

Exhibit 1060 (A)

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

AMERANTH, INC.

Plaintiff,

v.

PIZZA HUT, INC., ET AL.

Defendants.

Civil Action No.: 3:11-cv-01810-JLS-NLS

Consolidated with:
12cv729 JLS-NLS 12cv1640 JLS-NLS
12cv731 JLS-NLS 12cv1642 JLS-NLS
12cv732 JLS-NLS 12cv1643 JLS-NLS
12cv733 JLS-NLS 12cv1644 JLS-NLS
12cv737 JLS-NLS 12cv1646 JLS-NLS
12cv739 JLS-NLS 12cv1648 JLS-NLS
12cv742 JLS-NLS 12cv1649 JLS-NLS
12cv858 JLS-NLS 12cv1650 JLS-NLS
12cv1627 JLS-NLS 12cv1651 JLS-NLS
12cv1629 JLS-NLS 12cv1652 JLS-NLS
12cv1630 JLS-NLS 12cv1653 JLS-NLS
12cv1631 JLS-NLS 12cv1654 JLS-NLS
12cv1633 JLS-NLS 12cv1655 JLS-NLS
12cv1634 JLS-NLS 12cv1656 JLS-NLS
12cv1636 JLS-NLS 12cv1659 JLS-NLS

**DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS
AS TO DEFENDANT STUBHUB, INC.**

Complaint Filed: August 15, 2011

AND RELATED CASES.

1 Plaintiff Ameranth, Inc. (“Ameranth”) hereby serves its Disclosure of
2 Asserted Claims and Infringement Contentions under Patent Local Rule 3.1, as
3 to Defendant StubHub, Inc. (“StubHub”).

4 Discovery in this case is ongoing and the Court has not yet construed the
5 asserted claims of the Patents-in-Suit. Further, StubHub (and other defendants)
6 has failed to produce any documents requested by Ameranth and has failed to
7 provide any substantive responses to Ameranth’s other written discovery
8 requests. Pursuant to the Court’s June 7, 2013 order on Ameranth’s *ex parte*
9 request for a joint discovery conference (Doc. 388), Ameranth will be initiating
10 meet and confer with the Defendants, including StubHub.

11 Accordingly, Ameranth reserves the right to serve Amended Infringement
12 Contentions under Patent Local Rule 3.6(a), by Court order, or as otherwise
13 permitted. Under Patent Local Rule 3.2, Ameranth has made a document
14 production and hereby separately identifies by bates numbers which documents
15 correspond to categories (a) – (e) of Patent Local Rule 3.2 in Exhibit B attached
16 hereto.

17 **A. Claims Infringed.**

18 StubHub infringes at least claims 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15 and
19 16 of U.S. Patent No. 6,384,850 (the “ ‘850 patent”); claims 9 and 13 of U.S.
20 Patent No. 6,871,325 (the “ ‘325 patent”); and claims 1, 3, 4, 5, 6, 7, 8, 9, 11, 12,
21 13, 15, 16, 17 and 18 of U.S. Patent No. 8,146,077 (the “ ‘077 patent”).

22 **B. Accused Instrumentality.**

23 The “StubHub Ticketing System”, “Accused Instrumentality” or
24 “Accused System,” as used herein, means and includes the following: The
25 current and all previous “versions” (from Jan. 1, 2007 to present, and regardless
26 of whether alleged by defendant to be revisions, different versions, or different
27 systems) of the StubHub ticketing system/product/service, which includes, inter
28

1 alia, wireless and internet ticketing integration, online and mobile
2 ticketing/ticket sales/ticket purchases via, for example, StubHub’s website and
3 mobile website and iPhone, Android, Windows Phone and BlackBerry (current
4 app versions as of the date of this disclosure include StubHub Android app
5 version 1.8.1,iPhone app version 4.4.0, Windows Phone app version 1.1 and
6 BlackBerry app version 1.0), integration with e-mail and affinity program and
7 social media applications such as Facebook, Twitter, and YouTube, and/or other
8 third-party web-based applications, and/or other third-party web-based
9 applications, other hospitality aspects and associated services.

10 **C. Claim Charts.**

11 Charts for each of the ‘850, ‘325 and ‘077 patents that identify
12 specifically where each limitation of each asserted claim within the Accused
13 Instrumentality are attached hereto as Exhibit A. The left column of each chart
14 recites the limitations of the asserted claims verbatim for the applicable patent.
15 The right column shows where a corresponding element is found in the Accused
16 Instrumentality. These identifications are based on Ameranth’s present
17 understanding of information currently available to Ameranth. At present,
18 Ameranth has yet to receive any document or source code production from
19 StubHub. Ameranth reserves the right to supplement these charts as discovery
20 proceeds.

21 **D. Indirect Infringement.**

22 Ameranth has noted in the claim charts attached as Exhibit A the claims
23 that Ameranth contends StubHub has directly and indirectly infringed. As set
24 forth in the claim charts, in addition to direct infringement, StubHub is liable for
25 inducement of infringement and contributory infringement.

26 ///

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