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

AMERANTH, INC.,  
  
Plaintiff,  
  
v.  
  
TRAVELOCITY.COM, LP,  
  
Defendant.

Civil Action No. 12-cv-1649 DMS-WVG  
  
Consolidated with  
11-cv-01810-DMS-WVG  
  
**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT AGAINST  
TRAVELOCITY.COM, LP**  
  
**DEMAND FOR JURY TRIAL**

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**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ameranth, Inc. (“Ameranth”), for its First Amended Complaint against defendant Travelocity.com, LP (“Travelocity”), avers as follows:

**PARTIES**

1. 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 Travelocity is, on information and belief, a Delaware limited partnership having a principal place of business and headquarters in Southlake, Texas. On information and belief, Travelocity makes, uses, offers for sale or license and/or sells or licenses hotel and lodging, property management system (PMS) and other hospitality information-technology products, software, components and/or systems within this Judicial District, including the Travelocity Reservation System as defined herein.

**JURISDICTION AND VENUE**

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

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

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

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

22 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§  
23 1391(b) and (c) and 1400(b).

### 24 **BACKGROUND**

25 8. Ameranth was established in 1996 to develop and provide its 21<sup>st</sup>  
26 Century Communications<sup>TM</sup> innovative information technology solutions for  
27 the hospitality industry (inclusive of, e.g., restaurants, hotels, casinos,

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

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

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