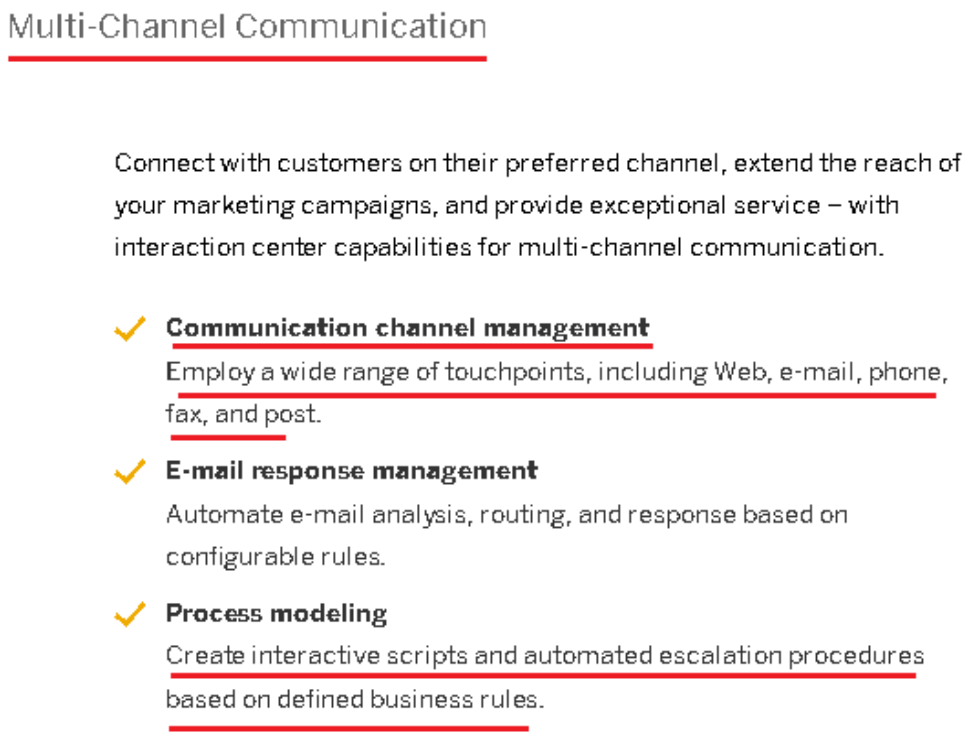
7. Plaintiff is the owner of United States Patent No. 6,865,268 ("the '268 patent") entitled "Dynamic, Real-Time Call Tracking for Web-Based Customer Relationship Management." The '268 Patent issued on March 8, 2005. A true and correct copy of the '268 Patent is attached as Exhibit A.

8. Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '268 patent. The '268 patent provides, among other things, " A method for providing interactive, real-time call tracking and resolution management over a communications network, comprising the steps of: providing an on-line call ticket request form for creating and submitting a call ticket for resolution; generating and displaying an interactive, on-call board user interface that identifies a plurality of members that are assigned and available to respond to a call ticket from a customer, a present status of each member and a primary contact number; automatically generating and displaying on the on-call board a plurality of icons representing communications options for each member based on the member's status; and providing a plurality of icons that are accessible to each member and that generate hyperlinks to a plurality of additional functions associated with call tracking and resolution."

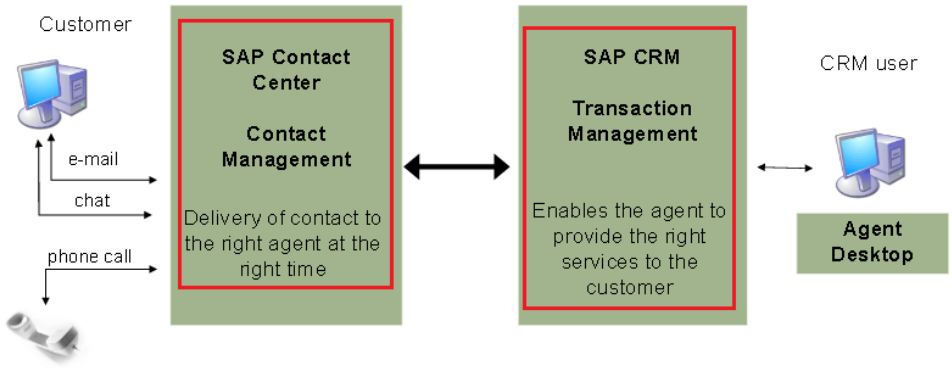
9. Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '268 patent, including at least Claim 1, in this district and elsewhere in the United States. Particularly, Defendant's CRM software ("the accused instrumentality") provides a method for providing interactive, real-time call tracking and resolution management over a communications network. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Defendant

