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FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

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

AMERANTH, INC.,
Plaintiff,
v.
TICKETMASTER, LLC and
LIVE NATION
ENTERTAINMENT, INC.,
Defendants.

Civil Action No. 12-cv-1648 DMS-WVG
Consolidated with
11-cv-01810-DMS-WVG

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT AGAINST
TICKETMASTER, LLC AND LIVE
NATION ENTERTAINMENT, INC.
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 Defendants TicketMaster, LLC and Live Nation Entertainment, Inc.
4 (collectively “TicketMaster”), avers as follows:

5 **PARTIES**

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

17 2. Defendant TicketMaster, LLC is, on information and belief, a Virginia
18 limited liability corporation having a principal place of business and
19 headquarters in Beverly Hills, California. Defendant Live Nation
20 Entertainment, Inc. is, on information and belief, a Delaware corporation having
21 a principal place of business and headquarters in Beverly Hills, California. On
22 information and belief, TicketMaster makes, uses, offers for sale or license
23 and/or sells or licenses entertainment box office management and
24 ticketing/ticket sales/ticket purchases information-technology products,
25 software, components and/or systems within this Judicial District, including the
26 TicketMaster System as defined herein.

1 **JURISDICTION AND VENUE**

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

4 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
5 1331 and 1338(a).

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

18 6. This Court has personal jurisdiction over TicketMaster because
19 TicketMaster commits acts of patent infringement in this Judicial District
20 including, *inter alia*, making, using, offering for sale or license, and/or selling
21 or licensing infringing services, products, software, components and/or systems
22 in this Judicial District. Additionally, TicketMaster has already appeared in this
23 action and submitted to the jurisdiction of the Court. TicketMaster has
24 continued to engage in and perform such acts of infringement since the filing
25 and service of the original complaint in this matter accusing TicketMaster of
26 infringement of the Ameranth patents at issue herein.

1 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§
2 1391(b) and (c) and 1400(b).

3 **BACKGROUND**

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

19 9. Ameranth began development of the inventions leading to the patents
20 in this patent family, including the patents-in-suit, in the late Summer of 1998,
21 at a time when the then-available wireless and internet hospitality offerings
22 were extremely limited in functionality, were not synchronized and did not
23 provide an integrated system-wide solution to the pervasive ordering,
24 reservations, affinity program and information management needs of the
25 hospitality industry. Ameranth uniquely recognized the actual problems that
26 needed to be resolved in order to meet those needs, and thereafter conceived

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