

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF DELAWARE

| | | |
|----------------|---|----------------------------------|
| AMERANTH, INC. |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 1:20-cv-518-LPS |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| OLO INC. |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

STIPULATION FOR LEAVE TO AMEND COMPLAINT

Plaintiff Ameranth, Inc. and Defendant Olo Inc., by and through their counsel of record, hereby stipulate, subject to the approval of the Court, for leave for Plaintiff to amend its complaint to, *inter alia*, add allegations of infringement of two additional claims of U.S. Patent No. 9,747,651 (the "651 patent") – claims 9 and 10. A copy of the Amended Complaint is attached hereto as Exhibit 1. A black-lined version (comparing the Amended Complaint against the previously-filed Complaint) is attached hereto as Exhibit 2.

The parties further stipulate that, subject to the approval of the Court:

1. The Amended Complaint shall be deemed filed and served on the date of the Order granting this stipulation.
2. Defendant's pending Motion to Dismiss (D.I. 8) and all briefing and argument that has been submitted and will be submitted in connection with that motion shall be deemed to apply to the Amended Complaint.
3. Plaintiff is granted leave to file a three-page supplemental letter brief based on the Amended Complaint regarding the asserted claims in opposition to Defendant's Motion to Dismiss (D.I. 8) by 2 pm ET September 28, 2020; and

4. Defendant is granted leave to file a three-page letter brief based on the Amended Complaint in response to Plaintiff's supplemental letter brief by 2 pm ET September 29, 2020.

5. In the event that Defendant's Motion to Dismiss (D.I. 8) is not granted in its entirety, the deadline for Defendant to answer, move, or otherwise respond to the Amended Complaint shall be fourteen (14) days after the date of the Court's order ruling on the motion.

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Attorneys for Defendant Olo Inc.

SO ORDERED this ____ day of _____, 2020.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2020, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Richard C. Weinblatt
Richard C. Weinblatt (#5080)