

1 **CALDARELLI HEJMANOWSKI & PAGE LLP**

2 William J. Caldarelli (SBN #149573)

3 Ben West (SBN #251018)

4 12340 El Camino Real, Suite 430

5 San Diego, CA 92130

6 Telephone: (858) 720-8080

7 Facsimile: (858) 720-6680

8 wjc@chplawfirm.com

9 dbw@chplawfirm.com

10 **FABIANO LAW FIRM, P.C.**

11 Michael D. Fabiano (SBN #167058)

12 12526 High Bluff Drive, Suite 300

13 San Diego, CA 92130

14 Telephone: (619) 742-9631

15 mdfabiano@fabianolawfirm.com

16 **OSBORNE LAW LLC**

17 John W. Osborne (*Appointed Pro Hac Vice*)

18 33 Habitat Lane

19 Cortlandt Manor, NY 10567

20 Telephone: (914) 714-5936

21 josborne@osborneipl.com

22 **WATTS LAW OFFICES**

23 Ethan M. Watts (SBN #234441)

24 12340 El Camino Real, Suite 430

25 San Diego, CA 92130

26 Telephone: (858) 509-0808

27 Facsimile: (619) 878-5784

28 emw@ewattslaw.com

Attorneys for Plaintiff Ameranth, Inc.

1 Plaintiff Ameranth, Inc. hereby serves its Disclosure of Asserted Claims
2 and Infringement Contentions under Patent Local Rule 3.1, as to Defendant
3 Wanderspot, LLC a/k/a Urbanspoon (“Urbanspoon”).

4 Discovery in this case is ongoing and the Court has not yet construed the
5 asserted claims of the Patents-in-Suit. Ameranth reserves the right to serve
6 Amended Infringement Contentions under Patent Local Rule 3.6(a), by Court
7 order, or as otherwise permitted. Under Patent Local Rule 3.2, Ameranth is
8 making a document production and hereby separately identifies by bates
9 numbers which documents correspond to categories (a) – (e) of Patent Local
10 Rule 3.2 in Exhibit B attached hereto.

11 **A. Claims Infringed.**

12 Urbanspoon infringes at least claims 12, 13, 14, and 15 of U.S. Patent No.
13 6,384,850 (the “ ‘850 patent”); claims 12 and 13 of U.S. Patent No. 6,871,325
14 (the “ ‘325 patent”); and claims 13, 16, and 18 of U.S. Patent No. 8,146,077 (the
15 “ ‘077 patent”).

16 **B. Accused Instrumentality.**

17 “The Urbanspoon Reservation and Table Management System” or
18 “Accused System”, includes, inter alia, wireless and internet POS and restaurant
19 reservation and table management integration, online and mobile reservations,
20 integration with e-mail and affinity programs and social media applications such
21 as Facebook, Twitter, Groupon, and YouTube, and/or other third-party web-
22 based applications, other hospitality aspects, and associated services, whether
23 consumer facing or non-consumer facing.

24 The Urbanspoon Reservation and Table Management System infringes at
25 least claims 12, 13, 14, and 15 of the ‘850 patent; claims 12 and 13 of the ‘325
26 patent; and claims 13, 16, and 18 of the ‘077 patent.

27 ///

28

1 **C. Claim Charts.**

2 Charts for each of the '850, '325 and '077 patents that identify
3 specifically where each limitation of each asserted claim within the Accused
4 Instrumentality are attached hereto as Exhibit A. The left column of each chart
5 recites the limitations of the asserted claims verbatim for the applicable patent.
6 The right column shows where a corresponding element is found in the Accused
7 Instrumentality. These identifications are based on Ameranth's present
8 understanding of information currently available to Ameranth. Ameranth
9 reserves the right to supplement these charts as discovery proceeds.

10 **D. Indirect Infringement.**

11 Ameranth has noted in the claim charts attached as Exhibit A the claims
12 that Ameranth contends Urbanspoon has directly and indirectly infringed. As
13 set forth in the claim charts, in addition to direct infringement, Urbanspoon is
14 liable for induced infringement and contributory infringement.

15 **E. Literal Infringement and Doctrine of Equivalents.**

16 Ameranth presently contends that The Urbanspoon Reservation and Table
17 Management System infringes the asserted claims of the '850, '325, and '077
18 patents literally. Ameranth has noted in the claim charts attached as Exhibit A
19 the claim elements that Ameranth contends are literally infringed and/or present
20 under the doctrine of equivalents.

21 **F. Priority.**

22 The '325 patent claims priority to an earlier application, U.S. Serial No.
23 09/400,413, which was filed on September 21, 1999 and from which the '850
24 patent issued. The '077 patent also claims priority to U.S. Serial No. 09/400,413
25 filed on September 21, 1999. Ameranth asserts a conception date for the
26 asserted claims of September 1998 and reduction to practice prior to the priority
27 application filing date.

28

1 **G. Products Practicing Invention.**

2 Versions of the following Ameranth products have incorporated or
3 reflected the inventions claimed in the Patents-in-Suit in one or more of the
4 asserted claims as shown below:

5	21st Century Restaurant	'850 Claims 12-15
6	(Nov. 1998 and later)	'325 Claim 11
7		'077 Claims 1, 3, 6, 7, 8, 9, 11, 12, 13,
8		15, 16, 17, and 18
9	Improv Comedy Club Ticketing	'850 Claims 12-15
10	System	'325 Claim 11
11	(Nov. 1999-Nov. 2000)	'077 Claims 1, 3, 6, 7, 8, 9, 11, 12, 13,
12		15, 16, 17, and 18
13	Hostalert	'850 Claims 12-15
14		'077 Claims 1, 6, 7, 8, 9, 11, 13, 16,
15		and 18
16	eHost	'850 Claims 12-15
17		'325 Claim 11
18		'077 Claims 1, 3, 6, 7, 8, 9, 11, 12, 13,
19		15, 16, 17, and 18
20	Magellan	'850 Claims 12-15
21		'077 Claims 1, 6, 8, 9, 11, 13, 15, 16,
22		17 and 18

23 **H. Willful Infringement.**

24 Ameranth is informed and believes that Urbanspoon became aware of
25 Ameranth's patents prior to the filing of this lawsuit due to the widespread
26 knowledge of Ameranth's patents in the online ordering and reservations
27 industry/marketplace. Urbanspoon continues to infringe valid and enforceable
28

1 claims of the '850, '325 and '077 patents with knowledge and willful disregard
2 of Ameranth's patent rights after being put on notice of such infringement at
3 least as early as the filing of the lawsuit and/or service of the complaint on
4 Urbanspoon.

5 Dated: April 29, 2013

CALDARELLI HEJMANOWSKI & PAGE LLP

7 By: /s/ William J. Caldarelli

8 William J. Caldarelli

9 FABIANO LAW FIRM, P.C.

10 Michael D. Fabiano

11 OSBORNE LAW LLC

12 John W. Osborne

13 WATTS LAW OFFICES

14 Ethan M. Watts

15 **Attorneys for Plaintiff Ameranth, Inc.**

16
17
18
19
20
21
22
23
24
25
26
27
28