has injured Plaintiff and is thus liable for infringement of the '268 patent pursuant to 35 U.S.C. § 271.

10. Based on present information and belief, the accused instrumentality provides an on-line call ticket request form (e.g., phone, email) for creating and submitting a call ticket (e.g., ticket) for resolution.

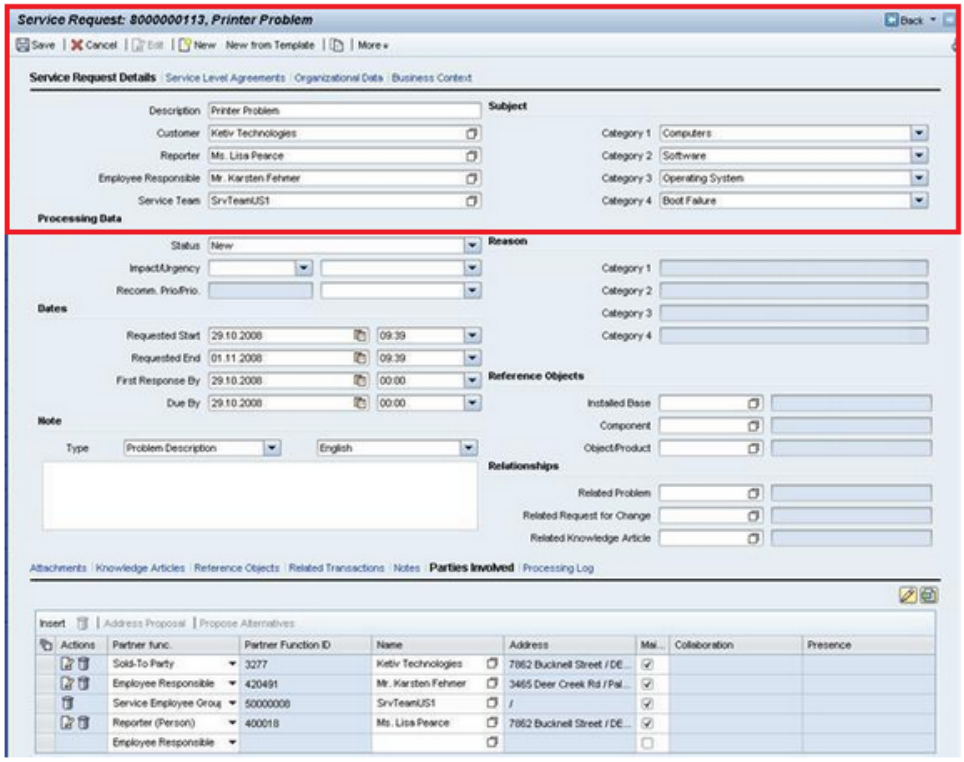


https://www.sap.com/products/customer-relationship-management/crm-interaction-center.html



With SAP Contact Center – SAP CRM integration, agents can handle customer interactions (e.g. calls, e-mails and chat) and customer issues /transactions with a single user interface. Customer information is automatically retrieved from SAP CRM database based on caller number or email address. The information is presented in the SAP CRM agent desktop before answering. SAP CRM information and functionality is fully available during the customer interaction. After the call agent can report contact issues and statistics to SAP CRM for further actions.

