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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 FANDANGO, INC.,

24 Defendant.

Case No. '13CV1525 MMAWMc

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1                            **COMPLAINT FOR PATENT INFRINGEMENT**

2            Plaintiff Ameranth, Inc., for its Complaint against Defendant Fandango,  
3 Inc., avers as follows:

4                            **PARTIES**

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

16            2. Defendant Fandango, Inc. (“Fandango”) is, on information and belief, a  
17 Delaware corporation having a principal place of business and headquarters in Los  
18 Angeles, California. On information and belief, Fandango makes, uses, offers for  
19 sale or license and/or sells or licenses entertainment box office management and  
20 ticketing/ticket sales/ticket purchases information-technology products, software,  
21 components and/or systems within this Judicial District, including the Fandango  
22 Ticketing System as defined herein.

23                            **JURISDICTION AND VENUE**

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

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

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

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

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

### 19 **BACKGROUND**

20 8. Ameranth was established in 1996 to develop and provide its 21<sup>st</sup>  
21 Century Communications<sup>™</sup> innovative information technology solutions for the  
22 hospitality industry (inclusive of, *e.g.*, restaurants, hotels, casinos, nightclubs,  
23 cruise ships and other entertainment and sports venues). Ameranth has been  
24 widely recognized as a technology leader in the provision of wireless and  
25 internet-based systems and services to, *inter alia*, restaurants, hotels, casinos,  
26 cruise ships and entertainment and sports venues. Ameranth's award winning  
27 inventions enable, in relevant part, generation and synchronization of menus,  
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1 including but not limited to restaurant menus, event tickets, reservations, and  
2 other products across fixed, wireless and/or internet platforms as well as  
3 synchronization of hospitality information and hospitality software applications  
4 across fixed, wireless and internet platforms, including but not limited to,  
5 computer servers, web servers, databases, affinity/social networking systems,  
6 desktop computers, laptops, “smart” phones and other wireless handheld  
7 computing devices.

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

20         10. Ameranth’s pioneering inventions have been widely adopted and are  
21 now essential to the modern wireless hospitality enterprise of the 21st Century.  
22 Ameranth’s solutions have been adopted, licensed and/or deployed by numerous  
23 entities across various sectors of the hospitality industry.

24         11. The adoption of Ameranth’s technology by industry leaders and the wide  
25 acclaim received by Ameranth for its technological innovations are just some of  
26 the many confirmations of the breakthrough aspects of Ameranth’s inventions.  
27 Ameranth has received twelve different technology awards (three with “end  
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1 customer” partners) and has been widely recognized as a hospitality  
2 wireless/internet technology leader by almost all major national and hospitality  
3 print publications, *e.g.*, The Wall Street Journal, New York Times, USA Today  
4 and many others. Ameranth was personally nominated by Bill Gates, the  
5 Founder of Microsoft, for the prestigious Computerworld Honors Award that  
6 Ameranth received in 2001 for its breakthrough synchronized  
7 reservations/ticketing system with the Improv Comedy Theatres. In his  
8 nomination, Mr. Gates described Ameranth as “one of the leading pioneers of  
9 information technology for the betterment of mankind.” This prestigious award  
10 was based on Ameranth’s innovative synchronization of wireless/web/fixed  
11 hospitality software technology. Subsequently, the United States Patent and  
12 Trademark Office granted Ameranth a number of currently-issued patents, one of  
13 which is the patent-in-suit in this lawsuit, and three of which are the basis for the  
14 related patent infringement lawsuit pending in this Court against Fandango.  
15 Ameranth has issued press releases announcing these patent grants on business  
16 wires, on its web sites and at numerous trade shows, since the first of the  
17 presently-asserted patents in this Ameranth patent family issued in 2002. A  
18 number of companies have licensed patents and technology from Ameranth and  
19 mark their websites and/or products with Ameranth’s patent numbers, attesting to  
20 the value of Ameranth’s innovations. Documents reflecting such information  
21 have been provided by Ameranth to Fandango in another patent infringement  
22 action that Ameranth has asserted against Fandango.

