

1 **CALDARELLI HEJMANOWSKI PAGE & LEER LLP**
William J. Caldarelli (SBN 149573)
2 Lee E. Hejmanowski (SBN 166236)
Ben West (SBN 251018)
3 3398 Carmel Mountain Road, Suite 250
San Diego, CA 92121
4 Telephone: (858) 720-8080
wjc@chpllaw.com; dbw@chpllaw.com; leh@chpllaw.com

5
6 Attorneys for Plaintiff Ameranth, Inc.
Additional counsel for Plaintiff listed below
7

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

10
11 AMERANTH, INC.

12 Plaintiff

13 v.

14 AGILYSYS, INC.

15 Defendant.
16
17

Consolidated Case No. 12-cv-0858
Lead Case No. 11-cv-1810 DMS-WVG

AMERANTH, INC.’S AMENDED
NOTICE OF APPEAL

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

1 **FABIANO LAW FIRM, P.C.**
Michael D. Fabiano (SBN #167058)
2 12526 High Bluff Drive, Suite 300
San Diego, CA 92130
3 Telephone: (619) 742-9631
mdfabiano@fabianolawfirm.com

4 **OSBORNE LAW LLC**
John W. Osborne (*Appointed Pro Hac Vice*)
33 Habitat Lane
6 Cortlandt Manor, NY 10567
Telephone: (914) 714-5936
7 josborne@osborneipl.com

8 **WATTS LAW OFFICES**
Ethan M. Watts (SBN #234441)
9 12340 El Camino Real, Suite 430
San Diego, CA 92130
10 Telephone: (858) 509-0808
Facsimile: (619) 878-5784
11 emw@ewattslaw.com

12 Attorneys for Plaintiff Ameranth, Inc.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. 39), (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12 had not been formally withdrawn or to assert claims that had not been previously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

17
18 By: /s/ William J. Caldarelli

William J. Caldarelli

19 Lee Hejmanowski

20 Ben West

21 FABIANO LAW FIRM, P.C.

22 Michael D. Fabiano

23 OSBORNE LAW LLC

24 John W. Osborne

25 WATTS LAW OFFICE

26 Ethan M. Watts

27 WITKOW | BASKIN

Brandon J. Witkow
Cory A. Baskin

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