2026-1248

United States Court of Appeals for the Federal Circuit

AMERANTH, INC.,

Plaintiff-Appellant,

– v. –

DOORDASH, INC.,

Defendant-Appellee.

On Appeal from the United States District Court for the District of Delaware in No. 1:25-cv-00180-JCB Honorable Campbell J. Barker, Judge

REPLY BRIEF FOR PLAINTIFF-APPELLANT

ROBERT F. RUYAK
LARSON LLP
900 17th Street, NW, Suite 200
Washington, DC 20006
(202) 795-4900
rruyak@larsonllp.com

RICHARD C. WEINBLATT
STAMOULIS & WEINBLATT LLC
800 N. West Street, Third Floor
Wilmington, DE 19801
(302) 999-1540
weinblatt@swdelaw.com

Counsel for Plaintiff-Appellant

MAY 13, 2026

CP COUNSEL PRESS (800) 4-APPEAL • (393105)

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

RULES

I. INTRODUCTION[1]

Ameranth's Opening Brief ("Opening) establishes critical infirmities with the District Court's opinion that compel its reversal and remand. Crucial amongst them is the court's failure to properly identify the invention that the '130 patent's three claims (the "Asserted Claims") are "directed to." DoorDash's Response fails to address these infirmities, and, instead, attempts to rewrite the court's opinion – in an effort to salvage it – by adding new arguments never before raised at the district court nor addressed by it and by relying heavily upon a district court decision in an irrelevant case (*Olo*) which addressed clearly distinguishable claims.

These attempts to repair the District Court's decision on appeal must fail. Any proper *Alice* analysis[2] of what a patent claim is "directed to" must start with the claim together with its language and limitations. In this context, the Court is to apply and consider long-established, critical tenets of patent law and the factors that yield the actual meaning to the Asserted Claims. A proper *Alice* analysis must include and consider the prosecution history associated with the Asserted Claims, the specification and its continuation-in-part new matter, and the proper constructions

[1] All internal citations and quotations are omitted and emphasis is added, unless stated otherwise.

[2] The questions presented in the petition for *certiorari* filed in *United Services Automobile Association v. PNC Banks, N.A.*, No. 25-283 (U.S. Jan. 16, 2026) are relevant to the *Alice* analysis, and the *Alice* analysis may be impacted should the Supreme Court decide to grant the petition.

of critical terms of the Asserted Claims. All of these must be viewed through the lens of a person of ordinary skill in the art ("POSITA"). Here – and it is not disputed – the District Court's analysis and opinion are devoid of – either because it overlooked or failed to address – these critical considerations. Such analytical lapses led directly to an erroneous result.

Ameranth's First Amended Complaint ("FAC") asserting the '130 patent affirmatively pled claim constructions that apply to the Asserted Claims and defined a POSITA. But the court failed to properly address them at the motion to dismiss stage. Ameranth also clearly stated that the first part of '130 patent claim 1's preamble is a limitation and that the Asserted Claims are "directed to" the claimed "said web server computer." The District Court's opinion did not address the claim's preamble and DoorDash's Response agreed with Ameranth's "directed to" position by stating "Claim 1 is directed to an 'intelligent web server computer.'" Resp., p. 38. This admission is drastically different from the court's misunderstanding that the claims it assessed were, instead, "directed to" the "abstract idea of ordering food or drinks for delivery or take-out from a menu capable of multiple modes of communication," Appx8 – a distinction that cannot be reconciled.

Further, DoorDash acknowledged that Dr. Goodrich, a POSITA whose declaration was attached to and incorporated into Ameranth's complaint, was able to write source code after reviewing the claims, which confirms the "how" is present

and the claims are not "merely functional."

The District Court's opinion makes no mention of the Asserted Claims' "ordered combination" which must be considered at *Alice* Step Two. Misled by DoorDash, the District Court lost focus and, instead of addressing the Asserted Claims' language or the complaint's plausible factual allegations in the light most favorable to Ameranth, it relied upon cherry-picked portions of the specification and a pre-2005-continuation-in-part preferred embodiment mistakenly imported into, but not relevant to, the Asserted Claims. DoorDash's Response continues the same flawed approach.

Consequently, both the law and the facts compel a reversal and remand to the District Court.

