

1 **CALDARELLI HEJMANOWSKI & PAGE LLP**

2 William J. Caldarelli (SBN #149573)

3 Ben West (SBN #251018)

4 12340 El Camino Real, Suite 430

5 San Diego, CA 92130

6 Telephone: (858) 720-8080

7 Facsimile: (858) 720-6680

8 wjc@chplawfirm.com

9 dbw@chplawfirm.com

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

11 Michael D. Fabiano (SBN #167058)

12 12526 High Bluff Drive, Suite 300

13 San Diego, CA 92130

14 Telephone: (619) 742-9631

15 mdfabiano@fabianolawfirm.com

16 **OSBORNE LAW LLC**

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

18 33 Habitat Lane

19 Cortlandt Manor, NY 10567

20 Telephone: (914) 714-5936

21 josborne@osborneipl.com

22 **WATTS LAW OFFICES**

23 Ethan M. Watts (SBN #234441)

24 12340 El Camino Real, Suite 430

25 San Diego, CA 92130

26 Telephone: (858) 509-0808

27 Facsimile: (619) 878-5784

28 emw@ewattslaw.com

Attorneys for Plaintiff Ameranth, Inc.

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

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

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

PARTIES

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

2. Defendant StubHub, is, on information and belief, a Delaware corporation having a principal place of business and headquarters in San Jose, California. On information and belief, StubHub makes, uses, offers for sale or license and/or sells or licenses entertainment box office management and ticketing/ticket sales/ticket purchases information-technology products, software, components and/or systems within this Judicial District, including the StubHub System as defined herein.

JURISDICTION AND VENUE

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

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

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

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

25 10. Ameranth's pioneering inventions have been widely adopted and are
26 thus now essential to the modern wireless hospitality enterprise of the 21st
27

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.