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

AMERANTH, INC.,

 Plaintiff,

 v.

ORBITZ, LLC,

 Defendant.

Civil Action No. 12-cv-1644 DMS-WVG

Consolidated with
11-cv-01810-DMS-WVG

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT AGAINST
ORBITZ, LLC**

DEMAND FOR JURY TRIAL

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Ameranth, Inc. (“Ameranth”), for its First Amended Complaint
3 against defendant Orbitz, LLC (“Orbitz”), avers as follows:

4 **PARTIES**

5 1. Plaintiff Ameranth, Inc. 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 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 Orbitz is, on information and belief, a Delaware limited
17 liability corporation having a principal place of business and headquarters in
18 Chicago, Illinois. On information and belief, Orbitz makes, uses, offers for sale
19 or license and/or sells or licenses hotel and lodging, property management system
20 (PMS) and other hospitality information-technology products, software,
21 components and/or systems within this Judicial District, including the Orbitz
22 Reservation System as defined herein.

23 **JURISDICTION AND VENUE**

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

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

1 5. On information and belief, Defendant engages in (a) the offer for sale or
2 license and sale or license of hospitality, reservations, ordering, products and/or
3 components in the United States, including this Judicial District, including
4 services, products, software, and components, comprising wireless and internet
5 POS and/or hospitality aspects; (b) the installation and maintenance of said
6 services, products, software, components and/or systems in hospitality industry,
7 hotel and lodging, reservations, and/or entertainment information technology
8 systems in the United States, including this Judicial District; and/or (c) the use of
9 hospitality industry, hotel and lodging, reservation, and/or entertainment
10 information technology systems comprising said services, products, software,
11 components and/or systems in the United States, including this Judicial District.

12 6. This Court has personal jurisdiction over Defendant because Defendant
13 commits acts of patent infringement in this Judicial District including, *inter alia*,
14 making, using, offering for sale or license, and/or selling or licensing infringing
15 services, products, software, components and/or systems in this Judicial District.
16 Additionally, Orbitz has already appeared in this action and submitted to the
17 jurisdiction of the Court. Orbitz has continued to engage in and perform such
18 acts of infringement since the filing of the original complaint in this matter
19 accusing Orbitz of infringement of the Ameranth patents at issue herein.

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

22 **BACKGROUND**

23 8. Ameranth was established in 1996 to develop and provide its 21st
24 Century Communications™ innovative information technology solutions for the
25 hospitality industry (inclusive of, *e.g.*, restaurants, hotels, casinos, nightclubs,
26 cruise ships and other entertainment and sports venues). Ameranth has been
27 widely recognized as a technology leader in the provision of wireless and

1 internet-based systems and services to, *inter alia*, restaurants, hotels, casinos,
2 cruise ships and entertainment and sports venues. Ameranth's award winning
3 inventions enable, in relevant part, generation and synchronization of menus,
4 including but not limited to restaurant menus, event tickets, reservations and
5 other products across fixed, wireless and/or internet platforms as well as
6 synchronization of hospitality information and hospitality software applications
7 across fixed, wireless and internet platforms, including but not limited to,
8 computer servers, web servers, databases, affinity/social networking systems,
9 desktop computers, laptops, "smart" phones and other wireless handheld
10 computing devices.

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

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

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