

Exhibit 1031 (A)

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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.

Plaintiff,

v.

AGILYSYS, INC.,

Defendant.

Case No.

'12CV0858 H MDD

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Ameranth, Inc., for its Complaint against defendant Agilysys, Inc.
3 (“Agilysys”), avers as follows:

4 **PARTIES**

5 1. Plaintiff Ameranth, Inc. (“Ameranth”) is a Delaware corporation having a principal
6 place of business at 5820 Oberlin Drive, Suite 202, San Diego, California 92121. Ameranth
7 develops, manufactures and sells, *inter alia*, hospitality industry, entertainment, restaurant and
8 food service information technology solutions under the trademarks 21st Century
9 Communications™, and 21st Century Restaurant™, among others, comprising the
10 synchronization and integration of hospitality information and hospitality software applications
11 between fixed, wireless and/or internet applications, including but not limited to computer
12 servers, web servers, databases, affinity/social networking systems, desktop computers,
13 laptops, “smart” phones and other wireless handheld computing devices.

14 2. Defendant Agilysys, Inc. (“Agilysys”) is, on information and belief, an Ohio
15 corporation having a principal place of business and headquarters in Solon, Ohio, with offices
16 for its Hospitality Services business in Santa Barbara, California, Alpharetta, Georgia, and Las
17 Vegas, Nevada. On information and belief, Agilysys makes, uses, sells and/or offers for sale,
18 restaurant, foodservice, point-of-sale and property management and other hospitality
19 information technology products, software, components and/or systems within this Judicial
20 District, including, *inter alia*, Infogenesis POS by Agilysys with Infogenesis Roam Mobile
21 Software Solution and/or mPOS; Lodging Management Solution by Agilysys with LMS
22 ResNet and/or Mobile ResNet, Guest360 Property Management Solution by Agilysys; and
23 ResPAK Restaurant Management (collectively, the “Agilysys Systems”).

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.

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