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***Ameranth Defeats Infringing Defendants’
Second Attempt To Invalidate Its
Lead ‘21st Century Data Synchronization’
Patent In The USPTO***

‘Only patent in the US to have achieved a 100% victory (twice)’

August 25, 2015 San Diego, CA — Ameranth, Inc. announced today that the U.S. Patent And Trademark Office (USPTO) has concluded its review process of Ameranth’s lead ‘data synchronization’ patent (U.S. Patent No. **8,146,077**) under a second attempt to invalidate it under the Covered Business Method (CBM) review process initiated by many infringing Defendants. The Defendants’ petition failed, and all 18 claims of Ameranth’s ‘077 patent were confirmed **again** to be valid. The USPTO’s ‘non institution’ ruling is non-appealable. The USPTO issued its decision on August 20, 2015, in Apple Inc. v. Ameranth, Inc., CBM2015-00081, CBM2015-00095.

This is the first and only patent that has had multiple, serial CBM petitions filed against it, inclusive of all the available invalidity grounds, and yet emerged **100% victorious**, not once but twice. The ‘077 patent is infringed by all the Defendants, and since this USPTO ruling is non appealable, these Defendants will face trials once the current stay of the infringement case pending in the Southern District of California is lifted, anticipated now to occur in early 2016.

Infringing Defendants that have sought to invalidate this now **twice-confirmed** valid patent in either the first, second or both CBM petitions include, among others, Starbucks, Apple, Grubhub, Hilton, Mobo Systems (OLO), Papa John’s, Pizza Hut, Dominos, Living Social- (Onosys), Oracle (Micros), Opentable, Starwood, Expedia, Eventbrite, Marriott, Best Western, Hyatt, Ticketmaster, Stubhub, Fandango, Kayak, Hotel Tonight, Orbitz, Expedia, Agilysis, Hotels.com, UsableNet, Travelocity, Hotwire, Hotels.com, Live Nation and Zomato (Urbanspoon).

As was originally reported in the Law 360 publication on October 16, 2013 - ‘*Apple and others take aim at Ameranth patents in AIA Review*’. Not only did these infringing Defendants ‘take aim’ at Ameranth’s patents in October 2013, but they did so again, in February 2015. Thus, they ‘shot twice’ and ‘missed’ on **both** occasions. The Defendants will now have to face the fact that Ameranth’s inventions have been confirmed valid by the USPTO, yet again, as **novel and non-obvious**, despite the combined might of all the giant companies and their teams of legal forces that joined forces against Ameranth claiming otherwise.

The infringing companies that have been relying on these **twice-rejected** invalidity allegations including 'obviousness' and 'lack of novelty' are now fully exposed to enormous damages and risks. Further, almost all of these infringers have failed to disclose to their shareholders the full scope of their exposure for both past damages and ongoing/future royalties owed. Many of these infringing companies owe or will owe tens of millions of dollars in damages/fees each, and several defendants may already owe (or will owe) more than **\$100 million** in damages for their past and ever growing infringements, in addition to potential triple damages for willful infringement. In almost all instances, this exposure and these risks have not been publicly acknowledged, nor have shareholders even been warned/alerted, and some infringers (like OLO) have had to be formally warned by Ameranth to stop slandering Ameranth's patents and misleadingly telling their restaurant chain customers that Ameranth's patents have 'been invalidated' and that 'they have nothing to worry about'. Other infringers like Dominos, Hyatt, and Starbucks have been boasting about their own alleged technical 'acumen' and 'vision', yet this so called 'vision' of theirs was/is actually that of Ameranth's inventors; e.g., while claiming in their petitions to the USPTO that Ameranth 'invented nothing' in 1998/1999, Starbuck's has recently referred to their own use of Ameranth's inventions as their own '**holy grail**' after replicating Ameranth's prior inventions.

"It is very gratifying that our strategic '077 patent and all of its 18 claims have once again survived the arduous CBM reviews by the U.S. Patent and Trademark Office after the Defendants' 'second attempt' to invalidate those claims through the CBM process. In other words, the Defendants' CBM's failed, again. We are now stronger than ever and fully committed to move forward to trial in 2016, while continuing to offer fair and reasonable license terms to those that wish to operate ethically and respect our twice confirmed valid inventions. No longer can the infringing companies rely on advice or opinions that Ameranth's '077 inventions are not novel. That contention has been resoundingly rejected by the USPTO. I am very excited for Ameranth's future, looking forward into 2016 and beyond," stated Vern Yates, Ameranth's Chairman and Chief Executive Officer.

Following the pivotal, milestone patent license with Taco Bell and its **6000+** locations in 2014 - which have now rolled out nationwide-- Ameranth's direct 'data synchronization' licenses (including industry powerhouses like Xpient, Cardfree, Tillster/EMN8, Monkeymedia, SplickIt, PAR/Brink, RRT, Chownow, Cognizant and others) now number **36** (with dozens of 'sub-licensees'),- representing/including more than **25** nationally recognized restaurant chains, totaling more than **50,000** deployed locations, which are in various stages of mobile/web roll-outs. Two more of the largest restaurant chains in the world will be rolling out mobile ordering later this year, licensed for Ameranth's patents. More and more chains/companies are ethically recognizing and respecting the value and validity of Ameranth's multiple award winning, intellectual property. Further, the trends for greater usage of smart phones for ordering, reservations, waitlists, ticketing and mobile payments will only continue to grow, with corresponding licensing revenue increases for Ameranth, based upon its 'transaction based', recurring revenue patent licensing model.

The adoption of Ameranth's technology by so many industry leaders/chains and the wide acclaim received by Ameranth for its technological innovations are just some of the many confirmations of the breakthrough aspects of Ameranth's inventions. Ameranth has received twelve different technology awards (three with "end customer" partners) and has been widely recognized as a hospitality wireless/internet technology leader by almost all major national and hospitality print publications, e.g., The Wall Street Journal, The New York Times, USA Today, Harvard Business Review and many others. Ameranth was personally nominated by Bill Gates, the Founder of

Microsoft, for the prestigious Computerworld Honors Award that Ameranth received in 2001 for its breakthrough synchronized reservations/ticketing system with the Improv Comedy Theatres. In his nomination, Mr. Gates described Ameranth as “*one of the leading pioneers of information technology for the betterment of mankind.*”

About Ameranth, Inc.:

Ameranth, Inc. (<http://www.ameranth.com>) is a recognized leader in the hospitality technology market, having been featured in the *Wall Street Journal*, *New York Times*, *Chicago Sun Times*, *USA Today*, *Business Week*, *Fortune*, *US News & World Report*, *Nation's Restaurant News*, *Hospitality Technology*, *TIME*, *CNNfn*, *San Diego Union Tribune*, and numerous other prestigious publications. Ameranth has also been awarded or participated in twelve technology/“best product” awards.

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