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

AMERANTH, INC.,

 Plaintiff,

 v.

WANDERSPOT LLC,

 Defendant.

Civil Action No. 12-cv-1652 DMS-WVG

Consolidated with
11-cv-01810-DMS-WVG

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT AGAINST
WANDERSPOT LLC

DEMAND FOR JURY TRIAL**

1 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Ameranth, Inc. (“Ameranth”), for its First Amended Complaint
3 against defendant Wanderspot LLC (referred to herein as “Urbanspoon”), avers
4 as follows:

5 **PARTIES**

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

17 2. Defendant Urbanspoon is, on information and belief, a Washington
18 limited liability corporation having a principal place of business in Seattle,
19 Washington. On information and belief, Urbanspoon makes, uses, offers for sale
20 or license and/or sells or licenses restaurant and foodservice information
21 technology products, software, components and/or systems within this Judicial
22 District, including the Urbanspoon System as defined herein.

23 3. OpenTable, Inc.’s Form 10-Q for the quarterly period ended June 30,
24 2013 states, in relevant part, that “On July 31, 2013, [OpenTable] acquired
25 certain assets and liabilities of the Rezbook business from Urbanspoon, an
26 operating business of IAC/Interactive Corp., for \$12 million in cash. Rezbook is
27 a restaurant management system for restaurants.” Ameranth served Requests for
28

1 Production on both Urbanspoon and OpenTable for documents related to this
2 transaction in order to assess the impact of this transaction on the pleadings
3 against these two Defendants. To date, Ameranth has yet to receive these
4 documents. Upon receipt, Ameranth will seek leave to amend its Complaints
5 against OpenTable and Urbanspoon as may be appropriate.

6 **JURISDICTION AND VENUE**

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

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

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

22 7. This Court has personal jurisdiction over Defendant because Defendant
23 commits acts of patent infringement in this Judicial District including, *inter alia*,
24 making, using, offering for sale or license, and/or selling or licensing infringing
25 services, products, software, components and/or systems in this Judicial District.
26 Additionally, Urbanspoon has already appeared in this action and submitted to
27 the jurisdiction of the Court. Urbanspoon has continued to engage in and
28

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

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

6 **BACKGROUND**

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

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

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