https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf



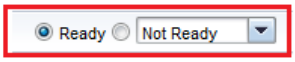
https://blogs.sap.com/2009/03/24/sap-crm-70-service-tickets-and-service-requests-frequently-asked-questions/

11. Based on present information and belief, the accused instrumentality generates and displays individually to a plurality of members (e.g., agents) on a display device of each member an interactive, on-call board user interface window (e.g., SAP CRM console) that identifies members that are assigned (e.g., agents) and available to respond (e.g., agent's status i.e. ready) to a call ticket (e.g., ticket) from a customer, a number of call tickets (e.g., active tickets) assigned to each member, a present status of each member (e.g., agent's status i.e. ready)and a primary phone number (e.g., phone number) designated by each member corresponding to a voice communication device located at an office or non-office location where the member can most likely be communicated with via the voice communication device.

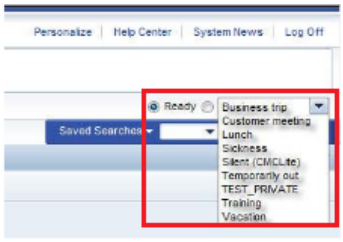
2.1 Logging in

An agent must log in to both SAP Contact Center CDT softphone and SAP CRM user interface by entering a username and password into the appropriate login addresses.

In order to receive incoming calls the agent must set the work mode to ready. In the SAP CRM Interaction Center (IC) user interface in the right hand side of the Toolbar, there are radio buttons, shown in the figure below, for setting the work mode.



When an agent chooses Ready, SAP Contact Center sends incoming contacts from queues to him or her according to defined contact routing rules on SAP Contact Center side. When an agent chooses Not Ready, SAP Contact Center does not send incoming contacts to him or her and CDT softphone status is set to not ready. Drop down menu No Phone will be set automatically by SAP CRM IC in case telephony integration is not in use or does not work.

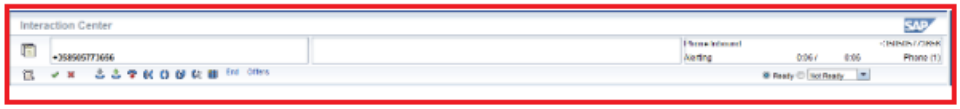


Next to the work mode radio buttons there is a drop down menu from which an agent can select an SAP Contact Center absence profile; this activates the selected absence profile on CDT softphone. Absence profiles are defined by SAP Contact Center administrators. It is possible to have different profiles available for each agent. Absence profile informs other users about the agent's current absence such as a meeting, business trip or holiday. In addition the system uses the profile information when making routing decisions. Absence profile information can also be used for reporting purposes on SAP Contact Center side (detailed agent work done report).

https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf

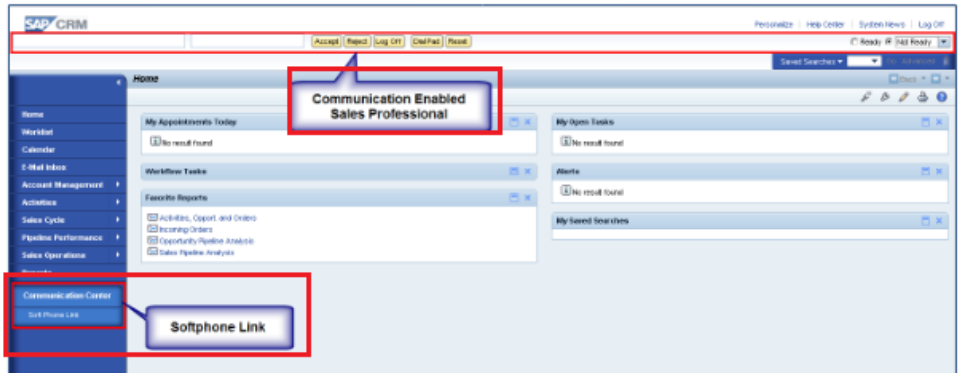
SAP CRM INTERACTION CENTER COMMUNICATION TOOLBAR

The figure below shows the top of the Interaction Center User Interface where telephony related buttons and information is located. Communication Info area displays technical information about the current contact. This area is in the right in the figure below. In the IC toolbar all the buttons for call handling are visible all the time as shown in the bottom left in the figure below.