23 **RELATED CASES PREVIOUSLY FILED**

24 12. The Ameranth patent asserted herein, U.S. Patent No. 6,982,733 (the  
25 “733 patent”), is the third patent to issue in Ameranth’s “Information  
26 Management and Synchronous Communications” patent family.

1 13. Ameranth is also currently asserting three other patents in Ameranth's  
2 Information Management and Synchronous Communications patent family  
3 against the present Defendant in a separate litigation pending in this Court  
4 (*Ameranth v. Fandango, Inc.*, Case No. 3:12-cv-01651-JLS-NLS). In addition,  
5 other lawsuits filed by Ameranth in this Court asserting claims of the Ameranth  
6 Information Management and Synchronous Communications patent family  
7 include Case Nos. 3:11-cv-01810-JLS-NLS, 3:12-cv-00729-JLS-NLS; 3:12-cv-  
8 00731-JLS-NLS; 3:12-cv-00732-JLS-NLS; 3:12-cv-00733-JLS-NLS; 3:12-cv-  
9 00737-JLS-NLS; 3:12-cv-00738-JLS-NLS (settled); 3:12-cv-00739-JLS-NLS and  
10 3:12-cv-00742-JLS-NLS; 3:12-cv-00858-JLS-NLS; 3:12-cv-1201-JLS-NLS  
11 (settled); 3:12-cv-01627-JLS-NLS; 3:12-cv-01629-JLS-NLS; 3:12-cv-01630-JLS-  
12 NLS; 3:12-cv-01631-JLS-NLS; 3:12-cv-01633-JLS-NLS; 3:12-cv-01634-JLS-  
13 NLS; 3:12-cv-01636-JLS-NLS; 3:12-cv-01640-JLS-NLS; 3:12-cv-01642-JLS-  
14 NLS; 3:12-cv-01643-JLS-NLS; 3:12-cv-01644-JLS-NLS; 3:12-cv-01646-JLS-  
15 NLS 3:12-cv-01647-JLS-NLS (settled); 3:12-cv-01648-JLS-NLS; 3:12-cv-01649-  
16 JLS-NLS; 3:12-cv-01650-JLS-NLS; 3:12-cv-01652-JLS-NLS; 3:12-cv-01653-  
17 JLS-NLS; 3:12-cv-01654-JLS-NLS; 3:12-cv-01655-JLS-NLS; 3:12-cv-01656-  
18 JLS-NLS; 3:12-cv-01659-JLS-NLS; 3:12-cv-02350-IEG-BGS; 3:13-cv-00350-  
19 JLS-NLS; 3:13-cv-00352-JLS-NLS; 3:13-cv-00353-JLS-NLS; 3:13-cv-0836-JLS-  
20 NLS (settled) and 3:13-cv-01072-IEG-BGS. All of the above still-pending cases  
21 have been consolidated for pre-trial through claim construction except for 3:12-  
22 cv-02350-IEG-BGS; 3:13-cv-00350-JLS-NLS; 3:13-cv-00352-JLS-NLS; 3:13-cv-  
23 00353-JLS-NLS and 3:13-cv-01072-IEG-BGS.

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1 **COUNT I**

2 **Patent Infringement (U.S. Pat. No. 6,982,733)**

3 **(35 U.S.C. § 271)**

4 14. Plaintiff reiterates and reincorporates the allegations set forth in  
5 paragraphs 1-13 above as if fully set forth herein.

6 15. On January 3, 2006, United States Patent No. 6,982,733 entitled  
7 “Information Management and Synchronous Communications System with Menu  
8 Generation, and Handwriting and Voice Modification of Orders” (“the ‘733  
9 patent”) (a true and correct copy of which is attached hereto as **Exhibit A**) was  
10 duly and legally issued by the United States Patent & Trademark Office (“PTO”).  
11 The ‘733 patent meets all patentability requirements of 35 U.S.C. §§101, 102, 103  
12 and 112, including patent eligible subject matter, enablement, definiteness,  
13 novelty and nonobviousness, as evidenced by the PTO’s thorough review of the  
14 disclosure and claims of the ‘733 patent and allowance of the claims based on said  
15 review in light of all applicable law and PTO rules and guidelines respecting  
16 patentability under Title 35.

