



FOR IMMEDIATE RELEASE

***Ameranth Announces Plans To Seek A
Lifting of The Stay Of Its Patent
Infringement Cases And To Promptly
Proceed To Trial***

“Federal Circuit Denied Ameranth’s Appeal Of Certain Claims of Its Early Patents”

November 30, 2016, San Diego, CA — Ameranth, Inc. announced today that it will promptly seek an order from the District Court for the Southern District of California (SDCA) lifting the stay of patent infringement litigation that the Court granted three years ago, on November 26, 2013. This will once again enable Ameranth to enforce its patents against more than 30 infringing companies and to seek damages and payments for unauthorized use of Ameranth’s inventions. If the Court agrees to lift the stay, Ameranth intends to seek the earliest possible trial date.

Over the last three years, the infringing defendants have exploited the America Invents Act (AIA) of 2011 and filed a total of 15 Covered Business Method (CBM) petition challenges against the Ameranth family of patents, i.e., the `850, `325, `733, `077 and `060 patents. These CBM challenges are reviewed by the new Patent Trial and Appeal Board (PTAB) which is known to be highly favorable to companies challenging validity of patent claims, since under the AIA: (1) the patent owner does not have the benefit of any “presumption of validity,” (2) the “clear and convincing evidence” standard is eliminated, and (3) the construction of the patent claims is the broadest possible—all highly favoring patent challengers. Other procedural aspects of the AIA and CBMs have led to a very high success rate in invalidating patent claims, and the fact that these challengers can file multiple petitions (i.e., “do overs”) when they fail at first is, again, indicative of a forum that is structured to make the invalidation of patents much easier than in District Courts, such as in the SDCA, where the procedures, standards and rules provide a level playing field for proving infringement and make invalidation much more difficult. Even a single valid and infringed claim of even a single patent renders the infringer liable for the full amount of all royalties owed.

After these 15 serial CBM challenges and yesterday’s Federal Circuit denial of Ameranth’s appeal as to multiple claims of its first three patents, the overall status is that: 10 claims of the `850 and `325 patents remain either valid or on further appeal to the Federal Circuit, all 18 claims of the `077 patent and all 23 claims of the `060 patent remain valid. Two additional patent applications (with 40 additional claims) are currently pending before the USPTO as well—including claims directed to Ameranth’s “Intelligent Automated Assistant” innovations, e.g., “chatbots,” which are in an exciting and exploding area of mobile technology. Further, every claim of the `077 patent has been confirmed valid against multiple CBM petition challenges including virtually every possible

invalidity ground. To the best of Ameranth's knowledge, the '077 patent is the **only** patent that has survived such CBM challenges with 100% success.

Ameranth's direct "data synchronization" licenses number **45** (with dozens of sub-licensees)—representing/including more than **25** nationally recognized, large restaurant chains, totaling more than **50,000** deployed locations, which are in various stages of roll-out. Ameranth has signed patent license agreements with Taco Bell, BJ's Restaurants, Jersey Mike's, Tilster Inc, Xpient Solutions Inc, EMN8, ORDIT, Squirrel Systems, Cardfree (Dunkin Donuts), Cognizant Inc., Monkeymedia, Splickit, Radiant, Red-Fork, Menusoft, Nu-Order, Tap to Eat, Restaurant Revolution Technologies, Netwaiter, Brink Software, Savory Mobile, Skywire Media, Chownow, Compelcart, Munchaway, OrderBee LLC, Meplus1 LLC, Ticketmob/Laughstub, Par, Subtldata, Comcash, Snapfinger, My Check LLC, Fork LLC, Circleshout, as well as others.

"While we disagree with and are disappointed in yesterday's Federal Circuit ruling as to the §101 eligibility of certain claims of our earlier-issued patents, Ameranth has the highest respect for the Federal Circuit and its commitment to fairness. It is well recognized in the patent community that the AIA itself and CBMs in particular are highly favorable to patent challengers and succeed often due to the challenger-friendly rules/standards applied by the PTAB. However, the same PTAB judges who ruled against Ameranth as to these early patents have confirmed the eligibility and validity of all claims of the later-issued '077 patent. Today's decision is completely inapplicable to the '077 claims—all of which remain eligible, valid and enforceable for the upcoming proceedings in the Southern District of California going forward in 2017 and beyond. We look forward to promptly proceeding to trial in the SDCA," stated Vern Yates, Ameranth's Chairman and Chief Executive Officer.

The adoption of Ameranth's technology by industry leaders 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, 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.

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*, *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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