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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.

Plaintiff,

v.

MARRIOTT INTERNATIONAL, INC.,  
THE RITZ CARLTON HOTEL COMPANY,  
LLC, MARRIOTT HOTEL SERVICES,  
INC., and RENAISSANCE HOTEL  
OPERATING COMPANY,

Defendants.

Case No. '12CV1631 JAH JMA

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

FANDANGO EXHIBIT 1054

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Ameranth, Inc., for its Complaint against Defendants Marriott International,  
3 Inc., The Ritz Carlton Hotel Company, LLC, Marriott Hotel Services, Inc. and Renaissance  
4 Hotel Operating Company (collectively referred to herein as “Marriott”), avers as follows:

5 **PARTIES**

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

15 2. Defendant Marriott International, Inc. is, on information and belief, a Delaware  
16 corporation having a principal place of business and headquarters in Bethesda, Maryland.  
17 Defendant The Ritz Carlton Hotel Company, LLC, is, on information and belief, a Delaware  
18 limited liability company having a principal place of business in Chevy Chase, Maryland.  
19 Defendant Marriott Hotel Services, Inc. is, on information and belief, a Delaware corporation  
20 having a principal place of business in Bethesda, Maryland. Defendant Renaissance Hotel  
21 Operating Company. is, on information and belief, a Delaware corporation having a principal  
22 place of business in Bethesda, Maryland. These four entities are collectively referred to herein  
23 as “Marriott”. On information and belief, Marriott makes, uses, offers for sale or license and/or  
24 sells or licenses hotel and lodging, restaurant, foodservice, point-of-sale and/or property  
25 management and other hospitality information-technology products, software, components  
26 and/or systems within this Judicial District, including the Marriott Reservation System as  
27 defined herein.

28 **JURISDICTION AND VENUE**

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

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

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

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

19 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b) and (c) and  
20 1400(b).

### 21 **BACKGROUND**

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

1 limited to restaurant menus, event tickets, and other products across fixed, wireless and/or  
2 internet platforms as well as synchronization of hospitality information and hospitality  
3 software applications across fixed, wireless and internet platforms, including but not limited to,  
4 computer servers, web servers, databases, affinity/social networking systems, desktop  
5 computers, laptops, “smart” phones and other wireless handheld computing devices.

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

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

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

1 In his nomination, Mr. Gates described Ameranth as “one of the leading pioneers of  
2 information technology for the betterment of mankind.” This prestigious award was based on  
3 Ameranth’s innovative synchronization of wireless/web/fixed hospitality software technology.  
4 Subsequently, the United States Patent and Trademark Office granted Ameranth a number of  
5 currently-issued patents, two of which are the basis for this lawsuit. Ameranth has issued press  
6 releases announcing these patent grants on business wires, on its web sites and at numerous  
7 trade shows since the first of the presently-asserted patents issued in 2002. A number of  
8 companies have licensed patents and technology from Ameranth, recognizing and confirming  
9 the value of Ameranth’s innovations.

10 **RELATED CASES PREVIOUSLY FILED**

11 12. The Ameranth patents asserted herein, U.S. Patent No. 6,384,850 (the “’850 patent”),  
12 U.S. Patent No. 6,871,325 (the “’325 patent”), and U.S. Patent No. 8,146,077 (the “’077  
13 patent”), are all patents in Ameranth’s “Information Management and Synchronous  
14 Communications” patent family.

15 13. Ameranth is also currently asserting claims of these same patents in separate  
16 lawsuits, against other Marriotts, that are already pending in this Court. The first-filed lawsuit  
17 asserts claims of the ‘850 and ‘325 patents and is entitled *Ameranth v. Pizza Hut, Inc. et al.*,  
18 Case No. 3:11-cv-01810-JLS-NLS. Lawsuits subsequently filed by Ameranth in this Court,  
19 asserting claims of the ‘077 patent, include Case Nos. 3:12-cv-00729-JLS-NLS; 3:12-cv-  
20 00731-JLS-NLS; 3:12-cv-00732-JLS-NLS; 3:12-cv-00733-JLS-NLS; 3:12-cv-00737-JLS-  
21 NLS; 3:12-cv-00738-JLS-NLS; 3:12-cv-00739-JLS-NLS; and 3:12-cv-00742-JLS-NLS.  
22 Another lawsuit subsequently filed by Ameranth in this Court, asserting claims of the ‘850,  
23 ‘325, and ‘077 patents, is Case No. 3:12-cv-00858-JLS-NLS.

24 **COUNT I**

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

26 **(35 U.S.C. § 271)**

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

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