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FANDANGO EXHIBIT 1052

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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

AMERANTH, INC.,  
  
Plaintiff,,  
  
v.  
  
HILTON RESORTS  
CORPORATION, HILTON  
WORLDWIDE, INC., and  
HILTON INTERNATIONAL  
CO.,  
  
Defendants.

Civil Action No. 12-cv-1636 DMS-WVG  
Consolidated with  
11-cv-01810-DMS-WVG

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT AGAINST  
HILTON RESORTS CORPORATION,  
HILTON WORLDWIDE, INC. AND  
HILTON INTERNATIONAL CO.  
  
DEMAND FOR JURY TRIAL**

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**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT  
AGAINST HILTON RESORTS CORP. HILTON WORLDWIDE INC**

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**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ameranth, Inc. (“Ameranth”), for its First Amended Complaint against Defendants Hilton Resorts Corporation, Hilton Worldwide, Inc. and Hilton International Co. (collectively referred to herein as “Hilton” or “Defendant”), 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 21<sup>st</sup> 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 Hilton Resorts Corporation is, on information and belief, a Delaware corporation having a principal place of business and headquarters in Orlando, Florida. Defendant Hilton Worldwide, Inc., is, on information and belief, a Delaware corporation having a principal place of business in McLean, Virginia. Defendant Hilton International Co. is, on information and belief, a Delaware corporation having a principal place of business in McLean, Virginia. These three entities are collectively referred to herein as “Hilton”. On information and belief, Hilton makes, uses, offers for sale or license and/or sells or licenses hotel and lodging, reservation, restaurant, foodservice, point-of-sale

1 and/or property management and other hospitality information-technology  
2 products, software, components and/or systems within this Judicial District,  
3 including the Hilton Reservation System as defined herein.

4 **JURISDICTION AND VENUE**

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

7 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§  
8 1331 and 1338(a).

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

21 6. This Court has personal jurisdiction over Hilton because Hilton  
22 commits acts of patent infringement in this Judicial District including, *inter*  
23 *alia*, making, using, offering for sale or license, and/or selling or licensing  
24 infringing services, products, software, components and/or systems in this  
25 Judicial District. Additionally, Defendant has already appeared in this action  
26 and submitted to the jurisdiction of the Court. Hilton has continued to engage

1 in and perform such acts of infringement since the filing and service of the  
2 original complaint in this matter accusing Hilton of infringement of the  
3 Ameranth patents at issue herein.

4 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§  
5 1391(b) and (c) and 1400(b).

### 6 **BACKGROUND**

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

22 9. Ameranth began development of the inventions leading to patents in  
23 this patent family in the late Summer of 1998, at a time when the then-available  
24 wireless and internet hospitality offerings were extremely limited in  
25 functionality, were not synchronized and did not provide an integrated system-  
26 wide solution to the pervasive ordering, reservations, affinity program and

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