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16 Attorneys for Plaintiff Ameranth, Inc.

17  
18 **UNITED STATES DISTRICT COURT**  
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 AMERANTH, INC.,

21 Plaintiff,

22 v.

23 EXPEDIA, INC.,

24 Defendant.

Case No. 12-cv-1654 JLS (NLS)

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1                   **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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

4   **PARTIES**

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

15                   2. Defendant Expedia is, on information and belief, a Washington  
16 corporation having a principal place of business and headquarters in Bellevue,  
17 Washington. On information and belief, Expedia makes, uses, offers for sale or  
18 license and/or sells or licenses hotel and lodging, property management system  
19 (PMS) and other hospitality information-technology products, software,  
20 components and/or systems within this Judicial District, including the Expedia  
21 Reservation System as defined herein.

22   **JURISDICTION AND VENUE**

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

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



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

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

24 10. Ameranth's pioneering inventions have been widely adopted and are  
25 thus now essential to the modern wireless hospitality enterprise of the 21st  
26 Century. Ameranth's solutions have been adopted, licensed and/or deployed by  
27 numerous 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  
9 Founder of Microsoft, for the prestigious Computerworld Honors Award that  
10 Ameranth received in 2001 for its breakthrough synchronized  
11 reservations/ticketing system with the Improv Comedy Theatres. In his  
12 nomination, Mr. Gates described Ameranth as "one of the leading pioneers of  
13 information technology for the betterment of mankind." This prestigious award  
14 was based on Ameranth's innovative synchronization of wireless/web/fixed  
15 hospitality software technology. Subsequently, the United States Patent and  
16 Trademark Office granted Ameranth a number of currently-issued patents, some  
17 of which are the basis for this lawsuit. Ameranth has issued press releases  
18 announcing these patent grants on business wires, on its web sites and at  
19 numerous trade shows since the first of the presently-asserted patents issued in  
20 2002. A number of companies have licensed patents and technology from  
21 Ameranth, recognizing and confirming the value of Ameranth's innovations. At  
22 all relevant times, Ameranth marked its own products with the numbers of the  
23 Ameranth patents then issued, thereby providing companies, competitors and  
24 participants in the hospitality industry with notice of Ameranth's patents.  
25 Furthermore, companies that license Ameranth's products have marked their  
26 products with Ameranth's patent numbers, thereby also providing notice of  
27 Ameranth's patents.

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