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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.,

Plaintiff,

v.

EVENTBRITE, INC.,

Defendant.

Case No. '13CV0350 AJB BLM

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

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

4 **PARTIES**

5 1. Plaintiff Ameranth is a Delaware corporation having a principal place
6 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 21st 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 Eventbrite is, on information and belief, a Delaware
17 corporation having a principal place of business and headquarters in San
18 Francisco, California. On information and belief, Eventbrite 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 Eventbrite System as defined herein. Eventbrite operates an online/mobile
23 service to promote and publicize events, and sell and distribute event tickets,
24 claiming over 88 million tickets sold through Eventbrite to date, including tickets
25 sold online, through mobile devices (both via the Web and via mobile apps),
26 and/or through Apple Inc.’s Passbook System. Eventbrite enables the storage of
27 tickets purchased via Eventbrite in Passbook, on any iPhone or iPodTouch
28 running iOS6 in any of three ways: Through the Eventbrite app for iOS6

1 available in the Apple App Store; through a ticket order confirmation email; or
2 through the purchase of tickets via Web browser on an iPhone or iPodTouch
3 running iOS6.

4 **JURISDICTION AND VENUE**

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

7 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
8 1331 and 1338(a).

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

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

26 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§
27 1391(b) and (c) and 1400(b).

BACKGROUND

1
2 8. Ameranth was established in 1996 to develop and provide its 21st
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

28 and inventions, the success of the ticketing system developed by Ameranth, the

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