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FANDANGO EXHIBIT 1060

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

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FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ameranth, Inc. (“Ameranth”), for its First Amended Complaint against defendant Starwood Hotels and Resorts Worldwide, Inc. (“Starwood”), avers as follows:

PARTIES

1. Plaintiff 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 21st 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 Starwood is, on information and belief, a Maryland corporation having a principal place of business and headquarters in Scottsdale, Arizona. On information and belief, Starwood makes, uses, offers for sale or license and/or sells or licenses hotel and lodging, reservation restaurant, foodservice, point-of-sale and/or property management and other hospitality information-technology products, software, components and/or systems within this Judicial District, including the Starwood Reservation System as defined herein.

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1 **JURISDICTION AND VENUE**

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

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

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

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

1 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§
2 1391(b) and (c) and 1400(b).

3 **BACKGROUND**

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

19 9. Ameranth began development of the inventions leading to the patents
20 in this patent family, including the patents-in-suit, in the late Summer of 1998,
21 at a time when the then-available wireless and internet hospitality offerings
22 were extremely limited in functionality, were not synchronized and did not
23 provide an integrated system-wide solution to the pervasive ordering,
24 reservations, affinity program and information management needs of the
25 hospitality industry. Ameranth uniquely recognized the actual problems that
26 needed to be resolved in order to meet those needs, and thereafter conceived

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