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

AMERANTH, INC.,

Plaintiff,

v.

DOMINO'S PIZZA, LLC, and
DOMINO'S PIZZA, INC.

Defendants.

Civil Action No.: 3:12-cv-00733-DMS-WVG
**THIRD AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**
DEMAND FOR JURY TRIAL

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1 Plaintiff Ameranth, Inc. (“Ameranth”), for its Third Amended Complaint
2 against Defendants Domino’s Pizza LLC and Domino’s Pizza, Inc. (collectively
3 “Domino’s”), avers as follows:

4 **PARTIES**

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

15 2. Domino’s Pizza, LLC is, on information and belief, a Michigan limited
16 liability company having a principal place of business in Ann Arbor, Michigan.
17 Domino’s Pizza, Inc. is, on information and belief, a Delaware corporation
18 having a principal place of business in Ann Arbor, Michigan. On information
19 and belief, Domino’s Pizza, LLC and Domino’s Pizza, Inc. are agents and
20 affiliates of one another and knowingly and intentionally acted in concert and
21 under common and coordinated plan, design and control in committing the acts
22 alleged herein, such that each entity is jointly and severally liable for the acts of
23 each other. On information and belief, Domino’s makes, uses, offers for sale or
24 license and/or sells or licenses restaurant and foodservice information
25 technology products, software, components and/or systems within this Judicial
26 District, including the Domino’s Ordering System as defined herein.

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JURISDICTION AND VENUE

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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, Defendants, and each of them, engage in (a)
7 the offer for sale or license and sale or license of hospitality, restaurant, food
8 service, ordering, products and/or components in the United States, including
9 this 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, restaurant, and/or food service
13 information technology systems in the United States, including this Judicial
14 District; and/or (c) the use of hospitality industry, restaurant, and/or food
15 service information technology systems comprising said services, products,
16 software, components and/or systems in the United States, including this
17 Judicial District.

18 6. This Court has personal jurisdiction over Domino's because Domino's
19 commits acts of patent infringement in this Judicial District including, *inter*
20 *alia*, making, using, offering for sale or license, and/or selling or licensing
21 infringing services, products, software, components and/or systems in this
22 Judicial District. Additionally, Domino's has already appeared in this action
23 and submitted to the jurisdiction of the Court. Domino's has continued to
24 engage in and perform such acts of infringement since the filing and service of
25 the original complaint in this matter accusing Domino's of infringement of
26 Ameranth's 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
27 and developed its breakthrough inventions and products to provide systemic
28

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