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

10
11 AMERANTH, INC.

12 Plaintiff

13 v.

14 PAPA JOHN'S USA, INC.

15 Defendant.
16
17

Consolidated Case No. 12-cv-0729
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. 71), (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12 had not been formally withdrawn or to assert claims that had not been previously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

Lee Hejmanowski

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