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20 UNITED STATES DISTRICT COURT
21 SOUTHERN DISTRICT OF CALIFORNIA

22 IPDEV CO.,
23
24 Plaintiff,
25
26 v.
27 AMERANTH, INC.,
28 Defendant.

CASE NO. **'14CV1303 GPC JLB**

**COMPLAINT FOR DETERMINATION
OF PRIORITY OF INVENTION
AMONG INTERFERING PATENTS
UNDER 35 U.S.C. § 291 (PRE-AIA)**

Complaint Filed: May 27, 2014



1 Plaintiff IPDEV Co. ("IPDEV") files this Complaint against Defendant Ameranth, Inc.
2 ("Ameranth") to seek an adjudication of priority of invention under 35 U.S.C. § 291 (pre-America
3 Invents Act ("AIA")) of U.S. Patent Nos. 8,738,449 (the "IPDEV '449 patent") and 5,991,739
4 (the "'739 patent"), assigned to IPDEV, over U.S. Patent Nos. 6,384,850 (the "Ameranth '850
5 patent"), 6,871,325 (the "Ameranth '325 patent"), and 8,146,077 (the "Ameranth '077 patent");
6 collectively, the "Ameranth patents"), which on information and belief, are assigned to Ameranth.

7 **PARTIES**

8 1. Plaintiff IPDEV is an Illinois corporation located at 414 North Orleans Street
9 Suite 501, Chicago, IL 60654-4498. IPDEV owns certain intellectual property assets, including
10 the IPDEV patents. IPDEV is an affiliated company of QuikOrder, Inc. ("QuikOrder").

11 2. On information and belief, Defendant Ameranth is a Delaware corporation with a
12 principal place of business at 5820 Oberlin Drive, Suite 202, San Diego, CA 92121-3744.
13 Ameranth is listed as the assignee of the Ameranth patents.

14 **JURISDICTION AND VENUE**

15 3. This is an interfering patents action arising under 35 U.S.C. § 291 (pre-AIA). This
16 Court has subject matter jurisdiction over this action under 35 U.S.C. § 291 and 28 U.S.C.
17 §§ 1391(b) and (c).

18 4. This Court has personal jurisdiction over Ameranth. Ameranth has its principal
19 place of business within this judicial district and has engaged in substantial business activities
20 within this judicial district. Ameranth is also the plaintiff in a number of patent infringement
21 actions in this district in which Ameranth has alleged infringement of the Ameranth patents, for
22 example the consolidated action styled *Ameranth, Inc. v. Pizza Hut, Inc., et al.*, case number 3:11-
23 cv-01810-DMS-WVG ("the Ameranth patent infringement litigations").

24 5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c).

25 **THE AMERANTH PATENT INFRINGEMENT LITIGATIONS**

26 6. On August 15, 2011, Ameranth filed a complaint alleging infringement of the
27 Ameranth '850 and '325 patents in this Judicial District, case number 3:11-cv-1810, against a
28 number of defendants, including QuikOrder.

- 1 a. a central processing unit,
- 2 b. a data storage device connected to said central processing unit,
- 3 c. an operating system including a first graphical user interface,
- 4 d. a master menu including at least menu categories, menu items and
- 5 modifiers, wherein said master menu is capable of being stored on said data
- 6 storage device pursuant to a master menu file structure and said master menu is
- 7 capable of being configured for display to facilitate user operations in at least one
- 8 window of said first graphical user interface as cascaded sets of linked graphical
- 9 user interface screens, and
- 10 e. menu configuration software enabled to generate a programmed
- 11 handheld menu configuration from said master menu for wireless transmission to
- 12 and programmed for display on a wireless handheld computing device, said
- 13 programmed handheld menu configuration comprising at least menu categories,
- 14 menu items and modifiers and wherein the menu configuration software is
- 15 enabled to generate said programmed handheld menu configuration by utilizing
- 16 parameters from the master menu file structure defining at least the menu
- 17 categories, menu items and modifiers of the master menu such that at least the
- 18 menu categories, menu items and modifiers comprising the programmed handheld
- 19 menu configuration are synchronized in real time with analogous information
- 20 comprising the master menu,
- 21 wherein the menu configuration software is further enabled to generate the
- 22 programmed handheld menu configuration in conformity with a customized
- 23 display layout unique to the wireless handheld computing device to facilitate user
- 24 operations with and display of the programmed handheld menu configuration on
- 25 the display screen of a handheld graphical user interface integral with the wireless
- 26 handheld computing device, wherein said customized display layout is compatible
- 27 with the displayable size of the handheld graphical user interface wherein the
- 28 programmed handheld menu configuration is configured by the menu



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