

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**

**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 AMERANTH, INC.'S
OPPOSITION TO DEFENDANTS' MOTION TO
STAY; REQUEST FOR JUDICIAL NOTICE**

**Date: December 13, 2013
Time: 1:30 p.m.
Location: Courtroom 13A
Judge: Hon. Dana M. Sabraw**

Complaint Filed: August 15, 2011

1 **TO ALL PARTIES AND TO THEIR COUNSEL 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 Opposition to Defendants’ Motion to Stay Under
5 Section 18(b) of the AIA:

6 1. An excerpt from an exemplary Disclosure of Asserted Claims and
7 Infringement Contentions served in this matter containing a list of Ameranth’s
8 own products that practice the patented inventions as set forth in Patent Local
9 Rule 3.2(e).

10 2. A September 27, 2007 Domino’s Pizza Press Release regarding a
11 mobile ordering product.

12 3. Declaration of Keith McNally under 37 CFR §1.132 filed with the
13 USPTO, dated August 19, 2009.

14 4. Supplemental Declaration of Keith McNally under 37 CFR §1.132
15 filed with the USPTO, dated May 12, 2010.

16 5. Supplemental “Nexus” Declaration of Keith McNally under 37 CFR
17 §1.132 filed with the USPTO, dated December 13, 2010.

18 6. Claim Construction Order issued in Ameranth v. Menusoft, Eastern
19 District of Texas Case No. 2-07-cv-271, dated April 21, 2010.

20 7. Supplemental Claim Construction Order issued in Ameranth v.
21 Menusoft, Eastern District of Texas Case No. 2-07-cv-271, dated September 9,
22 2010.

23 8. Supplemental Claim Construction Order issued in Ameranth v.
24 Menusoft, Eastern District of Texas Case No. 2-07-cv-271, dated September 13,
25 2010.

26 9. Claim Construction Order issued in Ameranth v. Par, Eastern District
27 of Texas Case No. 2-10-cv-294, dated August 10, 2012.

1 10. USPTO’s Identification of Defects in defendants’ four CBM
2 Petitions, dated October 23, 2013.

3 11. Petitioner’s Notices in Response to Identification of Defects in CBM
4 Petitions filed with the USPTO on October 30, 2013.

5 12. Defendants’ Initial Proposed Claim Constructions served in the
6 instant lawsuit on July 13, 2012.

7 13. Press releases announcing Ameranth license agreements with
8 Snapfinger, Inc. and PAR Technology Corporation.

9 14. Supplemental Declaration of Keith McNally under 37 CFR §1.132
10 filed with the USPTO, dated December 13, 2010.

11 15. Press release regarding Ameranth’s strategic partnership with Zagat
12 to provide a restaurant reservation service through Ameranth’s Magellan system.

13 Additionally, Ameranth hereby requests the Court to take judicial notice of:
14 Exhibits 3, 4, 5 and 14 hereto as official records of the USPTO contained in the
15 file history of one of the patents-in-suit; Exhibits 6, 7, 8 and 9 as official records
16 of the United States District Court for the Eastern District of Texas; and Exhibits
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1 10 and 11 as official records of the USPTO in connection with defendants' CBM
2 petitions.

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4 Respectfully submitted,

5 Dated: November 8, 2013

CALDARELLI HEJMANOWSKI & PAGE LLP

6 By: */s/ William J. Caldarelli*

7 William J. Caldarelli

Ben West

8 FABIANO LAW FIRM, P.C.

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14 Attorneys for Plaintiff Ameranth, Inc.