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

AMERANTH, INC.,  
  
                                Plaintiff,  
  
                                v.  
  
ORBITZ, LLC,  
  
                                Defendant.

Civil Action No. 12-cv-1644 DMS-WVG

Consolidated with  
11-cv-01810-DMS-WVG

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT AGAINST  
ORBITZ, LLC**

**DEMAND FOR JURY TRIAL**

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1                   **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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

4   **PARTIES**

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

16                   2. Defendant Orbitz is, on information and belief, a Delaware limited  
17 liability corporation having a principal place of business and headquarters in  
18 Chicago, Illinois. On information and belief, Orbitz makes, uses, offers for sale  
19 or license and/or sells or licenses hotel and lodging, property management system  
20 (PMS) and other hospitality information-technology products, software,  
21 components and/or systems within this Judicial District, including the Orbitz  
22 Reservation System as defined herein.

23   **JURISDICTION AND VENUE**

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

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

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

12 6. This Court has personal jurisdiction over Defendant because Defendant  
13 commits acts of patent infringement in this Judicial District including, *inter alia*,  
14 making, using, offering for sale or license, and/or selling or licensing infringing  
15 services, products, software, components and/or systems in this Judicial District.  
16 Additionally, Orbitz has already appeared in this action and submitted to the  
17 jurisdiction of the Court. Orbitz has continued to engage in and perform such  
18 acts of infringement since the filing of the original complaint in this matter  
19 accusing Orbitz of infringement of the Ameranth patents at issue herein.

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

## 22 **BACKGROUND**

23 8. Ameranth was established in 1996 to develop and provide its 21<sup>st</sup>  
24 Century Communications™ innovative information technology solutions for the  
25 hospitality industry (inclusive of, e.g., restaurants, hotels, casinos, nightclubs,  
26 cruise ships and other entertainment and sports venues). Ameranth has been  
27 widely recognized as a technology leader in the provision of wireless and  
28

1 internet-based systems and services to, *inter alia*, restaurants, hotels, casinos,  
2 cruise ships and entertainment and sports venues. Ameranth's award winning  
3 inventions enable, in relevant part, generation and synchronization of menus,  
4 including but not limited to restaurant menus, event tickets, reservations and  
5 other products across fixed, wireless and/or internet platforms as well as  
6 synchronization of hospitality information and hospitality software applications  
7 across fixed, wireless and internet platforms, including but not limited to,  
8 computer servers, web servers, databases, affinity/social networking systems,  
9 desktop computers, laptops, "smart" phones and other wireless handheld  
10 computing devices.

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

23 10. Ameranth's pioneering inventions have been widely adopted and are  
24 thus now essential to the modern wireless hospitality enterprise of the 21st  
25 Century. Ameranth's solutions have been adopted, licensed and/or deployed by  
26 numerous entities across the hospitality industry.

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