17 16. Plaintiff Ameranth is the lawful owner by assignment of all right, title  
18 and interest in and to the ‘733 patent.

19 17. Siri is a speech-recognition and voice control/command application  
20 available on certain models of the Apple iPhone, iPod Touch and iPad. With iOS  
21 version 6.1, Siri is integrated with third-party systems/products/services including,  
22 *inter alia*, the Fandango Ticketing System. Siri sends commands through a  
23 remote server using a wireless data connection.

24 18. On information and belief, Fandango directly infringes and continues to  
25 directly infringe one or more valid and enforceable claims of the ‘733 patent, in  
26 violation of 35 U.S.C. § 271(a), by making, using, offering for sale or license  
27 and/or selling or licensing infringing systems, products, and/or services in the  
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1 United States without authority or license from Ameranth, including but not  
2 limited to the Fandango ticketing system/product/service, which includes, *inter*  
3 *alia*, wireless and internet ticketing integration, online and mobile ticketing/ticket  
4 sales/ticket purchases, integration with e-mail and affinity program and social  
5 media applications such as Facebook, Twitter, Groupon, and YouTube, and/or  
6 other third-party web-based applications, and other hospitality aspects (“Fandango  
7 Ticketing System”), as configured for use with wireless mobile handheld  
8 computing devices/smartphones/tablets and other devices running iOS with Siri  
9 voice recognition capability which enables voice controlled or assisted ordering of  
10 movie tickets on wireless/devices/smartphones/tablets and other devices such as  
11 the Apple iPhone, iPod Touch, iPad etc..

12 19. On information and belief, Fandango has indirectly infringed and  
13 continues to indirectly infringe one or more valid and enforceable claims of the  
14 ‘733 patent, in violation of 35 U.S.C. § 271(b), by actively, knowingly, and  
15 intentionally inducing direct infringement by other persons, by making, using,  
16 offering for sale or license and/or selling or licensing infringing systems, products,  
17 and/or services in the United States without authority or license from Ameranth,  
18 including but not limited to the Fandango Ticketing System as configured for use  
19 with wireless mobile handheld computing devices/smartphones/tablets and other  
20 devices running iOS with Siri voice recognition capability. For example,  
21 Fandango touted and promoted the Siri/Fandango integration after Apple  
22 announced the launch of iOS 6.1.

23 20. On information and belief, Fandango infringes by its own actions and  
24 through, or in concert with, agents of Fandango who are under the direction and  
25 control of Fandango by virtue of contractual agreements between Fandango and  
26 such parties including, for example, Fandango’s distribution partners or movie  
27 theaters which benefit from ticket sales.



1           21. On information and belief, the Fandango Ticketing System as configured  
2 for use with wireless mobile handheld computing devices/smartphones running  
3 iOS with Siri voice recognition capability, as deployed and/or used at or from one  
4 or more locations by Fandango, its agents, distributors, partners, affiliates,  
5 licensees, theaters, third-party businesses, and/or their customers, infringes one or  
6 more valid and enforceable claims of the '733 patent, by doing, or providing the  
7 capability for doing, at least one of the following: (a) Generating and transmitting  
8 menus in a system including a central processing unit, a data storage device  
9 connected to said central processing unit, an operating system including a  
10 graphical user interface, a first menu stored on said data storage device,  
11 application software for generating a second menu from said first menu and  
12 transmitting said second menu to a wireless handheld computing device or Web  
13 page, wherein the application software facilitates the generation of the second  
14 menu by allowing selection of items from the first menu, addition of items to the  
15 second menu and assignment of parameters to items in the second menu using the  
16 graphical user interface of said operating system, and said second menu is  
17 manually modified by voice recording or capture or recognition after generation;  
18 (b) Generating menus in a system including a central processing unit, a data  
19 storage device connected to said central processing unit, an operating system  
20 including a graphical user interface, a first menu stored on said data storage  
21 device, application software for generating a second menu from said first menu  
22 wherein the application software facilitates the generation of the second menu by  
23 allowing selection of items from the first menu, addition of items to the second  
24 menu and assignment of parameters to items in the second menu using the  
25 graphical user interface of said operating system and wherein data comprising the  
26 second menu is synchronized between the data storage device connected to the  
27 central processing unit and at least one other computing device, and said second  
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1 menu is manually modified by voice recording or capture or recognition after  
2 generation and/or (c) Generating menus in a system including a microprocessor, a  
3 display device, a data and instruction input device, a data storage device for  
4 storing information and instructions entered through said data and instruction  
5 input means or information generated by said microprocessor, an operating  
6 system, a master menu stored on said data storage device for generating a  
7 modified menu, and application software, wherein said microprocessor, operating  
8 system and application software are operative to display the master menu on the  
9 display device in response to instructions programmed into said microprocessor,  
10 operating system, application software and information and instructions entered  
11 through said data input device, and said microprocessor, operating system and  
12 application software are operative to create the modified menu from said master  
13 menu in response to information and instructions entered through said data and  
14 instruction input device and data comprising the modified menu is synchronized  
15 between the data storage device and at least one other computing device, wherein  
16 said modified menu is manually modified after generation.

