

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.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AMERANTH, INC.

Plaintiff,

v.

APPLE, INC.

Defendant.

Civil Action No.: 3:12-cv-2350-IEG-BGS

**NOTICE OF MOTION AND MOTION OF
PLAINTIFF AMERANTH, INC. FOR
LEAVE TO FILE A SECOND AMENDED
COMPLAINT**

HEARING

Date: July 1, 2013
Time: 10:30 a.m.
Place: Courtroom 4-D

**No Oral Argument Unless Requested By
The Court**

Hon. Irma E. Gonzalez

Complaint Filed: September 26, 2012

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

2 PLEASE TAKE NOTICE THAT, on July 1, 2013, at 10:30 a.m., in
3 Courtroom 4-D of the United States District Court for the Southern District of
4 California, Plaintiff Ameranth, Inc. (“Ameranth”), will and hereby does move
5 the Court for leave to file a second amended complaint in the form lodged
6 herewith.

7 The motion is based on this Notice and Motion, the accompanying
8 Memorandum of Points and Authorities, the accompanying Notice of Lodgment
9 and the Exhibit thereto, the pleading, papers and Orders on file in this matter,
10 and such other evidence and argument as may be presented to the Court.

11 The motion is brought on the grounds that good cause exists to permit
12 filing of a second amended complaint and no prejudice will be caused to
13 defendant Apple, Inc.

14 No oral argument is requested by Ameranth on the motion unless required
15 by the Court.

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17 Dated: May 14, 2013

CALDARELLI HEJMANOWSKI & PAGE LLP

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19 By: /s/ William J. Caldarelli

20 William J. Caldarelli

21 FABIANO LAW FIRM, P.C.

22 Michael D. Fabiano

23 OSBORNE LAW LLC

24 John W. Osborne

25 WATTS LAW OFFICES

26 Ethan M. Watts

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

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