

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMERANTH, INC.)	
)	
Plaintiff,)	Civil Action No. 2:23-cv-2165-WSH
)	
v.)	
)	
DOORDASH, INC.,)	
EAT'N PARK RESTAURANTS, LLC, and)	
EAT'N PARK HOSPITALITY GROUP, INC.,)	
)	
Defendants.)	

**PLAINTIFF AMERANTH, INC'S OPPOSITION
TO DEFENDANTS' MOTION TO EXTEND
RESPONSIVE PLEADING DEADLINE**

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Defendants' Motion to Extend Responsive Pleading Deadline (the "Motion") is in fact an attempt to thwart the timely enforcement of Ameranth's patent rights. (Dkt. 18.) Defendants' Motion is tantamount to a stay of this case pending the Court's decision of DoorDash's Motion to Dismiss for Improper Venue, or Alternatively, to Transfer, and Failure to State a Claim as to *Ameranth, Inc. v. DoorDash, Inc.*, C.A. No. 2:22-cv-01776-WSH ("*Ameranth I*"),¹ which has been fully briefed since July 31, 2023. Compared to *Ameranth I*, this case involves different Ameranth patents, different claims, different parties, different DoorDash copycat patents, and different complaints and allegations. Indeed, there is nothing in Defendants' Motion that states they would *not* seek an additional extension after July 16, 2024, and the correspondence evidences their intent to do so should the Court not rule in *Ameranth I* by that date. (Dkt. 18-1 at 2 ("As discussed previously, we believe that a ruling from the court on the motion to dismiss in the original action (2-22-cv-01776) will streamline the issues in this case. Accordingly, DoorDash intends to seek another extension of time to respond to the complaint.")) As explained below, with its patents expiring soon, Ameranth would be highly prejudiced by indefinite extensions of time or the alternative pseudo stay Defendants' seek.² Moreover, Defendants' Motion misstates and mischaracterizes caselaw (as DoorDash also did in *Ameranth I*) in their attempt seeking to tie the cases together. The Court should deny this Motion and order the Defendants' to respond to the complaint.

1. Defendants' Motion does not contest that venue is proper in this District with

¹ *Ameranth I* was filed December 9, 2022.

² Due to the complex and disputed factual matters in *Ameranth I*, and with venue discovery requested "to the extent the Court concludes that venue may not be proper" (*Ameranth I*, Dkt. 28 at 3; *see also id.* at 12 ("If the Court determines that venue may be improper, Ameranth requests venue discovery.")), the venue ruling in *Ameranth I* could be further delayed, which in turn would further delay this case pursuant to Defendants' position.

respect to Defendants Eat'N Park Restaurant, LLC and Eat'N Park Hospitality Group, Inc. (collectively, "Eat'N Park"). Nor could it since both of these Eat'N Park entities are Pennsylvania companies located in Homestead, Pennsylvania, (Dkt. 1 at ¶¶ 6-7) and their infringement of Ameranth's patents occurs within this District. (*Id.* at ¶ 12.)

2. DoorDash builds a straw man in ¶ 7 of the Motion when arguing that Eat'N Park is not a place of business of *DoorDash*. Nowhere does the complaint make such an allegation. Ameranth's complaint sets forth several new factual allegations (not found in the amended complaint in *Ameranth I*) that further confirm venue is proper in this Court with respect to DoorDash itself due to ***DoorDash's conduct in this District***. (*See, e.g.*, Dkt. 1 at ¶¶ 2-5, 12-20.) If DoorDash believes venue is improper in this case, then it should be filing a venue motion challenging this complaint's allegations, such as, but notwithstanding the new allegations at ¶¶ 3-5, 17-19, not seeking to further delay the case³ based on the different facts in *Ameranth I*.⁴

3. Here, the claims of U.S. Patents Nos. 11,842,415 (the "'415 patent") and 11,847,587 (the "'587 patent") on their face materially differ from the claims of the '130 patent in *Ameranth I* and claim entirely different inventive concepts. For example, compare claim 1 of the '130 patent to claim 9 of the '415 patent or claim 7 of the '587 patent. More specifically, claim 9 of the '415 patent recites "[a] network of interconnected, intelligent and improved web server computers," claim 7 of the '587 patent recites "[a]n intelligent backoffice and handheld/mobile distributed

³ Defendants already obtained a 60-day extension of time to respond to the complaint, which is more than the 45 days specified in LCvR 7.E. (Dkt. 11.)

