

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 2019-1141, 2019-1144

Ameranth, Inc.

v.

Domino's Pizza, LLC and Domino's Pizza, Inc.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Ameranth, Inc.

Party is (select one) Appellant/Petitioner Cross-Appellant
 Appellee/Respondent Intervenor

Tribunal appealed from and Case No. U.S.D.C., S.D. Cal., Case Nos. 3:11-cv-1810, 3:12-cv-733

Date of Judgment/Order October 11, 2018 Type of Case Patent Litigation

Relief sought on appeal Reversal of judgment of patent invalidity under 35 U.S.C. § 101

Relief awarded below (if damages, specify) _____

Grant of Motion for Summary Judgment of Unpatentability under Section 101 and dismissal of all claims by corresponding judgment

Briefly describe the judgment/order appealed from Ameranth, Inc. appeals from the District Court's Judgment entered

October 11, 2018, which granted Domino's Pizza, LLC and Domino's Pizza, Inc.'s Motion for Summary Judgment of Unpatentability under Section 101 and found claims 1, 4-9, 11, 13-18 of U.S. Patent No. 8,146,077 invalid under 35 U.S.C. § 101, and the September 25, 2018 Order Granting Domino's Pizza, LLC and Domino's Pizza, Inc.'s Motion for Summary Judgment of Unpatentability

Nature of judgment (select one)

- Final Judgment, 28 USC 1295
 Rule 54(b)
 Interlocutory Order (specify type) _____
 Other (explain; see Fed. Cir. R. 28(a)(5)) _____

FORM 26. Docketing Statement

Form 26
Rev. 10/16

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued.

If none, please state none.

[Empty box for related cases]

This Court decided a case involving claims of patents from the same patent family but with different claim scopes in Apple, Inc. v. Ameranth, Inc., Nos. 2015-1703, 2015-1704, 2015-1792, 2015-1793, and the opinion was written by Circuit Judge Jimmie V. Reyna. However, Apple, Inc. v. Ameranth, Inc. does not qualify as a related case under Fed. Cir. R. 47.5

Brief statement of the issues to be raised on appeal See attached page

Have there been discussions with other parties relating to settlement of this case? Yes No If "yes," when were the last such discussions?

- Before the case was filed below?
- During the pendency of the case below?
- Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? Yes No

If they were mediated, by whom? The Honorable William V. Gallo

Do you believe that this case may be amenable to mediation? Yes No

Please explain why you believe the case is or is not amenable to mediation.

The parties' positions on the merits are not amenable to mediation at this time

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Not applicable

I certify that I filed this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this

14th day of November, 2018

by: the Court's CM/ECF system

(manner of service)

Richard C. Weinblatt

/s/ Richard C. Weinblatt

Name of Counsel

Signature of Counsel

Law Firm

Stamoulis & Weinblatt LLC

Address

Two Fox Point Centre, 6 Denny Road, Suite 307

City, State, ZIP

Wilmington, DE 19809

Telephone Number

302-999-1540

FAX Number

302-762-1688

E-mail Address

weinblatt@swdelaw.com

Reset Fields

Brief statement of the issues to be raised on appeal:

1. Whether the District Court erred in granting Domino's Pizza, LLC and Domino's Pizza, Inc.'s motion for summary judgment and finding claims 1, 4-9, 11, 13-18, which included claims not asserted against Domino's Pizza, LLC and Domino's Pizza, Inc., of U.S. Patent No. 8,146,077 (the "'077 patent") invalid pursuant to 35 U.S.C. § 101;

2. Whether the District Court erred in finding the '077 patent to be directed to an abstract idea; and, alternatively, whether the District Court erred in characterizing the claims overbroadly;

3. Whether the District Court erred in finding insufficient meaningful limitations or inventive concept for transforming any claimed abstract idea into a patent-eligible application; and

4. Whether the District Court erred by disregarding Ameranth, Inc.'s factual evidence including (a) the '077 patent's intrinsic record which detailed problems of the prior art, how the claimed inventions solved those problems, and included accolades for the claimed inventions, and (b) declarations that evidenced the technological improvements of the claimed inventions and the non-conventionality of the inventions when granting Domino's Pizza, LLC and Domino's Pizza, Inc.'s motion for summary judgment and finding claims invalid under § 101.

**United States Court of Appeals
for the Federal Circuit**

*Ameranth, Inc. v. and Domino's Pizza, LLC and Domino's Pizza, Inc.,
2019-1141, 2019-1144*

CERTIFICATE OF SERVICE

I, Robyn Cocho, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

Counsel Press was retained by STAMOULIS & WEINBLATT LLC, Attorneys for Appellant to print this document. I am an employee of Counsel Press.

On November 14, 2018, Counsel for Appellant has authorized me to electronically file the foregoing Unopposed Motion to Amend Caption with the Clerk of Court using the NextGen System, which will serve via e-mail notice of such filing to all registered as NextGen users.

November 14, 2018

/s/ Robyn Cocho
Counsel Press