17 22. On information and belief, customers of Fandango, including consumers,  
18 theater operators, and others, use the Fandango Ticketing System as configured  
19 for use with wireless mobile handheld computing devices/smartphones/tablets and  
20 other devices running iOS with Siri voice recognition capability in a manner that  
21 infringes upon one or more valid and enforceable claims of the '733 patent. For  
22 example, the Fandango Ticketing System provides generated menus for selection  
23 of theaters, films, show times, prices and ordering and purchasing of tickets as  
24 encompassed by claims of the '733 patent. Fandango provides instruction and  
25 direction regarding the use of the Fandango Ticketing System as configured for  
26 use with wireless mobile handheld computing devices/smartphones/tablets and  
27 other devices running iOS with Siri voice recognition capability and advertises,  
28

1 promotes, and encourages the use of same. For example, Fandango touted and  
2 promoted the Siri/Fandango integration after Apple announced the launch of iOS  
3 6.1.

4 23. On information and belief, Fandango actively induces others to infringe  
5 the ‘733 patent in violation of 35 U.S.C. §271(b) by actively, knowingly and  
6 intentionally encouraging, aiding and abetting theater operators, customers of  
7 Fandango, and others, including consumers and those businesses and persons  
8 identified elsewhere in this complaint, to use the infringing Fandango Ticketing  
9 System as configured for use with wireless mobile handheld computing  
10 devices/smartphones/tablets and other devices running iOS with Siri voice  
11 recognition capability in the United States without authority or license from  
12 Ameranth. For example, Fandango is integrated with Apple/Siri for ticket  
13 ordering. *See, e.g.*, [http://www.internetretailer.com/2013/01/29/apple-integrates-](http://www.internetretailer.com/2013/01/29/apple-integrates-fandango-siri-voice-commands)  
14 [fandango-siri-voice-commands](http://www.internetretailer.com/2013/01/29/apple-integrates-fandango-siri-voice-commands). Further, Fandango touted and promoted the  
15 Siri/Fandango integration after Apple announced the launch of iOS 6.1.

