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

AMERANTH, INC.

Plaintiff,

v.

TICKETBISCUIT, LLC

Defendant.

**Lead Case No. 11-cv-1810 DMS (WVG)
Related Case No. 13-cv-0352 DMS (WVG)**

JUDGMENT

**Judge: Hon. Dana M. Sabraw
CTRM: 13A**

WHEREAS the Patent Trial and Appeal Board and/or the Federal Circuit Court of Appeals has held all claims of U.S. Patent No. 6,384,850 (“the ’850 Patent”), all claims other than claim 14 of U.S. Patent No. 6,871,325 (“the ’325 Patent”), and all claims of U.S. Patent No. 6,982,733 (“the ’733 Patent”) patent ineligible and/or invalid, and all appeals of those decisions have been exhausted;

WHEREAS, on October 11, 2018, the Court issued a Judgment in related Case No. 12-cv-0733 in favor of Domino’s Pizza (Doc. No. 66) declaring claims 1, 4-9, 11, and 13-18 of U.S. Patent No. 8,146,077 (“the ’077 Patent”) ineligible under 35 U.S.C. §101 (hereinafter, “Section 101”);

1 WHEREAS, on November 1, 2019, the Federal Circuit, Case No. 2019-
2 1141/2019-114, issued a Decision affirming in part and vacating in part the District
3 Court’s Order granting summary judgment, and remanded the matter to the District
4 Court to vacate the October 11, 2018 Judgment with respect to claims 4 and 5 of the
5 ’077 Patent;

6 WHEREAS, on November 18, 2021, the Court issued an Order in related Case
7 No. 12-cv-0733 granting Ameranth’s Motion for Issuance of a Final and Appealable
8 Judgment (Doc. No. 184), amending the Court’s October 11, 2018 Judgment in
9 conformance with the Federal Circuit’s Decision, and eliminating claims 4 and 5 of the
10 ’077 Patent from the scope of the Judgment;

11 WHEREAS, on December 2, 2021, the Court issued an Order Following Status
12 Conference (Doc. No. 1504) that required Ameranth “to show cause why it should be
13 allowed to reassert any claims that were not selected in response to the Court’s
14 February 14, 2017 Order” (Doc. No. 623);

15 WHEREAS, in response to the Order Following Status Conference, Ameranth
16 filed its “Response to Order To Show Cause Regarding Assertion of Unselected
17 Claims” (Doc. No. 1508), and defendants thereafter filed a consolidated response
18 (Doc. No. 1511);

19 WHEREAS, on December 27, 2021, the Court issued an Order (Doc. No. 1512)
20 entitled Order on Ameranth’s Request to Reopen Litigation On Additional Patent
21 Claims, And Setting Briefing Schedule On Patent Claims 4 and 5;

22 WHEREAS, on March 14, 2022, the Court issued an Order (Doc. No. 1551)
23 granting summary judgment of ineligibility under Section 101 of claims 4 and 5 of the
24 ’077 Patent;

25 Now, therefore, pursuant to Rules 56 and 58 of the Federal Rules of Civil
26 Procedure, IT IS HEREBY ORDERED AND ADJUDGED as follows:

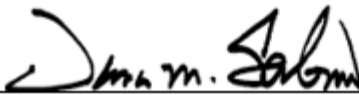
27 Claims 1, 4-9, 11, and 13-18 of the ’077 Patent having been found ineligible,
28 judgment is entered in favor of defendant Ticketbiscuit, LLC (“Defendant”), and

1 against plaintiff Ameranth, Inc. (“Ameranth”), on Ameranth’s claims for infringement
2 of the patent-ineligible claims of the ’077 Patent asserted against Defendant (“the
3 Ineligible Asserted Claims”).

4 Judgment is entered in favor of Defendant, and against Ameranth, on
5 Defendant’s counterclaims for patent ineligibility of the Ineligible Asserted Claims of
6 the ’077 Patent, and on all claims of the ‘850, ‘325, and ‘733 Patents, other than claim
7 14 of the ‘325 Patent. Defendant's other counterclaims are dismissed without
8 prejudice.

9 No application for costs or motion seeking to declare this case exceptional
10 pursuant to 35 U.S.C. §285 shall be filed in this matter until 90 days after the Federal
11 Circuit enters an order dismissing or renders a decision in Ameranth’s appeal of this
12 Court’s Order in *Ameranth, Inc. v. Domino’s Pizza, LLC*, Case No. 3:12-cv-0733-
13 DMS-WVG granting Domino’s Pizza, LLC’s Motion to Declare the Case Exceptional
14 (Doc. No. 134), currently pending before the Federal Circuit as Case No. 22-1200.

15 Dated: May 11, 2022

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18 Hon. Dana M. Sabraw, Chief Judge
19 United States District Court
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