

1 **CALDARELLI HEJMANOWSKI & PAGE LLP**

William J. Caldarelli (SBN #149573)

2 Ben West (SBN #251018)

3 12340 El Camino Real, Suite 430

San Diego, CA 92130

4 Telephone: (858) 720-8080

5 Facsimile: (858) 720-6680

[wjc@chplawfirm.com](mailto:wjc@chplawfirm.com)

6 [dbw@chplawfirm.com](mailto:dbw@chplawfirm.com)

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

8 Michael D. Fabiano (SBN #167058)

9 12526 High Bluff Drive, Suite 300

San Diego, CA 92130

10 Telephone: (619) 742-9631

11 [mdfabiano@fabianolawfirm.com](mailto:mdfabiano@fabianolawfirm.com)

12 **OSBORNE LAW LLC**

13 John W. Osborne (*Appointed Pro Hac Vice*)

33 Habitat Lane

14 Cortlandt Manor, NY 10567

15 Telephone: (914) 714-5936

16 [josborne@osborneipl.com](mailto:josborne@osborneipl.com)

17 **WATTS LAW OFFICES**

Ethan M. Watts (SBN #234441)

18 12340 El Camino Real, Suite 430

19 San Diego, CA 92130

20 Telephone: (858) 509-0808

Facsimile: (619) 878-5784

21 [emw@ewattslaw.com](mailto:emw@ewattslaw.com)

22 Attorneys for Plaintiff Ameranth, Inc.

23

24

25

26

27

28

FANDANGO EXHIBIT 1046

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

AMERANTH, INC.  
  
Plaintiff,  
  
v.  
  
PIZZA HUT, INC., ET AL.  
  
Defendants.

AND RELATED CASES.

Civil Action No.: 3:11-cv-01810-JLS-NLS

Consolidated with:  
12cv729 JLS-NLS            12cv1640 JLS-NLS  
12cv731 JLS-NLS            12cv1642 JLS-NLS  
12cv732 JLS-NLS            12cv1643 JLS-NLS  
12cv733 JLS-NLS            12cv1644 JLS-NLS  
12cv737 JLS-NLS            12cv1646 JLS-NLS  
12cv739 JLS-NLS            12cv1648 JLS-NLS  
12cv742 JLS-NLS            12cv1649 JLS-NLS  
12cv858 JLS-NLS            12cv1650 JLS-NLS  
12cv1627 JLS-NLS            12cv1651 JLS-NLS  
12cv1629 JLS-NLS            12cv1652 JLS-NLS  
12cv1630 JLS-NLS            12cv1653 JLS-NLS  
12cv1631 JLS-NLS            12cv1654 JLS-NLS  
12cv1633 JLS-NLS            12cv1655 JLS-NLS  
12cv1634 JLS-NLS            12cv1656 JLS-NLS  
12cv1636 JLS-NLS            12cv1659 JLS-NLS

**DISCLOSURE OF ASSERTED CLAIMS  
AND INFRINGEMENT CONTENTIONS  
AS TO DEFENDANT FANDANGO, INC.**

Complaint Filed: August 15, 2011

1 Plaintiff Ameranth, Inc. hereby serves its Disclosure of Asserted Claims  
2 and Infringement Contentions under Patent Local Rule 3.1, as to Defendant  
3 Fandango, Inc. (“Fandango”).

4 Discovery in this case is ongoing and the Court has not yet construed the  
5 asserted claims of the Patents-in-Suit. Further, Fandango has failed to produce  
6 any documents requested by Ameranth and has failed to provide sufficient  
7 responses to Ameranth’s other written discovery requests.

8 Accordingly, Ameranth reserves the right to serve Amended Infringement  
9 Contentions under Patent Local Rule 3.6(a), by Court order, or as otherwise  
10 permitted. Under Patent Local Rule 3.2, Ameranth is making a document  
11 production and hereby separately identifies by bates numbers which documents  
12 correspond to categories (a) – (e) of Patent Local Rule 3.2 in Exhibit B attached  
13 hereto.

