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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.

Plaintiff,

v.

STARBUCKS CORPORATION,

Defendant.

Case No. '13CV1072 MMABGS

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**





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, and other products  
5 across fixed, wireless and/or internet platforms as well as synchronization of  
6 hospitality information and hospitality software applications across fixed,  
7 wireless and internet platforms, including but not limited to, computer servers,  
8 web servers, databases, affinity/social networking systems, desktop computers,  
9 laptops, "smart" phones and other wireless handheld computing devices.

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

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

26 11. The adoption of Ameranth's technology by industry leaders and the  
27 wide acclaim received by Ameranth for its technological innovations are just  
28

1 some of the many confirmations of the breakthrough aspects of Ameranth's  
2 inventions. Ameranth has received twelve different technology awards (three  
3 with "end customer" partners) and has been widely recognized as a hospitality  
4 wireless/internet technology leader by almost all major national and hospitality  
5 print publications, *e.g.*, The Wall Street Journal, New York Times, USA Today  
6 and many others. Ameranth was personally nominated by Bill Gates, the  
7 Founder of Microsoft, for the prestigious Computerworld Honors Award that  
8 Ameranth received in 2001 for its breakthrough synchronized  
9 reservations/ticketing system with the Improv Comedy Theatres. In his  
10 nomination, Mr. Gates described Ameranth as "one of the leading pioneers of  
11 information technology for the betterment of mankind." This prestigious award  
12 was based on Ameranth's innovative synchronization of wireless/web/fixed  
13 hospitality software technology. Subsequently, the United States Patent and  
14 Trademark Office granted Ameranth a number of currently-issued patents, two of  
15 which are the basis for this lawsuit. Ameranth has issued press releases  
16 announcing these patent grants on business wires, on its web sites and at  
17 numerous trade shows since the first of the two presently-asserted patents issued  
18 in 2002. A number of companies have licensed patents and technology from  
19 Ameranth, recognizing and confirming the value of Ameranth's innovations.  
20 Currently, seventeen companies have licensed patents in the Ameranth patent  
21 family which includes the patents asserted herein.

22       12. Starbucks is well aware of this Ameranth patent family and has  
23 duplicated and widely deployed Ameranth's technology covered by these patents.  
24 Ameranth provided its technology vision for Starbucks to a Starbucks  
25 Information Technology Senior IT Executive in December 2006, detailing  
26 Ameranth's vision of wireless/mobile orders, wireless payments and a Starbucks'  
27 customer frequency program, based on Ameranth's proprietary technology  
28

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