

CALDARELLI HEJMANOWSKI PAGE & LEER LLP

William J. Caldarelli (SBN 149573)

Lee Hejmanowski (SBN 166236)

Ben West (SBN 251018)

12340 El Camino Real, Suite 430

San Diego, CA 92130

Telephone: (858) 720-8080

wjc@chpllaw.com; dbw@chpllaw.com; leh@chpllaw.com

Attorneys for Plaintiff Ameranth, Inc.

Additional counsel for Plaintiff listed below

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

IN RE: AMERANTH PATENT
LITIGATION

**Case No. 12-cv-0733 DMS (WVG)
(Consolidated with Lead Case
No. 11-cv-1810 DMS (WVG))**

**AMERANTH, INC.'S
NOTICE OF APPEAL**

1 **Additional counsel for Plaintiff Ameranth, Inc.:**
2

3 **FABIANO LAW FIRM, P.C.**

4 Michael D. Fabiano (SBN #167058)
5 12526 High Bluff Drive, Suite 300
6 San Diego, CA 92130
7 Telephone: (619) 742-9631
8 mdfabiano@fabianolawfirm.com

9 **OSBORNE LAW LLC**

10 John W. Osborne (Appointed *Pro Hac Vice*)
11 33 Habitat Lane
12 Cortlandt Manor, NY 10567
13 Telephone: (914) 714-5936
14 josborne@osborneipl.com

15 **WATTS LAW OFFICES**

16 Ethan M. Watts (SBN #234441)
17 12340 El Camino Real, Suite 430
18 San Diego, CA 92130
19 Telephone: (858) 509-0808
20 Facsimile: (619) 878-5784
21 emw@ewattslaw.com

22 **WITKOW BASKIN**

23 Brandon Witkow (SBN 210443)
24 Erin C. Witkow (SBN 216994)
25 21031 Ventura Blvd., Suite 603
26 Woodland Hills, CA 91364
27 Tel: (818)296-9508
28 Fax: (818)296-9510
bw@witkowlaw.com
ew@witkowlaw.com

1 Plaintiff Ameranth, Inc. hereby appeals to the United States Court of Appeals
 2 for the Federal Circuit from the following: (1) the Judgment entered October 11,
 3 2018 (Doc. No. 66 in Case No. 12-cv-0733 DMS-WVG), which granted Defendants
 4 Domino's Pizza, LLC and Domino's Pizza, Inc.'s Motion for Summary Judgment of
 5 Unpatentability under Section 101 (Doc. No. 1120 in Lead Case No. 11-cv-1810
 6 DMS-WVG), and which found claims 1, 4-9, 11, 13-18 of U.S. Patent No. 8,146,077
 7 invalid under 35 U.S.C. § 101; (2) the Order Granting Defendants Domino's Pizza,
 8 LLC and Domino's Pizza, Inc.'s Motion For Summary Judgment Of Unpatentability
 9 (Doc. No. 1395 in Lead Case No. 11-cv-1810 DMS-WVG)¹, which is cross-
 10 referenced in the Judgment entered October 11, 2018 (Doc. No. 66 in Case No. 12-
 11 cv-0733 DMS-WVG); and (3) any and all other opinions, orders, findings, or rulings
 12 prior to, concurrent with, or after the October 11, 2018 dismissal of the case against
 13 Defendants Domino's Pizza, LLC and Domino's Pizza, Inc. adverse to Plaintiff
 14 Ameranth, Inc.

15 Dated: October 25, 2018 CALDARELLI HEJMANOWSKI PAGE & LEER LLP

16 By: /s/ William J. Caldarelli
 17 William J. Caldarelli
 18 Ben West
 19 Lee Hejmanowski
 20
 21 FABIANO LAW FIRM, P.C.
 22 Michael D. Fabiano

23
 24
 25
 26
 27
 28 ¹ Case No. 12-cv-0733 DMS-WVG was consolidated into Case No. 11-cv-1810 DMS-WVG on October 4, 2012. (Doc. No. 41 in Case No. 12-cv-0733 DMS-WVG.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

OSBORNE LAW LLC
John W. Osborne

WATTS LAW OFFICES
Ethan M. Watts

WITKOW | BASKIN
Brandon J. Witkow
Erin C. Witkow

Attorneys for Plaintiff Ameranth, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2018, I electronically filed the above document(s) with the Clerk of the Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

By: /s/ William J. Caldarelli
William J. Caldarelli
wjc@chpllaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28