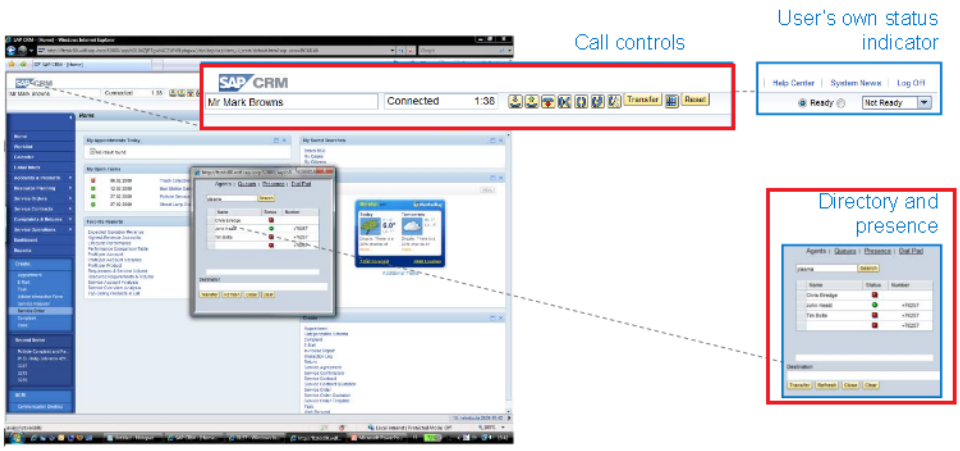


SAP CRM SALES / MARKETING / SERVICE COMMUNICATION TOOLBAR

The figure below shows a SAP CRM Sales, Marketing and Service user interface with telephony related buttons at the top of the screen. The buttons shown are changed dynamically so that only the ones that are currently relevant are visible. In the figure below there is no ongoing call. The toolbar includes only the buttons useful in such a situation, i.e. there are buttons for things like accepting or rejecting incoming call and a button for launching a dial pad for making a new call, for example.

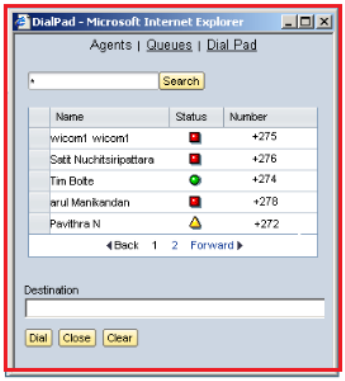


https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf



https://www.sap.com/documents/2015/08/ea97ccc1-597c-0010-82c7-eda71af511fa.html

Additionally, the presence of individual users can be retrieved in the dial pad as well along with the presence information for the queues. The figure below shows a dial pad displaying presence information for individual users.



When an agent transfers a call to another queue, the transferring agent can verify if there are free agents in the queue to answer the customer call immediately. Selecting "Presence" in the top of the transfer dial pad window, shows a window including a list of queues with free agents. This queue presence functionality provides additional information for agents to make decisions how customer can be served in the best possible way.

https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf

12. Based on information and belief, the accused instrumentality automatically generates and displays on the on-call board user interface window (e.g., SAP CRM console) a plurality of icons representing communications options (e.g., chat, call, email, and conference) for each member based on the member's status.

2.4 E-Mail handling

This chapter applies to SAP CRM Interaction Center user interface only.

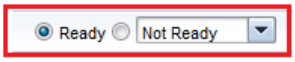
When there is an incoming e-mail to an email service address, SAP Contact Center routes the e-mail to an agent that is available to serve the e-mail queue (push email). In order to receive incoming e-mails, an agent must be logged in and set the work mode to ready.

https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf

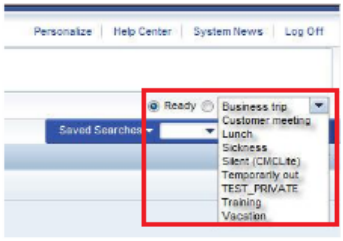
2.1 Logging in

An agent must log in to both SAP Contact Center CDT softphone and SAP CRM user interface by entering a username and password into the appropriate login addresses.

