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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.,

Plaintiff,

v.

FANDANGO, INC.,

Defendant.

Case No. 3:12-cv-1651-DMS-WVG

**SECOND AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 widely recognized as a technology leader in the provision of wireless and internet-
2 based systems and services to, *inter alia*, restaurants, hotels, casinos, cruise ships
3 and entertainment and sports venues. Ameranth's award winning inventions
4 enable, in relevant part, generation and synchronization of menus, including but
5 not limited to restaurant menus, event tickets, and other products across fixed,
6 wireless and/or internet platforms as well as synchronization of hospitality
7 information and hospitality software applications across fixed, wireless and
8 internet platforms, including but not limited to, computer servers, web servers,
9 databases, affinity/social networking systems, desktop computers, laptops,
10 "smart" phones and other wireless handheld computing devices.

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

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

1 11. The adoption of Ameranth's technology by industry leaders and the wide
2 acclaim received by Ameranth for its technological innovations are just some of
3 the many confirmations of the breakthrough aspects of Ameranth's inventions.
4 Ameranth has received twelve different technology awards (three with "end
5 customer" partners) and has been widely recognized as a hospitality
6 wireless/internet technology leader by almost all major national and hospitality
7 print publications, *e.g.*, The Wall Street Journal, New York Times, USA Today
8 and many others. Ameranth was personally nominated by Bill Gates, the Founder
9 of Microsoft, for the prestigious Computerworld Honors Award that Ameranth
10 received in 2001 for its breakthrough synchronized reservations/ticketing system
11 with the Improv Comedy Theatres. In his nomination, Mr. Gates described
12 Ameranth as "one of the leading pioneers of information technology for the
13 betterment of mankind." This prestigious award was based on Ameranth's
14 innovative synchronization of wireless/web/fixed hospitality software technology.
15 Subsequently, the United States Patent and Trademark Office granted Ameranth a
16 number of currently-issued patents, two of which are the basis for this lawsuit.
17 Ameranth has issued press releases announcing these patent grants on business
18 wires, on its web sites and at numerous trade shows since the first of the presently-
19 asserted patents issued in 2002. A number of companies have licensed patents
20 and technology from Ameranth, recognizing and confirming the value of
21 Ameranth's innovations. At all relevant times, Ameranth marked its own
22 products with the numbers of the Ameranth patents then issued, thereby providing
23 companies, competitors and participants in the hospitality industry with notice of
24 Ameranth's patents. Furthermore, companies that license Ameranth's products
25 have marked their products with Ameranth's patent numbers, thereby also
26 providing notice of Ameranth's patents. As a result of Ameranth's technological
27 breakthroughs and successes, business activities, awards, press releases and
28

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