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

10  
11 AMERANTH, INC.

12 Plaintiff

13 v.

14 GRUBHUB, INC.

15 Defendant.  
16  
17

**Consolidated Case No. 12-cv-0739**  
**Lead Case No. 11-cv-1810 DMS-WVG**

**AMERANTH, INC.’S AMENDED**  
**NOTICE OF APPEAL**

Location: Courtroom 13A  
Judge: Hon. Dana M. Sabraw

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1 Plaintiff Ameranth, Inc. (“Ameranth”) hereby appeals to the United States  
2 Court of Appeals for the Federal Circuit from the following: (1) Judgment  
3 entered May 11, 2022 (Doc. No. 91), (2) Order Granting Claim 4/5 Defendants’  
4 Motion for Summary Judgment of Unpatentability of Claims 4 and 5 (Case No.  
5 11-cv-1810-DMS-WVG, Doc. No. 1551) (“MSJ Order”), which found claims 4  
6 and 5 of U.S. Patent No. 8,146,077 ineligible under 35 U.S.C. § 101, (3) any  
7 opinions, orders, findings or rulings upon which the MSJ Order (Case No. 11-cv-  
8 1810-DMS-WVG, Doc. No. 1551) is based, including, but not limited to, Order  
9 on Ameranth's Request to Reopen Litigation on Additional Patent Claims, and  
10 Setting Briefing Schedule on Claims 4 and 5 (Case No. 11-cv-1810-DMS-WVG,  
11 Doc. No. 1512), which denied Ameranth the ability to reassert patent claims that  
12 had not been formally withdrawn or to assert claims that had not been previously  
13 asserted, and (4) any opinions, orders, findings or rulings after the MSJ Order  
14 (Case No. 11-cv-1810-DMS-WVG, Doc. No. 1551) that were adverse to  
15 Ameranth.

16 Dated: May 20, 2022

CALDARELLI HEJMANOWSKI & PAGE LLP

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18 By: /s/ William J. Caldarelli

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