In order to receive incoming calls the agent must set the work mode to ready. In the SAP CRM Interaction Center (IC) user interface in the right hand side of the Toolbar, there are radio buttons, shown in the figure below, for setting the work mode.



When an agent chooses Ready, SAP Contact Center sends incoming contacts from queues to him or her according to defined contact routing rules on SAP Contact Center side. When an agent chooses Not Ready, SAP Contact Center does not send incoming contacts to him or her and CDT softphone status is set to not ready. Drop down menu No Phone will be set automatically by SAP CRM IC in case telephony integration is not in use or does not work.

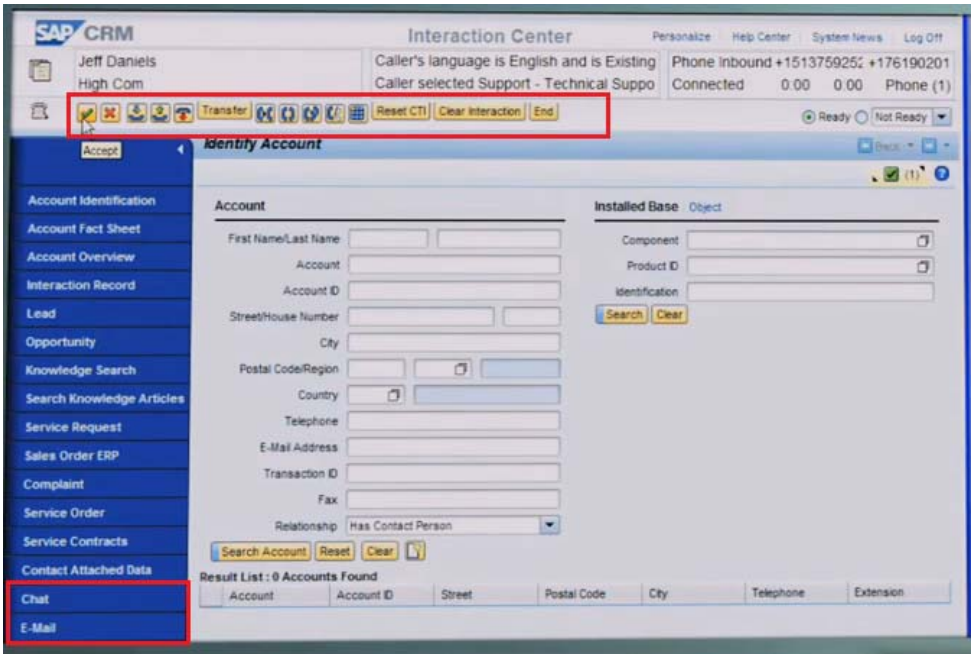


Next to the work mode radio buttons there is a drop down menu from which an agent can select an SAP Contact Center absence profile; this activates the selected absence profile on CDT softphone. Absence profiles are defined by SAP Contact Center administrators. It is possible to have different profiles available for each agent. Absence profile informs other users about the agent's current absence such as a meeting, business trip or holiday. In addition the system uses the profile information when making routing decisions. Absence profile information can also be used for reporting purposes on SAP Contact Center side (detailed agent work done report).

