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

AMERANTH, INC.,

Plaintiff,

v.

STARBUCKS CORPORATION,

Defendant.

CASE NO. 13cv1072 DMS (WVG)
**ORDER REGARDING INDUSTRY
GROUPING**

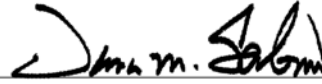
After the Markman hearing in this case, the Court issued scheduling orders for these consolidated cases based on Industry Groupings. The parties within each group were not specifically identified, but the Court believed those groupings would be self-evident. After the scheduling orders issued, Starbucks filed a Notice of Industry Group placing itself in the group of Miscellaneous Defendants, which has the latest trial date of all the groups. Ameranth thereafter filed a Notice of Identification of Defendants by Industry Group, which places Starbucks in the Food Ordering Group, which is the second group to go to trial. Starbucks thereafter filed a Supplemental Notice, again objecting to its placement in the Food Ordering Group.

Although Starbucks was one of the last Defendants to be brought into this litigation, it has been involved in this case for more than four years now. Given that length of time, any assertion that Starbucks would be prejudiced by being placed in the Food Ordering Group rings hollow. Furthermore, this Group is not scheduled to begin trial until January of next year. On the merits, there is no dispute Starbucks is in the

1 food ordering business, and as such, it should proceed on the same schedule as the other
2 food ordering companies. Accordingly, the Court overrules Starbucks's objection, and
3 places Starbucks in the Food Ordering Group.

4 **IT IS SO ORDERED.**

5 DATED: January 3, 2018



7 HON. DANA M. SABRAW
8 United States District Judge

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