EXHIBIT A

Mead, Lowell

From: Mead, Lowell
Sent: Friday, October 16, 2020 11:04 AM
To: Richard C. Weinblatt
Cc: Shekhar Vyas; Jacobs, Karen; Keefe, Heidi
Subject: Ameranth v Olo
Attachments: 101320 Memorandum Order.pdf

Rich,

Now that the Court's section 101 memorandum order is entered into the docket (attached), please note that we do not see a good faith basis for Ameranth to appeal from Judge Stark's well-reasoned ruling. Please confirm that Ameranth will not appeal.

Please also note that Olo reserves rights to seek fees in view of Ameranth's conduct and positions.

Best regards,

Lowell

Lowell D. Mead
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
Mobile: (650) 520-0788
Office direct: (650) 843-5734
Email: lmead@cooley.com

EXHIBIT B

Mead, Lowell

From: Mead, Lowell
Sent: Monday, October 19, 2020 2:55 PM
To: Richard C. Weinblatt
Cc: Shekhar Vyas; Jacobs, Karen; Keefe, Heidi
Subject: RE: Ameranth v Olo

Rich,

Thanks for your response. Ameranth has no legitimate basis for an appeal on the merits. The case will only become more exceptional if Ameranth proceeds with an appeal from the Court's well-reasoned ruling, needlessly causing Olo to incur further defense costs. *See Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372 (Fed. Cir. 2017) (affirming award of § 285 fees against your client for baseless § 101 position, including fees incurred during appeal).

For the record, we note that the record supports a finding that this is an exceptional case warranting an award of fees against Ameranth under § 285, as confirmed by the Court's ruling. It was readily foreseeable that the asserted claims of the '651 patent were clearly ineligible under § 101 under the same rationale the Federal Circuit applied when it held invalid Ameranth's four related patents, including the same dispositive admissions in the patent specification. As reflected in the Court's order, Ameranth attempted to salvage its invalid claims with assertions that contradict the patent itself and were not credible. *See also, e.g.*, *Finnavations LLC v. Payoneer, Inc.*, C.A. No. 1:18-cv-00444-RGA, 2019 WL 1236358, at *2 (D. Del. Mar. 18, 2019) (granting § 285 fees award against your client: "This was not a 'borderline case' with an unpredictable result. Any reasonable patent attorney with an understanding of § 101 law could have predicted the outcome.").

To the extent that Ameranth nonetheless continues to consider the possibility of appealing, please promptly let us know if Ameranth is amenable to stipulating to postpone the timing for the filing of any motions for fees and/or costs until 21 days after the later of (1) mandate from the Federal Circuit, or (2) expiration of the deadline to appeal.

Best,

Lowell

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From: Richard C. Weinblatt <weinblatt@swdelaw.com>
Sent: Monday, October 19, 2020 1:12 PM
To: Mead, Lowell <lmead@cooley.com>
Cc: Shekhar Vyas <vyas@swdelaw.com>; Jacobs, Karen <KJacobs@MNAT.com>; Keefe, Heidi <hkeefe@cooley.com>
Subject: RE: Ameranth v Olo

[External]

Lowell:

Ameranth disagrees with your characterization of the case/ruling, it is currently contemplating its next steps and it has until November 12, 2020 to decide whether to appeal Judge Stark's decision. While we understand your desire to know what Ameranth is going to do, it is premature for Ameranth to respond at this point in time.

Regards,

Rich

Richard C. Weinblatt
Stamoulis & Weinblatt LLC
www.swdelaw.com

From: Mead, Lowell <lmead@cooley.com>
Sent: Friday, October 16, 2020 2:04 PM
To: Richard C. Weinblatt <weinblatt@swdelaw.com>
Cc: Shekhar Vyas <vyas@swdelaw.com>; Jacobs, Karen <KJacobs@MNAT.com>; Keefe, Heidi <hkeefe@cooley.com>
Subject: Ameranth v Olo

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