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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.

Plaintiff,

v.

AGILYSYS, INC.,

Defendant.

Case No.

'12CV0858 H MDD

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

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

4 **PARTIES**

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

14 2. Defendant Agilysys, Inc. (“Agilysys”) is, on information and belief, an Ohio
15 corporation having a principal place of business and headquarters in Solon, Ohio, with offices
16 for its Hospitality Services business in Santa Barbara, California, Alpharetta, Georgia, and Las
17 Vegas, Nevada. On information and belief, Agilysys makes, uses, sells and/or offers for sale,
18 restaurant, foodservice, point-of-sale and property management and other hospitality
19 information technology products, software, components and/or systems within this Judicial
20 District, including, *inter alia*, Infogenesis POS by Agilysys with Infogenesis Roam Mobile
21 Software Solution and/or mPOS; Lodging Management Solution by Agilysys with LMS
22 ResNet and/or Mobile ResNet, Guest360 Property Management Solution by Agilysys; and
23 ResPAK Restaurant Management (collectively, the “Agilysys Systems”).

24 **JURISDICTION AND VENUE**

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

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

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

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

15 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b) and (c) and
16 1400(b).

17 **BACKGROUND**

18 8. Ameranth was established in 1996 to develop and provide its 21st Century
19 Communications™ innovative information technology solutions for the hospitality industry
20 (inclusive of, e.g., restaurants, hotels, casinos, nightclubs, cruise ships and other entertainment
21 and sports venues). Ameranth has been widely recognized as a technology leader in the
22 provision of wireless and internet-based systems and services to, *inter alia*, restaurants, hotels,
23 casinos, cruise ships and entertainment and sports venues. Ameranth's award winning
24 inventions enable, in relevant part, generation and synchronization of menus, including but not
25 limited to restaurant menus, event tickets, and other products across fixed, wireless and/or
26 internet platforms as well as synchronization of hospitality information and hospitality
27 software applications across fixed, wireless and internet platforms, including but not limited to,
28

1 computer servers, web servers, databases, affinity/social networking systems, desktop
2 computers, laptops, “smart” phones and other wireless handheld computing devices.

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

13 10. Ameranth’s pioneering inventions have been widely adopted and are thus now
14 essential to the modern wireless hospitality enterprise of the 21st Century. Ameranth’s
15 solutions have been adopted, licensed and/or deployed by numerous entities across the
16 hospitality industry.

17 11. The adoption of Ameranth’s technology by industry leaders and the wide acclaim
18 received by Ameranth for its technological innovations are just some of the many
19 confirmations of the breakthrough aspects of Ameranth’s inventions. Ameranth has received
20 twelve different technology awards (three with “end customer” partners) and has been widely
21 recognized as a hospitality wireless/internet technology leader by almost all major national and
22 hospitality print publications, *e.g.*, The Wall Street Journal, New York Times, USA Today and
23 many others. Ameranth was personally nominated by Bill Gates, the Founder of Microsoft, for
24 the prestigious Computerworld Honors Award that Ameranth received in 2001 for its
25 breakthrough synchronized reservations/ticketing system with the Improv Comedy Theatres.
26 In his nomination, Mr. Gates described Ameranth as “one of the leading pioneers of
27 information technology for the betterment of mankind.” This prestigious award was based on
28 Ameranth’s innovative synchronization of wireless/web/fixed hospitality software technology.

1 Subsequently, the United States Patent and Trademark Office granted Ameranth a number of
2 currently-issued patents, two of which are the basis for this lawsuit. Ameranth has issued press
3 releases announcing these patent grants on business wires, on its web sites and at numerous
4 trade shows attended by various of the Defendants since the first of the two presently-asserted
5 patents issued in 2002. A number of companies have licensed patents and technology from
6 Ameranth, recognizing the value of Ameranth's innovations, including a limited-scope patent
7 license with Agilysys for many years, which has now expired..

8 **RELATED CASES PREVIOUSLY FILED**

9 12. The Ameranth patents asserted herein, U.S. Patent No. 6,384,850 (the "'850 patent"),
10 U.S. Patent No. 6,871,325 (the "'325 patent"), and U.S. Patent No. 8,146,077 (the "'077
11 patent"), are all patents in Ameranth's "Information Management and Synchronous
12 Communications" patent family.

13 13. Ameranth is also currently asserting claims of these same patents in separate
14 lawsuits, against other defendants, that are already pending in this Court. The first-filed
15 lawsuit asserts claims of the '850 and '325 patents and is entitled *Ameranth v. Pizza Hut, Inc.*
16 *et al.*, Case No. 3:11-cv-01810-JLS-NLS. Lawsuits subsequently filed by Ameranth in this
17 Court, asserting claims of the '077 patent, are Case Nos. 3:12-cv-00729-JLS-NLS; 3:12-cv-
18 00731-JLS-NLS; 3:12-cv-00732-JLS-NLS; 3:12-cv-00733-JLS-NLS; 3:12-cv-00737-JLS-
19 NLS; 3:12-cv-00738-JLS-NLS; 3:12-cv-00739-JLS-NLS; and 3:12-cv-00742-JLS-NLS.

20 **COUNT I**

21 **Patent Infringement (U.S. Pat. No. 6,384,850)**

22 **(35 U.S.C. § 271)**

23 14. Plaintiff reiterates and incorporates the allegations set forth in paragraphs 1-13 above
24 as if fully set forth herein.

25 15. On May 7, 2002, United States Patent No. 6,384,850 entitled "Information
26 Management and Synchronous Communications System with Menu Generation" ("the '850
27 patent") (a true and copy of which is attached hereto as **Exhibit A**) was duly and legally issued
28 by the United States Patent & Trademark Office.

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