

NOTE: This order is nonprecedential.

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

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**AMERANTH, INC.,**  
*Plaintiff-Appellant*

**v.**

**DOMINO'S PIZZA, LLC, DOMINO'S PIZZA, INC.,**  
*Defendants-Appellees*

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2022-1200, 2022-2223

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Appeals from the United States District Court for the  
Southern District of California in No. 3:12-cv-00733-DMS-  
WVG, Judge Dana M. Sabraw.

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**AMERANTH, INC.,**  
*Plaintiff-Appellant*

**v.**

**PAPA JOHN'S USA, INC., OPENTABLE, INC.,  
SEAMLESS NORTH AMERICA, LLC, GRUBHUB,  
INC., AGILYSYS, INC., HYATT CORPORATION,  
STARWOOD HOTELS & RESORTS WORLDWIDE  
INC., BEST WESTERN INTERNATIONAL, INC.,  
MARRIOTT INTERNATIONAL, INC., RITZ-  
CARLTON HOTEL COMPANY, L.L.C., MARRIOTT  
HOTEL SERVICES, INC., RENAISSANCE HOTEL**

**OPERATING COMPANY, HOTEL TONIGHT, INC.,  
HOTELS.COM, L.P., HILTON RESORTS  
CORPORATION, HILTON WORLDWIDE, INC.,  
HILTON INTERNATIONAL CO., KAYAK  
SOFTWARE CORPORATION, MOBO SYSTEMS,  
INC., ORBITZ, LLC, STUBHUB, INC.,  
TICKETMASTER, LLC, LIVE NATION  
ENTERTAINMENT, INC., TRAVELOCITY.COM LP,  
USABLENET, INC., FANDANGO, INC., HOTWIRE,  
INC., EXPEDIA, INC., ORACLE CORPORATION,  
ATX INNOVATION, INC., APPLE INC.,  
EVENTBRITE, INC., TICKETBISCUIT, LLC,  
TICKETFLY, INC., STARBUCKS CORPORATION,  
*Defendants-Appellees***

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2022-1655, 2022-1657, 2022-1660, 2022-1661, 2022-1662,  
2022-1663, 2022-1666, 2022-1667, 2022-1668, 2022-1669,  
2022-1671, 2022-1672, 2022-1673, 2022-1674, 2022-1675,  
2022-1676, 2022-1677, 2022-1678, 2022-1679, 2022-1680,  
2022-1681, 2022-1682, 2022-1683, 2022-1684, 2022-1686,  
2022-1687, 2022-1689, 2022-1690, 2022-1692

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Appeals from the United States District Court for the  
Southern District of California in Nos. 3:12-cv-00729-DMS-  
WVG, 3:12-cv-00731-DMS-WVG, 3:12-cv-00737-DMS-  
WVG, 3:12-cv-00739-DMS-WVG, 3:12-cv-00858-DMS-  
WVG, 3:12-cv-01627-DMS-WVG, 3:12-cv-01629-DMS-  
WVG, 3:12-cv-01630-DMS-WVG, 3:12-cv-01631-DMS-  
WVG, 3:12-cv-01633-DMS-WVG, 3:12-cv-01634-DMS-  
WVG, 3:12-cv-01636-DMS-WVG, 3:12-cv-01640-DMS-  
WVG, 3:12-cv-01642-DMS-WVG, 3:12-cv-01644-DMS-  
WVG, 3:12-cv-01646-DMS-WVG, 3:12-cv-01648-DMS-  
WVG, 3:12-cv-01649-DMS-WVG, 3:12-cv-01650-DMS-  
WVG, 3:12-cv-01651-DMS-WVG, 3:12-cv-01653-DMS-  
WVG, 3:12-cv-01654-DMS-WVG, 3:12-cv-01655-DMS-  
WVG, 3:12-cv-01656-DMS-WVG, 3:12-cv-02350-DMS-

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WVG, 3:13-cv-00350-DMS-WVG, 3:13-cv-00352-DMS-WVG, 3:13-cv-00353-DMS-WVG, and 3:13-cv-01072-DMS-WVG, Judge Dana M. Sabraw.

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**ON MOTION**

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Before DYK, *Circuit Judge*.

**O R D E R**

This court previously held Domino's Pizza, LLC and Domino's Pizza, Inc.'s motion to dismiss Appeal No. 2022-1200 in abeyance and remanded for resolution of Ameranth, Inc.'s motion to extend the time to file its notice of appeal. The parties now inform the court that the district court granted that extension and Ameranth has filed a new notice of appeal, docketed as Appeal No. 2022-2223. The parties agree that Appeal Nos. 2022-1200 and 2022-2223 should be consolidated and for the appeals to proceed. ECF No. 21 at 3; ECF No. 22 at 6. Consistent with this court's June 3, 2022 order and Ameranth's request, these consolidated appeals remain companion cases to Appeal Nos. 2022-1655, et al., which involve the same patent.

Accordingly,

IT IS ORDERED THAT:

- (1) Domino's motion to dismiss is denied.
- (2) Appeal Nos. 2022-1200 and 2022-2223 are consolidated, and one set of briefs should be filed for the two appeals. The revised official caption is reflected above, and these appeals shall continue to be companion cases to Appeal Nos. 2022-1655, et al.
- (3) Ameranth's opening brief in Appeal Nos. 2022-

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1200 and 2022-2223 is due no later than November 21, 2022.

FOR THE COURT

October 17, 2022  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court