

**CALDARELLI HEJMANOWSKI & PAGE LLP**

William J. Caldarelli (SBN #149573)  
12340 El Camino Real, Suite 430  
San Diego, CA 92130  
Tel: (858) 720-8080  
Fax: (858) 720-6680  
wjc@chplawfirm.com

**FABIANO LAW FIRM, P.C.**

Michael D. Fabiano (SBN #167058)  
12526 High Bluff Drive, Suite 300  
San Diego, CA 92130  
Telephone: (619) 742-9631  
mdfabiano@fabianolawfirm.com

**OSBORNE LAW LLC**

John W. Osborne (*Pro Hac Vice* App. Pending)  
33 Habitat Lane  
Cortlandt Manor, NY 10567  
Telephone: (914) 714-5936  
josborne@osborneipl.com

**WATTS LAW OFFICES**

Ethan M. Watts (SBN #234441)  
12340 El Camino Real, Suite 430  
San Diego, CA 92130  
Telephone: (858) 509-0808  
Facsimile: (619) 878-5784  
emw@ewattslaw.com

Attorneys for Plaintiff Ameranth, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

AMERANTH, INC.

Plaintiff,

v.

TICKETBISCUIT, LLC,

Defendant.

Case No. '13CV0352 AJB KSC

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Ameranth, Inc. (“Ameranth”), for its Complaint against defendant  
3 TicketBiscuit, LLC (“TicketBiscuit” or “Defendant”), avers as follows:

4 **PARTIES**

5 1. Plaintiff Ameranth is a Delaware corporation having a principal  
6 place of business at 5820 Oberlin Drive, Suite 202, San Diego, California 92121.  
7 Ameranth develops, manufactures and sells, *inter alia*, hospitality industry,  
8 entertainment, restaurant and food service information technology solutions  
9 under the trademarks 21<sup>st</sup> Century Communications™, and 21st Century  
10 Restaurant™, among others, comprising the synchronization and integration of  
11 hospitality information and hospitality software applications between fixed,  
12 wireless and/or internet applications, including but not limited to computer  
13 servers, web servers, databases, affinity/social networking systems, desktop  
14 computers, laptops, “smart” phones and other wireless handheld computing  
15 devices.

16 2. Defendant TicketBiscuit is, on information and belief, a Delaware  
17 limited liability company with a principal place of business and headquarters in  
18 Hoover, Alabama. On information and belief, TicketBiscuit makes, uses, offers  
19 for sale or license and/or sells or licenses entertainment box office management  
20 and ticketing/ticket sales/ticket purchases information-technology products,  
21 software, components and/or systems within this Judicial District, including the  
22 TicketBiscuit System as defined herein. TicketBiscuit provides online/mobile  
23 ticketing services to more than 500 U.S. concert venues, comedy clubs,  
24 museums, and other businesses, and sells and distributes tickets online, through  
25 mobile devices, through Facebook pages, and/or through Apple Inc.’s Passbook  
26 System. TicketBiscuit enables the storage of tickets purchased via TicketBiscuit  
27 in Passbook, on any iPhone or iPodTouch running iOS6, either through a ticket

1 order confirmation email; or through the purchase of tickets via an iPhone or  
2 iPodTouch running iOS6.

3 **JURISDICTION AND VENUE**

4 3. This is an action for patent infringement arising under the Patent  
5 Laws of the United States, 35 U.S.C. §§ 271, 281-285.

6 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§  
7 1331 and 1338(a).

8 5. On information and belief, Defendant engages in (a) the offer for  
9 sale or license and sale or license of hospitality industry, ticketing, reservations,  
10 and/or ordering products and/or components in the United States, including this  
11 Judicial District, including services, products, software, and components,  
12 comprising wireless and internet POS and/or hospitality aspects; (b) the  
13 installation and maintenance of said services, products, software, components  
14 and/or systems in hospitality industry, ticketing, reservations, ordering, and/or  
15 entertainment information technology systems in the United States, including this  
16 Judicial District; and/or (c) the use of hospitality industry, ticketing, reservations,  
17 ordering, and/or entertainment information technology systems comprising said  
18 services, products, software, components and/or systems in the United States,  
19 including this Judicial District.

