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28 Attorneys for Plaintiff Ameranth, Inc.

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

**IN RE: AMERANTH PATENT  
LITIGATION**

Lead Case No. 11cv1810 DMS (WVG)

**NOTICE OF MOTION AND RENEWED  
MOTION OF AMERANTH, INC.  
TO LIFT STAY OF PROCEEDINGS**

**Date: January 13, 2017  
Time: 1:30 p.m.  
Courtroom: 13A**

Complaint Filed: August 15, 2011

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

2 PLEASE TAKE NOTICE THAT, on January 13, 2017, at 1:30 p.m., in  
3 Courtroom 13A of the United States District Court for the Southern District of  
4 California, Plaintiff Ameranth, Inc. (“Ameranth”) will and hereby does move the  
5 Court for an Order lifting the current stay of proceedings of Ameranth’s  
6 Consolidated Infringement Lawsuit to permit Ameranth to go forward with claims  
7 for infringement of its ‘077 patent.

8 The Motion is brought on the grounds that: (1) the Federal Circuit Court of  
9 Appeals has now issued a final decision on the appeals of the Covered Business  
10 Method (“CBM”) review petitions filed by the defendants in this matter with the  
11 Patent Trial and Appeal Board (“PTAB”) on which the Court’s November 26,  
12 2013 Order Staying Proceedings was based; and (2) the PTAB did not institute  
13 CBM review of any of the claims of Ameranth’s ‘077 patent, and the PTAB’s  
14 non-institution decisions are not subject to appeal to the Federal Circuit.

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1 The Motion is based on this Notice of Motion, the accompanying  
2 Memorandum of Points and Authorities, the Notice of Lodgment and all Exhibits  
3 thereto, the pleadings and materials on file with the Court in this matter, and such  
4 other evidence and argument as may be presented to the Court at or before the  
5 hearing on the Motion.

6 Respectfully submitted,

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8 Dated: December 2, 2016 CALDARELLI HEJMANOWSKI PAGE & LEER LLP

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10 By: /s/ William J. Caldarelli  
11 William J. Caldarelli

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