II. ARGUMENT

A. DoorDash's New Arguments Not Presented to the District Court Are Inappropriate for This Court's Consideration

Ameranth's Opening identified specific errors in the District Court's opinion that compel reversal. In an effort to mask those errors, DoorDash raises new arguments not presented by it in the proceedings below and not found anywhere in the court's opinion, and, as such, should not be considered in this appeal.[3] Even if

[3] *In re Google Tech. Holdings LLC*, 980 F.3d 858, 863 (Fed. Cir. 2020) ("[A] position not presented in the tribunal under review will not be considered on appeal in the absence of exceptional circumstances.");

DoorDash did not waive or forfeit these arguments (which it has), they simply address questions that are inappropriate for this Court to decide in the first instance.[4]

For one, nowhere in the court's opinion is '130 patent claim 1's preamble mentioned or considered. Appx1-14. But that does not stop DoorDash from now arguing that the preamble supports the court's opinion that the claims are directed to an abstract idea. Resp., p. 13. More specifically, DoorDash strategically truncated the full preamble by using ellipses when quoting it to emphasize only the second part (i.e. the field of use) over the actual limiting aspect of the preamble itself which provides the antecedent basis for the five uses of "said web server computer" in the body of the claims. *Id.* ("For example, the preamble recites a 'web server . . . for use in completing remotely initiated hospitality ***food/drink delivery or pick up ordering tasks***.'" (emphasis in original)). DoorDash then ignores the technological claim elements and superficially argues that "[c]laim 1 concludes by requiring the web server to 'support the completion of those tasks'—i.e., the ordering tasks identified in the preamble." *Id.*, p. 14. The District Court's opinion does not contain either of these contentions, and, importantly, DoorDash did not raise them before the court below.

[4] *3M Co. v. Avery Dennion Corp.*, 673 F.3d 1372, 1378 (Fed. Cir. 2012) ("[I]t is improper for us to determine factual issues in the first instance on appeal . . . finding those facts in the first instance would overstep our bounds as a reviewing court and we cannot resolve the parties' factual disputes on appeal.").

DoorDash also argues that the "[w]hen the claimed elements are considered as an ordered combination, they recite a standard web-based ordering system . . . This is the conventional architecture of any web-based ordering platform." Resp., p. 45. This new argument was never made to the District Court, and the court's opinion did not consider the claims' ordered combination. Moreover, whether the *ordered* combination is (un)conventional raises a question of fact not appropriate for granting a motion to dismiss.[5]

Last, in District Court, Ameranth specifically raised and addressed the prosecution history of U.S. Patent No. 10,970,797 (the "'797 patent") as relevant to its "directed to" position. Appx7466; Appx7471. DoorDash failed to address the '797 patent prosecution history there and the District Court's opinion also did not address it. But that did not stop DoorDash's Response from improperly addressing it for the first time on appeal. Resp., pp. 29-30. "As this factual issue was raised before the district court and left unaddressed in the district court's decision on § 101, . . . it is best addressed by the district court in the first instance."[6]

B. *Olo* is Not Binding and of No Relevance to the '130 Patent's Asserted Claims

Other than citing to *Olo* when denying Ameranth's request for leave to amend

---

[5] *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018).

[6] *Trustees of Columbia Univ. v. Gen Digital Inc.*, 169 F.4th 1320, 1333 (Fed. Cir. 2026).

its complaint, Appx14, *Olo* is not mentioned in the District Court's opinion nor is it relied upon for any authority, despite DoorDash making the same arguments it now makes here. *See, e.g.,* Appx7453-7478; Appx7595-7610. This is because *Olo* is not binding, legal precedent, and is factually distinct, as Ameranth pointed out to the District Court. Appx7458-7459; AppxAppx7468-7471. Yet, DoorDash's Response cites *Olo ad nauseum*, as if it were somehow relevant precedent. It is not, for several reasons, and has no value to the issues raised below or in this appeal.

Procedurally, the district court's *Olo* decision was affirmed via Rule 36[7], which means the district court entered the correct judgment, not that the district court performed the correct analysis.[8]

Substantively, *Olo* does not control in any event.[9] The asserted '130 patent claims are vastly and critically different from those *Olo* addressed. The '130 patent's Asserted Claims are the subject of different claim constructions and new facts, including, among others, the prosecution history references, the 2005 original claims and new continuation-in-part material added to the original specification,

---

[7] *Ameranth, Inc. v. Olo Inc.*, 2021-1211, 2021 WL 4699180 (Fed. Cir. Oct. 8, 2021) (mem.)