16 24. Fandango became aware of Ameranth’s patent family which includes the  
17 ‘733 patent well before the complaint in this action was filed. Three of the patents  
18 in this Ameranth patent family have been asserted in a prior action against  
19 Fandango filed June 29, 2012, as noted above. Additionally, Apple, Fandango’s  
20 business partner in connection with the Siri/Fandango integration, has been aware  
21 of the patent family which includes the ‘733 patent since well before the  
22 complaint in this action was filed and, on information and belief, Apple and  
23 Fandango are members of a joint defense group concerning Ameranth’s patent  
24 infringement lawsuits and share information with each other in connection with  
25 their participation in such group. Apple has been aware of Ameranth’s U.S.  
26 Patent No. 6,384,850 (“the ‘850 patent”) (the first patent to issue in this family)  
27 since at least March 31, 2010, when the ‘850 patent was cited as a prior art  
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1 reference in two Apple iPhone patent applications which issued to Apple under  
2 named inventors Bas Ording and Steven P. Jobs. Further, three of the patents in  
3 this Ameranth patent family have been asserted in several patent enforcement  
4 actions against Apple business partners, as noted above, including OpenTable  
5 (lawsuit filed in August 2011) (on information and belief, OpenTable, which is  
6 represented by the same counsel that represent Fandango in the earlier patent  
7 infringement action Ameranth has filed against Fandango, is also a member of the  
8 joint defense group in which Fandango and Apple are members). Due to the  
9 degree of integration between Apple and OpenTable including, *inter alia*, “direct  
10 SIRI integration” into OpenTable and the integration of OpenTable functionality  
11 into Apple’s iOS6, it is implausible that Apple was not informed of the Ameranth  
12 suit against OpenTable as early as August 2011. Thus, on information and belief,  
13 because of the degree of cooperation between Apple and Fandango as regards the  
14 Siri/Fandango integration, it is likewise implausible that Apple did not inform  
15 Fandango of the Ameranth patents, including the ‘733 patent asserted herein, or  
16 that Fandango did not independently learn of the Ameranth patents because of the  
17 large amount of publicity generated by all of the activities involving Apple, Siri  
18 and partners of Apple who integrated with Siri. Further, on information and  
19 belief, Fandango had knowledge of Ameranth’s patent family, including the ‘733  
20 patent, due to the widespread recognition Ameranth has received for its pioneering  
21 inventions as evidenced by the twelve different technology awards Ameranth has  
22 received, media recognition in The Wall Street Journal, New York Times, and  
23 USA Today, Bill Gates’ nomination of Ameranth for the Computerworld Honors  
24 Award, and the numerous press releases Ameranth has issued over the years.  
25 Fandango has thus obtained the level of knowledge required to support a claim for  
26 inducement of infringement regarding Fandango’s actions involving the Fandango  
27 Ticketing System as detailed herein.

1       25. On information and belief, Fandango contributorily infringes and  
2 continues to contributorily infringe one or more valid and enforceable claims of  
3 the ‘733 patent, in violation of 35 U.S.C. § 271(c), by making, using, offering to  
4 sell and/or selling components of systems on which claims of the ‘733 patent read,  
5 constituting a material part of the invention, knowing that the components were  
6 especially adapted for use in systems which infringe claims of the ‘733 patent and  
7 therefore have no substantial non-infringing use.

8       26. By making, distributing, selling, offering, offering to sell or license  
9 and/or selling or licensing the Fandango Ticketing System as configured for use  
10 with wireless mobile handheld computing devices/smartphones/tablets and other  
11 devices running iOS with Siri voice recognition capability, Fandango provides  
12 non-staple articles of commerce to others, including those businesses and persons  
13 identified elsewhere in this complaint, for use in infringing systems, products,  
14 and/or services. Additionally, Fandango provides instruction and direction  
15 regarding the use of the Fandango Ticketing System as configured for use with  
16 wireless mobile handheld computing devices/smartphones running iOS with Siri  
17 voice recognition capability and advertises, promotes, and encourages the use of  
18 same. For example, Fandango touted and promoted the Siri/Fandango integration  
19 after Apple announced the launch of iOS 6.1. Users of the Fandango System  
20 directly infringe one or more valid and enforceable claims of the ‘733 patent, for  
21 the reasons set forth hereinabove.

22       27. Fandango has had knowledge of the ‘733 patent, as set forth above, at  
23 least as early as the filing of a prior complaint alleging infringement of other  
24 patents in the same family containing the ‘733 patent, *i.e.*, June 29, 2012. On  
25 information and belief, Fandango also had such knowledge as early as March  
26 2010 as a result of Fandango’s business partner Apple’s knowledge of the  
27 Ameranth patent family, or August 2011 as a result of lawsuits asserting patents  
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1 from the same family against business partners of Apple as detailed above.  
2 Further, on information and belief, Fandango was also aware of the Ameranth  
3 patents due to the widespread recognition Ameranth has received for its  
4 pioneering inventions as detailed above. Fandango has thus obtained the level of  
5 knowledge required to support a claim for contributory infringement regarding  
6 Fandango actions involving the Fandango Ticketing System as configured for use  
7 with wireless mobile handheld computing devices/smartphones/ tablets and other  
8 devices running iOS with Siri voice recognition capability as detailed herein.

