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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) |
| 12cv1629 DMS (WVG) | 12cv1655 DMS (WVG) |
| 12cv1630 DMS (WVG) | 12cv1656 DMS (WVG) |
| 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 EXHIBITS IN  
SUPPORT OF PLAINTIFF AMERANTH, INC.'S  
MOTION TO DISQUALIFY COUNSEL**

**Date: January 3, 2014**  
**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 Plaintiff Ameranth, Inc. (“Ameranth”)  
3 hereby lodges true and correct copies of the following documents with the Court  
4 in support of Ameranth’s Motion to Disqualify Counsel:

5 **Exhibit 1:** Profile of attorney Jim Warriner appearing on the Norton Rose  
6 Fulbright website as of November 13, 2013.

7 **Exhibit 2:** LinkedIn profile of Jim Warriner as of November 13, 2013.

8 **Exhibit 3:** Markman Hearing Minutes, dated February 17, 2010, in  
9 Ameranth v. Menusoft, Eastern District of Texas Case No. 2:07-cv-271 (Dkt. No.  
10 92), identifying Jim Warriner as “Law Clerk.” Ameranth further requests that  
11 judicial notice be taken of this document as a record of a United States District  
12 Court.

13 **Exhibit 4:** Email dated September 27, 2013, from Annette Devereux of  
14 Norton Rose Fulbright to [efile\\_sabraw@casd.uscourts.gov](mailto:efile_sabraw@casd.uscourts.gov) in Ameranth v. Pizza  
15 Hut, Case No. 11-cv-1810, cc’ing Jim Warriner, among others.

16 **Exhibit 5:** Email dated October 10, 2013, from Annette Devereux of  
17 Norton Rose Fulbright to [efile\\_sabraw@casd.uscourts.gov](mailto:efile_sabraw@casd.uscourts.gov) in Ameranth v. Pizza  
18 Hut, Case No. 11-cv-1810, cc’ing Jim Warriner, among others.

19 **Exhibit 6:** Email dated October 22, 2013, from Annette Devereux of  
20 Norton Rose Fulbright to [efile\\_sabraw@casd.uscourts.gov](mailto:efile_sabraw@casd.uscourts.gov) in Ameranth v. Pizza  
21 Hut, Case No. 11-cv-1810, cc’ing Jim Warriner, among others.

22 **Exhibit 7:** Email dated October 10, 2013, from Dan Davison of Norton  
23 Rose Fulbright to William Caldarelli and Ethan Watts re Ameranth v. Pizza Hut,  
24 and cc’ing Jim Warriner, among others.

25 **Exhibit 8:** Email dated November 8, 2013, from Bert Greene of Norton  
26 Rose Fulbright to William Caldarelli, Michael Fabiano and John Osborne re the  
27

1 defendants amended CBM Petitions filed with the USPTO, and cc'ing Jim  
2 Warriner, among others.

3 **Exhibit 9:** Email dated November 4, 2013, from Richard Zembek of  
4 Norton Rose Fulbright to William Caldarelli and Bert Greene re CBM Petition  
5 Service Agreement, and cc'ing Jim Warriner, among others.

6 **Exhibit 10:** Order granting defendant's motion to disqualify counsel  
7 entered by the Hon. Chad Everingham on January 18, 2008, in Superspeed, LLC  
8 v. 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  
10 record of a United States District Court.

11 **Exhibit 11:** Archived webpage for Magistrate Judge Chad Everingham as  
12 of May 27, 2010, retrieved from the internet archive Wayback Machine on  
13 November 14, 2013, showing Jim Warriner as the sole law clerk to Judge  
14 Everingham.

15 **Exhibit 12:** Akin Gump press release dated October 3, 2011, announcing  
16 that former Magistrate Judge Chad Everingham joined the Akin Gump firm as a  
17 partner at the same time that attorney David Stein (attorney for Hilton in these  
18 consolidated cases) joined the Akin Gump firm as a partner.

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**Exhibit 13:** Order granting motion for extension of time entered by the Hon. Chad Everingham on August 31, 2010, in Ameranth v. Par Technology Corp., Eastern District of Texas Case No. 2:10-cv-294 (Dkt. No. 10). Ameranth further requests that judicial notice be taken of this document as a record of a United States District Court.

Respectfully submitted,

Dated: November 21, 2013 CALDARELLI HEJMANOWSKI & PAGE LLP

By: /s/ William J. Caldarelli  
William J. Caldarelli  
Ben West

FABIANO LAW FIRM, P.C.  
Michael D. Fabiano

OSBORNE LAW LLC  
John W. Osborne

WATTS LAW OFFICES  
Ethan M. Watts

**Attorneys for Plaintiff Ameranth, Inc.**