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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.

Plaintiff,

v.

NAAMA NETWORKS, INC., and
ORDR.IN, INC.,

Defendant.

Case No. '12CV1643 JAH MDD

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

FANDANGO EXHIBIT 1056

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Ameranth, Inc., for its Complaint against defendants Naama Networks, Inc.
3 d/b/a Ordriin d/b/a ordri.in and Ordri.in, Inc. (collectively referred to herein as “Ordriin” or
4 “Defendant”), 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 21st 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 Naama Networks, Inc. d/b/a Ordriin d/b/a ordri.in is, on information and
16 belief, a Delaware corporation having a principal place of business and headquarters in New
17 York, New York. Defendant Ordri.in, Inc. is, on information and belief, a Delaware
18 corporation having a principal place of business and headquarters in New York, New York.
19 These two entities are collectively referred to herein as “Ordriin” or “Defendant”. On
20 information and belief, Ordriin makes, uses, sells and/or offers for sale, restaurant, foodservice,
21 point-of-sale and property management and other hospitality information technology products,
22 software, components and/or systems within this Judicial District, including the Ordriin
23 Products as defined herein.

24 **JURISDICTION AND VENUE**

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

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

1 computer servers, web servers, databases, affinity/social networking systems, desktop
2 computers, laptops, “smart” phones and other wireless handheld computing devices.

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

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

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

1 Subsequently, the United States Patent and Trademark Office granted Ameranth a number of
2 currently-issued patents, two of which are the basis for this lawsuit. Ameranth has issued press
3 releases announcing these patent grants on business wires, on its web sites and at numerous
4 trade shows since the first of the presently-asserted patents issued in 2002. A number of
5 companies have licensed patents and technology from Ameranth, recognizing and confirming
6 the value of Ameranth's innovations.

7 **RELATED CASES PREVIOUSLY FILED**

8 12. The Ameranth patents asserted herein, U.S. Patent No. 6,384,850 (the "'850 patent"),
9 U.S. Patent No. 6,871,325 (the "'325 patent"), and U.S. Patent No. 8,146,077 (the "'077
10 patent"), are all patents in Ameranth's "Information Management and Synchronous
11 Communications" patent family.

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

21 **COUNT I**

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

23 **(35 U.S.C. § 271)**

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

26 15. On May 7, 2002, United States Patent No. 6,384,850 entitled "Information
27 Management and Synchronous Communications System with Menu Generation" ("the '850
28

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