9 28. On information and belief, the aforesaid infringing activities of Defendant  
10 Fandango has been done with knowledge and willful disregard of Ameranth's  
11 patent rights, making this an exceptional case within the meaning of 35 U.S.C. §  
12 285. As detailed above, Fandango has had knowledge of the patent family which  
13 includes the '733 patent since at least June 29, 2012, well before the filing of the  
14 complaint in this action. On information and belief, Fandango also had such  
15 knowledge as early as March 2010 as a result of Fandango's business partner  
16 Apple's knowledge of the Ameranth patent family, or August 2011 as a result of  
17 lawsuits asserting patents from the same family against business partners of Apple  
18 as detailed above. Further, on information and belief, Fandango was also aware of  
19 the Ameranth patents due to the widespread recognition Ameranth has received  
20 for its pioneering inventions as detailed above. Fandango has thus obtained the  
21 level of knowledge required to support a claim for willful infringement.  
22 Fandango's deliberate decision to continue its infringing activities after obtaining  
23 said knowledge constitutes objectively reckless behavior justifying a finding of  
24 willfulness.

25 29. If Defendant does not cease and desist the aforesaid infringing activities,  
26 and instead continues to infringe valid and enforceable claims of the '733 patent  
27 after the date of filing and/or service of this complaint, then such infringing  
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1 actions will have been done with knowledge and willful disregard of Ameranth's  
2 patent rights, making this an exceptional case within the meaning of 35 U.S.C. §  
3 285.

4 30. The aforesaid infringing activity of Fandango has directly and  
5 proximately caused damage to plaintiff Ameranth, including loss of profits from  
6 sales or licensing revenues it would have made but for the infringements. Unless  
7 enjoined, the aforesaid infringing activity will continue and cause irreparable  
8 injury to Ameranth for which there is no adequate remedy at law.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, plaintiff Ameranth respectfully prays for judgment against  
11 Defendant as follows:

12 1. Adjudging that the manufacture, use, offer for sale or license and /or  
13 sale or license of the Fandango Ticketing System infringes valid and enforceable  
14 claims of the '733 patent, as set forth hereinabove;

15 2. Adjudging that Defendant has infringed, actively induced others to  
16 infringe and/or contributorily infringed valid and enforceable claims of the '733  
17 patent, as set forth hereinabove;

18 3. Adjudging that Defendant's infringement of the valid and  
19 enforceable claims of the '733 patent has been knowing and willful;

20 4. Enjoining Defendant, and its officers, directors, employees,  
21 attorneys, agents, representatives, parents, subsidiaries, affiliates and all other  
22 persons acting in concert, participation or privity with Defendant, and their  
23 successors and assigns, from infringing, contributorily infringing and/or inducing  
24 others to infringe the valid and enforceable claims of the '733 patent;

25 5. Awarding Ameranth the damages it has sustained by reason of  
26 Defendant's infringement, together with interest and costs pursuant to 35 U.S.C.  
27 § 284;

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1 6. Awarding Ameranth increased damages of three times the amount of  
2 damages found or assessed against Defendant by reason of the knowing, willful  
3 and deliberate nature of Defendant’s acts of infringement pursuant to 35 U.S.C. §  
4 284;

5 7. Adjudging this to be an exceptional case and awarding Ameranth its  
6 attorney’s fees pursuant to 35 U.S.C. §285;

7 8. Awarding to Ameranth its costs of suit, and interest as provided by  
8 law; and

9 9. Awarding to Ameranth such other and further relief that this Court  
10 may deem just and proper.

11 **DEMAND FOR JURY TRIAL**

12 Ameranth demands trial by jury of its claims set forth herein to the  
13 maximum extent permitted by law.

14 Respectfully submitted,

15 Dated: July 1, 2013

CALDARELLI HEJMANOWSKI & PAGE LLP

16 By: /s/ William J. Caldarelli  
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