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Attorneys for Plaintiff Ameranth, Inc.

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

AMERANTH, INC.

Plaintiff,

v.

STARBUCKS CORPORATION,

Defendant.

Case No. '13CV1072 MMABGS

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Ameranth, Inc. (“Ameranth”), for its Complaint against defendant
3 Starbucks Corporation (herein “Starbucks” or “Defendant”), avers as follows:

4 **PARTIES**

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

16 2. Defendant Starbucks is, on information and belief, a Washington
17 corporation having a principal place of business and headquarters at 2401 Utah
18 Avenue South, Seattle, Washington 98134. On information and belief, Starbucks
19 makes, uses, sells and/or offers for sale, restaurant, foodservice, point-of-sale and
20 other hospitality information technology products, software, components and/or
21 systems within this Judicial District, including the Starbucks Mobile and Online
22 Ordering, Starbucks gift cards, My Starbucks Rewards Loyalty Program and/or
23 Payment Processing Software, Product, Service and/or System as identified, as
24 further described and defined herein.

25 **JURISDICTION AND VENUE**

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

28

1 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
2 1331 and 1338(a).

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

15 6. This Court has personal jurisdiction over Defendant because
16 Defendant commits acts of patent infringement in this Judicial District including,
17 *inter alia*, making, using, offering for sale or license, and/or selling or licensing
18 infringing services, products, software, components and/or systems in this
19 Judicial District.

20 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§
21 1391(b) and (c) and 1400(b).

22 **BACKGROUND**

23 8. Ameranth was established in 1996 to develop and provide its 21st
24 Century Communications™ innovative information technology solutions for the
25 hospitality industry (inclusive of, *e.g.*, restaurants, hotels, casinos, nightclubs,
26 cruise ships and other entertainment and sports venues). Ameranth has been
27 widely recognized as a technology leader in the provision of wireless and
28

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

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

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

26 11. The adoption of Ameranth's technology by industry leaders and the
27 wide acclaim received by Ameranth for its technological innovations are just
28

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

22 12. Starbucks is well aware of this Ameranth patent family and has
23 duplicated and widely deployed Ameranth's technology covered by these patents.
24 Ameranth provided its technology vision for Starbucks to a Starbucks
25 Information Technology Senior IT Executive in December 2006, detailing
26 Ameranth's vision of wireless/mobile orders, wireless payments and a Starbucks'
27 customer frequency program, based on Ameranth's proprietary technology
28

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