[8] *Rates Technology, Inc. v. Mediatrix Telecom, Inc.*, 688 F.3d 742, 750 (Fed. Cir. 2012) ("Since there is no opinion, a Rule 36 judgment simply confirms that the trial court entered the correct judgment. *It does not endorse or reject any specific part of the trial court's reasoning*.").

[9] "[S]eparate patents describe separate and distinct inventions and it can not be presumed that related patents rise and fall together." *Comair Rotron, Inc. v. Nippon Densan Corp.*, 49 F.3d 1535, 1539 (Fed. Cir. 1995) (cleaned up).

Ameranth's specific complaint allegations, Mr. McNally's and Dr. Goodrich's declarations, and DoorDash's copying admissions – all of which distinguish them from the *Olo* claims. Exhibit C to Ameranth's FAC charts and compares claim 1 of the '130 patent to claim 1 of the *Olo* patent. Appx182-189. "On their face, a POSITA would understand that the claims of the '130 patent are vastly different and directed to an entirely different concept and technological problem from the earlier patent claims invalidated . . . in *Olo*." Appx64-65, ¶ 43 (referring to FAC Exhibit C).

Instead of addressing the discrete analysis required, DoorDash repeatedly relies on the irrelevant claims of U.S. Patent No. 9,747,651 (the "'651 patent") asserted in *Olo* to argue that the '130 patent's Asserted Claims constitute no more than automating a "business practice," using "typical" hardware and software components, and based solely on the superficial fact that both sets of claims share the same underlying specification. Resp., pp. 6, 10, 15-16, 18-20, 26-27, 32, 35-36, 38, 39-40, 42, 49. DoorDash's argument is wrong. *See, e.g.,* FAC at ¶¶ 25, 38, 39, 68-72. This Court has made it abundantly clear that such a simplistic comparison is inappropriate. Instead, each patent claim is entitled to a presumption of validity and eligibility,[10] and courts are *not* bound by decisions involving different claims when deciding patent-eligibility.[11]

[10] *Cellspin Soft, Inc. v. Fitbit, Inc.* 927 F.3d 1306, 1319 (Fed. Cir. 2019).
[11] *Trading Techs. Int'l, Inc. v IBG LLC*, 921 F.3d 1084, 1095 (Fed. Cir. 2019) (citing

The distinctions between the *Olo* '651 patent claims and the '130 patent's Asserted Claims are far-reaching. Unlike the claims in *Olo*, the '130 patent's Asserted Claims are specifically "directed to" an improved "said web server computer" used to solve the challenge of simultaneously achieving consistency, availability, and partition-tolerance for a distributed database – a technological problem in distributed computing systems and not a "business practice." DoorDash ignores the technological details in the "130 patent's Asserted Claims that are not present in the '651 patent claims when arguing "[t]he '130 patent's claimed 'web server' elements are not meaningfully different in structure or function." Resp., p. 19. However, the *Olo* '651 patent claims recite an Automated Intelligent Assistant (AIA) system that includes "a web server, a database, middleware for communication, an API, and ordering software." *Id.* DoorDash disregards the entire body of claim 1 of the '130 patent, its limiting preamble, and additional limitations which claim an invention altogether different: Not a system, but an improved "web server computer." *See* Appx182-189.

Here, unlike the '651 patent claims, the '130 patent claims ***explicitly recite*** programming details and their technological benefit. The FAC explains the technological problems that existed in 2005 and "how" the claimed inventions solved

---

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)).

those problems including how to design a distributed database that simultaneously achieves the operational goals of consistency, availability, and partition-tolerance.[12] Appx47-93. None of these facts were applicable to, in the record of, or otherwise considered in *Olo*.

C. DoorDash Seeks to Have Its Uncorroborated Attorney Argument Replace the Views of a POSITA

The *Alice* analysis ***requires*** the views of a POSITA be considered: "[W]hether claim elements or their combination are well-understood, routine, or conventional to ***a person of ordinary skill in the art*** is a question of fact."[13] At Step One, for a court to determine what the claims are "directed to," the court must understand what the claims' terms *mean*. Patents are not written for lay people, judges, or attorneys. Instead, they are written for those of ordinary skill in the relevant art.[14] Thus, the viewpoint of a POSITA cannot be disregarded.

