

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. BOX 1347
WILMINGTON, DELAWARE 19899-1347

(302) 658-9200
(302) 658-3989 FAX

September 18, 2020

The Honorable Leonard P. Stark
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, Delaware 19801

Re: Ameranth, Inc. v. Olo Inc., C.A. No. 20-518-LPS

Dear Chief Judge Stark:

Defendant Olo Inc. (“Olo”) respectfully requests leave to submit the attached 1.5-page supplemental letter in advance of the September 30, 2020 hearing on Olo’s Motion To Dismiss (D.I. 8). Plaintiff Ameranth, Inc. (“Ameranth”) newly asserts in its September 16, 2020 pre-hearing letter that Olo infringes dependent claims 4, 9, and 10 of asserted U.S. Patent No. 9,747,651, which depend from claim 1 discussed in Olo’s motion briefing. (D.I. 19 at 3.)

Because Ameranth did not previously assert these claims, and in the interests of fairness and judicial economy in view of the upcoming hearing on Olo’s motion, Olo respectfully requests that the Court consider the attached letter explaining how these claims are ineligible under § 101 for the same reasons as other challenged claims. The parties have met and conferred pursuant to D. Del. LR 7.1.1, and Ameranth opposes this request, but reserves the right to submit a response. Olo does not oppose Ameranth submitting a responsive letter specific to these three newly-asserted claims.

Respectfully submitted,

/s/ Karen Jacobs

Karen Jacobs (#2881)

w/att.

cc: All Counsel of Record (w/att.)