14 **A. Claims Infringed.**

15 Fandango infringes at least claims 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15 and  
16 16 of U.S. Patent No. 6,384,850 (the “ ‘850 patent”); claims 9 and 13 of U.S.  
17 Patent No. 6,871,325 (the “ ‘325 patent”); and claims 1, 3, 4, 5, 6, 7, 8, 9, 11, 12,  
18 13, 15, 16, 17, and 18 of U.S. Patent No. 8,146,077 (the “ ‘077 patent”).

19 **B. Accused Instrumentality.**

20 The “Fandango Ticketing System” or “Accused System,” as used  
21 throughout this claim chart, means and includes the current and all previous  
22 “versions” (from Jan. 1, 2007 to present, and regardless of whether alleged by  
23 defendant to be revisions, different versions, or different systems) of the  
24 Fandango ticketing system/product/service, which includes, inter alia, wireless  
25 and internet POS integration, integration with movie theaters, online and mobile  
26 ticketing (via, for example, Fandango’s website, mobile website, iPhone app  
27 (currently version 5.7), Android app (currently version 4.6), Windows Phone

1 app (currently version 1.5.0.0), and Blackberry app (currently version 2.1.3)),  
2 integration with Passbook, e-mail and affinity programs and social media  
3 applications such as Facebook, Twitter and/or other third-party web-based  
4 applications, and other hospitality aspects.

5 **C. Claim Charts.**

6 Charts for each of the '850, '325 and '077 patents that identify  
7 specifically where each limitation of each asserted claim within the Accused  
8 Instrumentality are attached hereto as Exhibit A. The left column of each chart  
9 recites the limitations of the asserted claims verbatim for the applicable patent.  
10 The right column shows where a corresponding element is found in the Accused  
11 Instrumentality. These identifications are based on Ameranth's present  
12 understanding of information currently available to Ameranth. Ameranth  
13 reserves the right to supplement these charts as discovery proceeds.

14 **D. Indirect Infringement.**

15 Ameranth has noted in the claim charts attached as Exhibit A the claims  
16 that Ameranth contends Fandango has directly and indirectly infringed. As set  
17 forth in the claim charts, in addition to direct infringement, Fandango is liable  
18 for induced infringement and contributory infringement.

19 **E. Literal Infringement and Doctrine of Equivalents.**

20 Ameranth presently contends that the Fandango Ticketing System  
21 infringes the asserted claims of the '850, '325, and '077 patents literally.  
22 Ameranth has noted in the claim charts attached as Exhibit A the claim elements  
23 that Ameranth contends are literally infringed and/or present under the doctrine  
24 of equivalents.

25 **F. Priority.**

26 The '325 patent claims priority to an earlier application, U.S. Serial No.  
27 09/400,413, which was filed on September 21, 1999 and from which the '850  
28

1 patent issued. The '077 patent also claims priority to U.S. Serial No. 09/400,413  
2 filed on September 21, 1999. Ameranth asserts a conception date for the  
3 asserted claims of September 1998 and reduction to practice prior to the priority  
4 application filing date.

5 **G. Products Practicing Invention.**

6 Versions of the following Ameranth products have incorporated or  
7 reflected the inventions claimed in the Patents-in-Suit in one or more of the  
8 asserted claims as shown below:

9 21st Century Restaurant	'850 Claims 1, 3, 4, 5, 6, 7, 8, 11, 12-
10 (Nov. 1998 and later)	15
	'325 Claims 9, 13
	'077 Claims 1, 3, 6, 7, 8, 9, 11, 12, 13,
	15, 16, 17, and 18
14 Improv Comedy Club Ticketing	'850 Claims 1, 3, 4, 5, 6, 7, 8, 11, 12-
15 System	15
16 (Nov. 1999-Nov. 2000)	'325 Claims 9, 13
	'077 Claims 1, 3, 6, 7, 8, 9, 11, 12, 13,
	15, 16, 17, and 18
19 Hostalert	'850 Claims 1, 3, 4, 5, 6, 7, 8, 11, 12-15
20	'325 Claims 9, 13
21	'077 Claims 1, 6, 7, 8, 9, 11, 13, 16,
22	and 18
23 eHost	'850 Claims 1, 3, 4, 5, 6, 7, 8, 11, 12-
24	15
25	'325 Claims 9, 13
26	'077 Claims 1, 3, 6, 7, 8, 9, 11, 12, 13,
27	15, 16, 17, and 18

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.