20 6. This Court has personal jurisdiction over Defendant because  
21 Defendant commits acts of patent infringement in this Judicial District including,  
22 *inter alia*, making, using, offering for sale or license, and/or selling or licensing  
23 infringing services, products, software, components and/or systems in this  
24 Judicial District.

25 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§  
26 1391(b) and (c) and 1400(b).

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## **BACKGROUND**

1  
2 8. Ameranth was established in 1996 to develop and provide its 21<sup>st</sup>  
3 Century Communications™ innovative information technology solutions for the  
4 hospitality industry (inclusive of, e.g., restaurants, hotels, casinos, nightclubs,  
5 cruise ships and other entertainment and sports venues). Ameranth has been  
6 widely recognized as a technology leader in the provision of wireless and  
7 internet-based systems and services to, *inter alia*, restaurants, hotels, casinos,  
8 cruise ships and entertainment and sports venues. Ameranth's award winning  
9 inventions enable, in relevant part, generation and synchronization of menus,  
10 including but not limited to restaurant menus, event tickets, and other products  
11 across fixed, wireless and/or internet platforms as well as synchronization of  
12 hospitality information and hospitality software applications across fixed,  
13 wireless and internet platforms, including but not limited to, computer servers,  
14 web servers, databases, affinity/social networking systems, desktop computers,  
15 laptops, "smart" phones and other wireless handheld computing devices.

16 9. Ameranth began development of the inventions leading to the  
17 patents-in-suit and the other patents in this patent family in the late Summer of  
18 1998, at a time when the then-available wireless and internet hospitality offerings  
19 were extremely limited in functionality, were not synchronized and did not  
20 provide an integrated system-wide solution to the pervasive ordering,  
21 reservations, ticketing, affinity program and information management needs of  
22 the hospitality industry. Ameranth uniquely recognized the actual problems that  
23 needed to be resolved in order to meet those needs, and thereafter conceived and  
24 developed its breakthrough inventions and products to provide systemic and  
25 comprehensive solutions directed to optimally meeting these industry needs.  
26 Ameranth has expended considerable effort and resources in inventing,  
27 developing and marketing its inventions and protecting its rights therein.

1           10.       Ameranth's pioneering inventions have been widely adopted and are  
2 thus now essential to the modern wireless hospitality enterprise of the 21st  
3 Century. Ameranth's solutions have been adopted, licensed and/or deployed by  
4 numerous entities across the hospitality industry.

5           11.       The adoption of Ameranth's technology by industry leaders and the  
6 wide acclaim received by Ameranth for its technological innovations are just  
7 some of the many confirmations of the breakthrough aspects of Ameranth's  
8 inventions. Ameranth has received twelve different technology awards (three  
9 with "end customer" partners) and has been widely recognized as a hospitality  
10 wireless/internet technology leader by almost all major national and hospitality  
11 print publications, *e.g.*, The Wall Street Journal, New York Times, USA Today  
12 and many others. Ameranth was personally nominated by Bill Gates, the  
13 Founder of Microsoft, for the prestigious Computerworld Honors Award that  
14 Ameranth received in 2001 for its breakthrough synchronized  
15 reservations/ticketing system with the Improv Comedy Theatres. In his  
16 nomination, Mr. Gates described Ameranth as "one of the leading pioneers of  
17 information technology for the betterment of mankind." This prestigious award  
18 was based on Ameranth's innovative synchronization of wireless/web/fixed  
19 hospitality software technology. Subsequently, the United States Patent and  
20 Trademark Office granted Ameranth a number of currently-issued patents, three  
21 of which are the basis for this lawsuit. Ameranth has issued press releases  
22 announcing these patent grants on business wires, on its web sites and at  
23 numerous trade shows since the first of the two presently-asserted patents issued  
24 in 2002. A number of companies have licensed patents and technology from  
25 Ameranth, recognizing and confirming the value of Ameranth's innovations.

26           12.       On information and belief, Defendant has long had knowledge of the  
27 patents-in-suit, because of, *inter alia*, industry acclaim for Ameranth's products

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