https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf

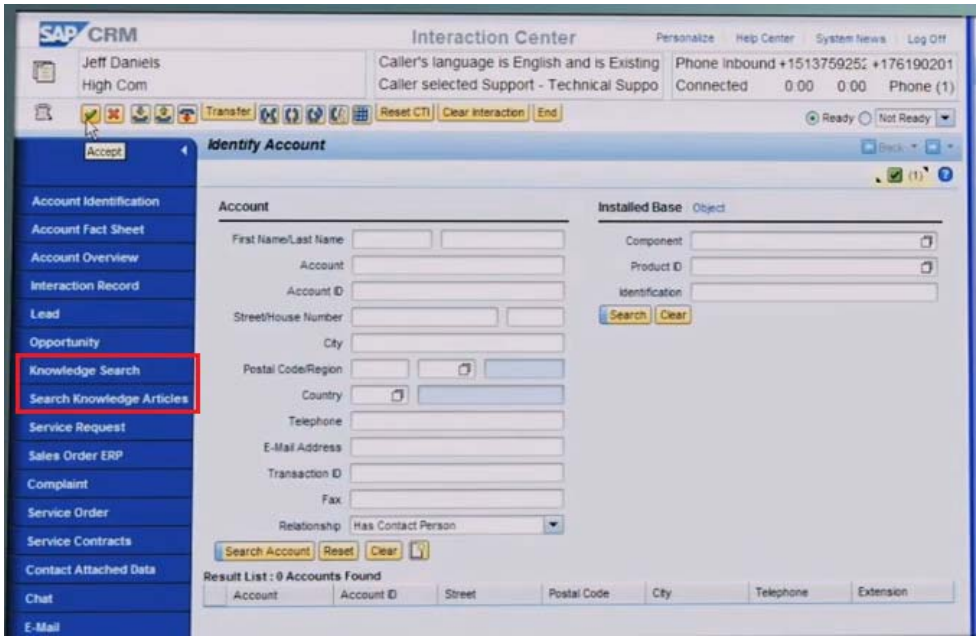
When there is an incoming chat request in a queue, SAP Contact Center assigns the request to an agent that is available to serve the chat queue. In order to receive incoming chat requests, an agent must be logged in, have chat as the selected work channel and set the work mode to ready.

https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf



https://www.youtube.com/watch?v=NUTi9i50w7o

13. Based on present information and belief, the accused instrumentality provides a plurality of icons on the on-call board user interface window (e.g., SAP CRM console) that are accessible to each member and that generate hyperlinks to a plurality of additional Functions (e.g., knowledge search) associated with call tracking and resolution.



https://www.youtube.com/watch?v=NUTi9i50w7o

Chat channel enables customer to request online help when visiting company web pages. Customer chat requests are routed by SAP Contact Center to agents using SAP CRM Interaction Center. Agent can then use SAP CRM IC capabilities to answer and manage chat session with the customer: For example, the agent can search for solutions in the knowledge search while having a chat session open with the customer.

https://assets.cdn.sap.com/sapcom/docs/2015/08/0a76e8c0-597c-0010-82c7-eda71af511fa.pdf

Knowledge Search in SAP CRM

The Knowledge Search function allows interaction center (IC) agents to search for solutions, documents and cases in a database, which can then be sent via e-mail or chat to a customer. The search engine used is TREX. For more information, see Software Agent Framework (SAF). The following information is specific to Knowledge search in the Interaction Center (IC) WebClient.

Integration

Solution Database

SDB (Solution Database) is the default knowledge base, but you can search other knowledge bases, for example, cases.

Information Security

With the knowledge base SDB, you can restrict user access to information. For example, you may want to ensure that your agents do not provide information to customers that is intended for internal use only. You do this by creating information security profiles. For more details, see Information Security.

https://help.sap.com/SAPHELP_CRM70/helpdata/EN/46/23ff56c17b5872e10000000a11466f/frameset.htm

14. In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

15. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

16. In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '268 Patent complied with all marking requirements under 35 U.S.C. § 287.

17. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '268 Patent;

2. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '268 Patent as provided under 35 U.S.C. § 284;

3. An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

5. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

SERENITIVA LLC

Dated: August 11, 2017

By: */s/ Papool S. Chaudhari*

Papool S. Chaudhari
Texas State Bar No. 24076978
Chaudhari Law, PLLC
P.O. Box 1863
Wylie, Texas 75098
Phone: (214) 702-1150
Fax: (214) 705-3775
Papool@ChaudhariLaw.com

ATTORNEY FOR PLAINTIFF
SERENITIVA LLC