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Attorneys for Plaintiff Ameranth, Inc.

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: AMERANTH  
PATENT LITIGATION**

**CASE NOS.**

11cv1810 DMS (WVG) 12cv1643 DMS (WVG)  
12cv0729 DMS (WVG) 12cv1644 DMS (WVG)  
12cv0731 DMS (WVG) 12cv1646 DMS (WVG)  
12cv0732 DMS (WVG) 12cv1648 DMS (WVG)  
12cv0733 DMS (WVG) 12cv1649 DMS (WVG)  
12cv0737 DMS (WVG) 12cv1650 DMS (WVG)  
12cv0739 DMS (WVG) 12cv1651 DMS (WVG)  
12cv0742 DMS (WVG) 12cv1652 DMS (WVG)  
12cv0858 DMS (WVG) 12cv1653 DMS (WVG)  
12cv1627 DMS (WVG) 12cv1654 DMS (WVG)  
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12cv1631 DMS (WVG) 13cv0350 DMS (WVG)  
12cv1633 DMS (WVG) 13cv0352 DMS (WVG)  
12cv1634 DMS (WVG) 13cv0353 DMS (WVG)  
12cv1636 DMS (WVG) 13cv1072 DMS (WVG)  
12cv1640 DMS (WVG) 13cv1520 DMS (WVG)  
12cv1642 DMS (WVG) 13cv1525 DMS (WVG)  
12cv2350 DMS (WVG) 13cv1840 DMS (WVG)

**NOTICE OF LODGMENT OF DOCUMENTS  
IN SUPPORT OF PLAINTIFF AMERANTH,  
INC.'S MOTION TO DISQUALIFY AKIN  
GUMP**

Date: January 3, 2014  
Time: 1:30 p.m.  
Courtroom: 13A  
Judge: Hon. Dana M. Sabraw

Complaint Filed: August 15, 2011

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT Plaintiff Ameranth, Inc. (“Ameranth”)  
3 hereby lodges true and correct copies of the following documents with the Court in  
4 support of Ameranth’s Motion to Disqualify Counsel:

5 **Exhibit 1:** Akin Gump press release dated October 3, 2011, announcing that  
6 former Magistrate Judge Charles Everingham joined the Akin Gump firm as a  
7 partner at the same time that attorney David Stein (attorney for Hilton in these  
8 consolidated cases) joined the Akin Gump firm as a partner, printed from the Akin  
9 Gump website on November 19, 2013.

10 **Exhibit 2:** List of Akin Gump attorneys working in the Longview, Texas,  
11 office, printed from the Akin Gump website on November 18, 2013.

12 **Exhibit 3:** Profile of Charles Everingham appearing on the Akin Gump  
13 website, printed from the Akin Gump website on November 18, 2013.

14 **Exhibit 4:** Profile of David Stein appearing on the Akin Gump website,  
15 printed from the Akin Gump website on November 21, 2013.

16 **Exhibit 5:** Notice of Appearance of David Stein on behalf of defendant in  
17 *Lodsys Group, LLC v. Caesars Interactive Entertainment, Inc.*, Eastern District of  
18 Texas Case No. 2:13-cv-272, dated May 15, 2013. Ameranth further requests that  
19 judicial notice be taken of this document as a record of a United States District  
20 Court.

21 **Exhibit 6:** Notice of Appearance of Charles Everingham on behalf of  
22 defendant in *Lodsys Group, LLC v. Caesars Interactive Entertainment, Inc.*,  
23 Eastern District of Texas Case No. 2:13-cv-272, dated May 15, 2013. Ameranth  
24 further requests that judicial notice be taken of this document as a record of a  
25 United States District Court.

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1           **Exhibit 12:** Report and Recommendation regarding Motion to Dismiss  
2 issued by the Honorable Charles Everingham on August 16, 2011, in *Ameranth v.*  
3 *Par*, Eastern District of Texas Case No. 2:10-cv-294 [Dkt. No. 107]. Ameranth  
4 further requests that judicial notice be taken of this document as a record of a  
5 United States District Court.

6           **Exhibit 13:** Order granting defendant's motion to disqualify counsel entered  
7 by the Honorable Charles Everingham on January 18, 2008, in *Superspeed, LLC v.*  
8 *IBM Corp.*, Eastern District of Texas Case No. 2:07-cv-089 [Dkt. No. 77].  
9 Ameranth further requests that judicial notice be taken of this document as a record  
10 of a United States District Court.

11           **Exhibit 14:** Brochure from the ABA Section of Intellectual Property Law  
12 27<sup>th</sup> Annual Intellectual Property Law Conference, March 28-30, 2012, showing as  
13 panelists both Charles Everingham (at p. 8) and David Stein (at p. 15) of Akin  
14 Gump, printed from the ABA IP Section's webpage on November 22, 2013.

15   Respectfully submitted,

16 Dated: November 22, 2013

CALDARELLI HEJMANOWSKI & PAGE LLP

17   By: /s/ William J. Caldarelli

18   William J. Caldarelli

19   Ben West

20   FABIANO LAW FIRM, P.C.

21   Michael D. Fabiano

22   OSBORNE LAW LLC

23   John W. Osborne

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25   Ethan M. Watts

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