⁴ Eat'N Park has no basis to challenge venue in this case, and even if the Court were to grant DoorDash's motion in *Ameranth I* (it should not grant the motion) and transfer *Ameranth I* to the District of Delaware (which could add further delays and prejudice Ameranth as explained herein), a separate analysis of venue is needed in this case due to the different facts. The same likely is true if the Court were to deny DoorDash's venue motion in *Ameranth I* because DoorDash has not represented that it would not challenge venue here should it lose its *Ameranth I* venue motion.

computing network" and claim 1 of the '130 patent recites "[a]n intelligent web server computer," which is not a network.

4. Ameranth's complaint includes claim constructions for terms in the '415 and '587 patents not found in claims of the '130 patent or the *Ameranth I* amended complaint, such as for the terms "intelligence," "learning and rule based intelligence," "network of said interconnected web server computers," "a network of distributed and linked backoffice servers," and "distributed computing network." (Compare Dkt. 1 at ¶ 29 to *Ameranth I*, Dkt. 14 at ¶ 18.) Without a claim construction order, Ameranth's claim constructions are to be applied in the patent ineligibility analysis. See *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1352 (Fed. Cir. 2016) (adopting the non-moving party's constructions when conducting patent ineligibility analysis).

5. The complaint's allegations concerning the '415 and '587 patents and the declarations and exhibits attached thereto also differ significantly from the amended complaint's allegations, declarations, and exhibits in *Ameranth I*. (Compare Dkt. 1 to *Ameranth I*, Dkt. 14.)

6. The Federal Circuit has made clear that merely sharing a specification is *not* the test when determining patent-eligibility. *Trading Techs. Int'l, Inc. v IBG LLC*, 921 F.3d 1084, 1095 (Fed. Cir. 2019) ("Eligibility depends on what is claimed, not all that is disclosed in the specification." (citing *Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999, 1011-12 (Fed. Cir. 2018) (holding a claim from one patent ineligible and claims from other patents that shared a specification eligible))); *Weisner v. Google LLC*, 51 F.4th 1073, 1084 (Fed. Cir. 2022) ("At step one, the district court erred by failing to separately analyze these patents. Although the specifications in all four patents are the same, the claims of the '905 and '911 patents are not directed to the same subject matter as the '202 and '910 patents.").

7. Notwithstanding that blackletter Federal Circuit caselaw, the vastly different claims as detailed in ¶ 3 above, and the claim constructions identified in ¶ 4 above, Defendants incorrectly assert that "a ruling by the Court on the patent ineligibility issue in *Ameranth I* would simplify the issues with regard to patent eligibility in this case as well" because "the '415 and '587 patents issued from divisional and continuation applications claiming priority to and sharing the *same specification* as the '130 patent asserted in *Ameranth I*." (Dkt. 17 at ¶ 8; *see also id.* at ¶ 11 ("[T]he patents asserted here are in the same family and derive from the patent asserted in *Ameranth I*".))

8. Ameranth is a recognized innovator in the hospitality market and it has won multiple technology awards for its innovations. (Dkt. 1 at ¶¶ 30-31; *see also* Dkt. 1-6 at ¶ 9.) Ameranth has also licensed its patents to many of the world's largest restaurant, hotel, and ticketing companies, including more than 70 licensees, and many within the timeframe since the filing of the Ameranth's complaint.

9. While alleging that Ameranth's patents claim patent ineligible subject matter in ¶ 8 of the Motion, DoorDash, contradictorily, has continued to seek and obtain patents for itself that copied systems and inventions conceived, created, and deployed by Ameranth much earlier in time than DoorDash, and DoorDash advised the USPTO when obtaining these copycat patents that these same concepts claim patent eligible subject matter. (Dkt. 1 at ¶¶ 87-91; *see also Ameranth I*, Dkt. 14 at ¶¶ 78-82 (identifying different DoorDash copycat patents compared to the patents identified in Ameranth's complaint in this case).) DoorDash's antithetical arguments create multiple factual disputes in this case (and *Ameranth I*).

10. Because Ameranth and DoorDash have been and are competing in the same market to obtain patents for the same subject matter in the same inventive fields, they innately *are*

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