

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

**EXPEDIA, INC., FANDANGO, LLC, HOTEL TONIGHT INC., HOTWIRE, INC., HOTELS.COM, L.P., KAYAK SOFTWARE CORP., LIVE NATION ENTERTAINMENT, INC., MICROSOFT SYSTEMS, INC., ORBITZ, LLC, OPENTABLE, INC., PAPA JOHN'S USA, INC., STUBHUB, INC., TICKETMASTER, LLC, TRAVELOCITY.COM LP, WANDERSPOT LLC, PIZZA HUT, INC., PIZZA HUT OF AMERICA, INC., DOMINO'S PIZZA, INC., DOMINO'S PIZZA, LLC, GRUBHUB, INC., SEAMLESS NORTH AMERICA, LLC, ORDR.IN, INC., MOBO SYSTEMS, INC., STARBUCKS CORPORATION, EVENTBRITE, INC., BEST WESTERN INTERNATIONAL, INC., HILTON RESORTS CORP., HILTON WORLDWIDE, INC., HILTON INTERNATIONAL CO., HYATT CORPORATION, MARRIOTT INTERNATIONAL, INC., STARWOOD HOTELS & RESORTS WORLDWIDE, INC., AGILYSYS, INC., USABLENET, INC., AND APPLE INC.**

**Petitioners**

**v.**

**AMERANTH, INC.**

**Patent Owner**

**U.S. Patent No. 6,384,850**

**Issue date: May 7, 2002**

**Title: Information Management and Synchronous Communications System  
with Menu Generation**

**CBM2014-00015**

**AMENDED PETITION FOR COVERED BUSINESS METHOD REVIEW  
OF U.S. PATENT NO. 6,384,850 UNDER 35 U.S.C. § 321  
AND § 18 OF THE LEAHY-SMITH AMERICA INVENTS ACT**

This Amended Petition addresses the defect found in the Notice dated October 23, 2013. In accordance with the Notice, the Claim Construction section has been updated to further identify how the challenged claims are to be construed. No substantive changes have been made to the contents of the petition.

AMENDED PETITION FOR POST-GRANT REVIEW  
OF U.S. PATENT NO. 6,384,850

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**TABLE OF AUTHORITIES**

**CASES**

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