

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

AMERANTH, INC.,
Plaintiff-Appellant

v.

**PAPA JOHN'S USA, INC., OPENTABLE, INC.,
SEAMLESS NORTH AMERICA, LLC, GRUBHUB,
INC., AGILYSYS, INC., HYATT CORPORATION,
STARWOOD HOTELS & RESORTS WORLDWIDE
INC., BEST WESTERN INTERNATIONAL, INC.,
MARRIOTT INTERNATIONAL, INC., RITZ-
CARLTON HOTEL COMPANY, L.L.C., MARRIOTT
HOTEL SERVICES, INC., RENAISSANCE HOTEL
OPERATING COMPANY, HOTEL TONIGHT, INC.,
HOTELS.COM, L.P., HILTON RESORTS
CORPORATION, HILTON WORLDWIDE, INC.,
HILTON INTERNATIONAL CO., KAYAK
SOFTWARE CORPORATION, MOBO SYSTEMS,
INC., ORBITZ, LLC, STUBHUB, INC.,
TICKETMASTER, LLC, LIVE NATION
ENTERTAINMENT, INC., TRAVELOCITY.COM LP,
USABLENET, INC., FANDANGO, INC., HOTWIRE,
INC., EXPEDIA, INC., ORACLE CORPORATION,
ATX INNOVATION, INC., APPLE INC.,
EVENTBRITE, INC., TICKETBISCUIT, LLC,
TICKETFLY, INC., STARBUCKS CORPORATION,**
Defendants-Appellees

2022-1655, 2022-1657, 2022-1660, 2022-1661, 2022-1662,
2022-1663, 2022-1666, 2022-1667, 2022-1668, 2022-1669,
2022-1671, 2022-1672, 2022-1673, 2022-1674, 2022-1675,
2022-1676, 2022-1677, 2022-1678, 2022-1679, 2022-1680,
2022-1681, 2022-1682, 2022-1683, 2022-1684, 2022-1686,
2022-1687, 2022-1689, 2022-1690, 2022-1692

Appeals from the United States District Court for the
Southern District of California in Nos. 3:11-cv-01810-DMS-
WVG, 3:12-cv-00729-DMS-WVG, 3:12-cv-00731-DMS-
WVG, 3:12-cv-00737-DMS-WVG, 3:12-cv-00739-DMS-
WVG, 3:12-cv-00858-DMS-WVG, 3:12-cv-01627-DMS-
WVG, 3:12-cv-01629-DMS-WVG, 3:12-cv-01631-DMS-
WVG, 3:12-cv-01633-DMS-WVG, 3:12-cv-01634-DMS-
WVG, 3:12-cv-01636-DMS-WVG, 3:12-cv-01640-DMS-
WVG, 3:12-cv-01642-DMS-WVG, 3:12-cv-01644-DMS-
WVG, 3:12-cv-01646-DMS-WVG, 3:12-cv-01648-DMS-
WVG, 3:12-cv-01649-DMS-WVG, 3:12-cv-01650-DMS-
WVG, 3:12-cv-01651-DMS-WVG, 3:12-cv-01653-DMS-
WVG, 3:12-cv-01654-DMS-WVG, 3:12-cv-01655-DMS-
WVG, 3:12-cv-01656-DMS-WVG, 3:12-cv-02350-DMS-
WVG, 3:13-cv-00350-DMS-WVG, 3:13-cv-00352-DMS-
WVG, 3:13-cv-00353-DMS-WVG, 3:13-cv-01072-DMS-
WVG, Judge Dana M. Sabraw.

JUDGMENT

RICHARD CHARLES WEINBLATT, Stamoulis & Weinblatt
LLC, Wilmington, DE, argued for plaintiff-appellant.

JONATHAN S. FRANKLIN, Norton Rose Fulbright US
LLP, Washington, DC, argued for all defendants-appellees.
Defendants-appellees Papa John's USA, Inc., OpenTable,
Inc., Hotel Tonight, Inc., Hotels.com, L.P., Kayak Software
Corporation, Orbitz, LLC, StubHub, Inc., Ticketmaster,

LLC, Live Nation Entertainment, Inc., Travelocity.com LP, Fandango, Inc., Hotwire, Inc., Expedia, Inc. also represented by STEPHANIE DEBROW, Austin, TX; RICHARD STEPHEN ZEMBEK, Houston, TX; VALERIE BARKER, Slayden Grubert Beard PLLC, Austin, TX.

ROBERT C. SCHEINFELD, Baker Botts LLP, New York, NY, for defendants-appellees Seamless North America, LLC, Grubhub, Inc. Also represented by ERIC J. FARAGI; ELIOT DAMON WILLIAMS, Washington, DC.

THOMAS ARTHUR RAMMER, II, Ice Miller LLP, Chicago, IL, for defendant-appellee Agilysys, Inc.

RALPH JOSEPH GABRIC, Haynes and Boone, LLP, Chicago, IL, for defendant-appellee Hyatt Corporation.

STANLEY JOSEPH PANIKOWSKI, III, DLA Piper US LLP, San Diego, CA, for defendants-appellees Starwood Hotels & Resorts Worldwide Inc., Hilton Resorts Corporation, Hilton Worldwide, Inc., Hilton International Co., Apple Inc., Eventbrite, Inc., Ticketfly, Inc. Also represented by ERIN GIBSON, ROBERT CHEN WILLIAMS; JOHN GUARAGNA, Austin, TX.

JOSEPH ROGER RICK TACHE, Buchalter, A Professional Corporation, Irvine, CA, for defendant-appellee Best Western International, Inc. Also represented by ROBERT M. DATO.

NICK G. SAROS, Jenner & Block LLP, Los Angeles, CA, for defendants-appellees Marriott International, Inc., Ritz-Carlton Hotel Company, L.L.C., Marriott Hotel Services, Inc., Renaissance Hotel Operating Company.

HEIDI LYN KEEFE, Cooley LLP, Palo Alto, CA, for defendant-appellee Mobo Systems, Inc. Also represented by LOWELL D. MEAD.

ANDREW PETER ZAPPIA, Troutman Pepper Hamilton Sanders LLP, Rochester, NY, for defendant-appellee Usablenet, Inc.

JARED BOBROW, Orrick, Herrington & Sutcliffe LLP, Menlo Park, CA, for defendant-appellee Oracle Corporation. Also represented by JONAS WANG, Washington, DC.

JOHN SHUMAKER, Connor Lee & Shumaker PLLC, Austin, TX, for defendant-appellee ATX Innovation, Inc.

MARC KARISH, Karish & Bjorgum, PC, Pasadena, CA, for defendant-appellee Ticketbiscuit, LLC.

MATTHEW COOK BERNSTEIN, Perkins Coie LLP, San Diego, CA, for defendant-appellee Starbucks Corporation. Also represented by JOHN ESTERHAY, PATRICK JOHN MCKEEVER.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, PROST, and HUGHES, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

September 12, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court