

1 BRIAN J. DUNNE (Bar No. 275689)
2 **OLAVI DUNNE LLP**
3 800 Wilshire Blvd., Suite 320
4 Los Angeles, California 90017
5 Telephone: (213) 516-7900
6 Facsimile: (213) 516-7910
7 bdunne@olavidunne.com

8 Attorneys for Defendant TICKETBISCUIT, LLC

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

11 AMERANTH, INC.,

12 Plaintiff,

13 v.

14 TICKETBISCUIT, LLC,

15 Defendant.

) Case No. 3:13-cv-0352-JLS-NLS

)

) **NOTICE OF MOTION AND**
) **MOTION TO DISMISS**
) **AMERANTH'S COMPLAINT FOR**
) **PATENT INFRINGEMENT**

)

) Date: July 11, 2013

) Time: 1:30 p.m.

) Courtroom: 6

) Judge: Hon. Janis L. Sammartino

)

) Complaint Filed: Feb. 13, 2013

)

) **TRIAL BY JURY DEMANDED**

19
20
21
22
23
24
25
26
27
28

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

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 11, 2013, at 1:30 p.m., at such date as the Court may order, in the Courtroom of the Honorable Janis L. Sammartino, Courtroom 6, United States District Court for the Southern District of California, located at Edward J. Schwartz U.S. Courthouse, 221 West Broadway, San Diego, California, TicketBiscuit, LLC (“TicketBiscuit”) will, and hereby does, move to dismiss Ameranth’s Complaint for Patent Infringement (Doc. 1).

Under Rule 12(b)(6) of the Federal Rules of Civil Procedure, TicketBiscuit respectfully moves this Court to dismiss the claims for patent infringement asserted against it, including claims for indirect and willful infringement. The Complaint for Patent Infringement fails to allege facts that state a plausible claim for relief. Accordingly, the Plaintiff’s claims against Defendants should be dismissed.

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Court’s record on this matter, the arguments of counsel, and other evidence and arguments that may be presented prior to the Court’s decision on this Motion.

Dated: April 22, 2013

Respectfully submitted,

OLAVI DUNNE LLP

By: /s/ Brian J. Dunne

Brian James Dunne
Attorneys for Defendant
TICKETBISCUIT, LLC