

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 & [PROPOSED] ORDER REGARDING
MOTIONS FOR FEES AND COSTS**

Plaintiff Ameranth, Inc. and Defendant Olo Inc., by and through their counsel of record, hereby stipulate, subject to the approval of the Court, in view of the Federal Circuit’s Rule 36 affirmance of this Court’s decision granting with prejudice Defendant’s motion to dismiss and entering judgment in favor of Defendant (D.I. 34):

1. In the event Plaintiff files a petition for writ of certiorari at the U.S. Supreme Court and such petition is unsuccessful, the deadline for filing any petition, bill, and/or motion for recovery of attorneys’ fees or costs under Federal Rule of Civil Procedure 54(d) or for taxation of costs under D. Del. LR 54.1 is hereby tolled until 28 days after a decision from the U.S. Supreme Court issues, Plaintiff’s opposition shall be due 28 days thereafter, and Defendant’s reply shall be due 14 days thereafter.

2. In the event Plaintiff does not file a petition for writ of certiorari at the U.S. Supreme Court, then the deadline for filing any petition, bill, and/or motion for recovery of attorneys’ fees or costs under Federal Rule of Civil Procedure 54(d) or for taxation of costs under D. Del. LR 54.1 is hereby tolled until 28 days after the deadline upon which a petition for writ of certiorari was due

(which deadline is currently January 6, 2022), Plaintiff's opposition shall be due 28 days thereafter, and Defendant's reply shall be due 14 days thereafter.

3. The parties otherwise reserve all rights with respect to filing or opposing any such petition, bill, and/or motion under Federal Rule of Civil Procedure 54(d) or for taxation of costs under D. Del. LR 54.1.

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Attorneys for Defendant Olo Inc.

SO ORDERED this ___ day of _____, 2021.

UNITED STATES DISTRICT JUDGE