As explained in Ameranth's Opening at p. 8, the FAC defined the level of skill in the relevant art. DoorDash has not challenged that definition. Yet neither the District Court nor DoorDash mentioned or applied it. Instead, DoorDash relies on

---

[12] *Cellspin*, 927 F.3d at 1317-18 ("As long as what makes the claims inventive is recited by the claims, the specification need not expressly list all the reasons why this claimed structure is unconventional.").

[13] *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018); *Aatrix*, 882 F.3d at 1128.

[14] *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) ("[P]atents are addressed to and intended to be read by others ***of skill in the pertinent art***.").

Dr. Goodrich's declaration in its Response in its arguments about the claimed "web server" and the fact that Dr. Goodrich was able to write code after reviewing the claims and specification, Resp., pp. 38-39, 42-43; yet, contradictorily, DoorDash also contends that Dr. Goodrich's declaration should be discredited and disregarded. *Id.*, pp. 37-38. DoorDash's conflicting positions lack all credibility, and the Court should view Dr. Goodrich's declaration in the light most favorable to Ameranth.[15]

1. *Alice* Step One

i. Claim 1's Preamble

Contrary to DoorDash's argument, Resp., p. 28 (Ameranth also contends that the ***entire*** preamble is limiting . . . ."), Ameranth's position before the District Court below and again in its Opening to this Court makes clear that Ameranth has only and consistently argued the ***first portion*** of the preamble is limiting and defines the "said web server" as what the claims are "directed to." Appx7459-7460; Appx7463-7464; Opening, pp. 8-9, 20-21, 21 n.3, 26, 34-36. One of Ameranth's citations in support of this position is FAC ¶ 18, which states with respect to the construction of

[15] *Lee v. County of Los Angeles*, Case No. 2:23-cv-06875-GW-MAA, 2025 WL 2505484, at *8 (C.D. Cal. Aug. 29, 2025) ("Defendants lose credibility with this Court as they speak out of both sides of their mouths: to defeat Plaintiffs' prima facie showing of spoliation, they argue that they took reasonable steps to preserve the Missing ESI, while to defeat a finding of intentional destruction, they argue that they were not aware of an obligation to preserve the Missing ESI. On this basis, the Court concludes that County Defendants failed to take reasonable steps to preserve the Missing ESI.").

"said web server computer," "[t]his is an ordered combination defined and limited by the anteceding***, first element of the claim preamble*** and with all terms non-conventionally arranged and integrated to improve the web server computer," Appx54. Ameranth's Opening at p. 36 quotes and cites that same text.

In its Response's new arguments, DoorDash agrees that the preamble should be considered in determining what the claims are "directed to." Resp., p. 13 (arguing the preamble's field of use is to what the claims are directed). Although this Court should not substantively consider DoorDash's new arguments,[16] it demonstrates DoorDash "does not meaningfully address the combination" when formulating its proposed abstract idea.[17] It also proves the District Court's opinion should be vacated and this case remanded so the court can properly consider the limiting preamble in the first instance.

ii. The '130 Patent's Claims Are Directed to an Improved Web Server Computer

In this appeal, DoorDash contradicts itself and confirms the District Court's "directed to" finding was wrong when ***DoorDash admits "[c]laim 1 is directed to an 'intelligent web server computer.'"*** Resp., p. 38.

Ameranth's FAC provides constructions of eight terms, with extensive citations to the intrinsic evidence supporting them, Appx53-55, ¶ 18, and Ameranth

[16] *In re Google*, 980 F.3d at 863; *Gen Digital*, 169 F.4th at 1331.
[17] *TecSec, Inc. v. Adobe Inc.*, 978 F.3d 1278, 1297 (Fed. Cir. 2020).

included three additional constructions in its District Court brief. Appx7459-7460 n.5. Ameranth also alleges in the FAC its definition for "one of ordinary skill in the art," Appx53, ¶ 16, and specifically explained why the constructions are material to the question of patent eligibility. Appx7459-7460; Appx7463-7467; Appx7470.

Applying Ameranth's proposed constructions confirms the claims are directed to an *improved* web server computer, which is not an abstract concept. In the FAC, Ameranth alleges that "said web server computer" must be construed to incorporate the stated limitations from the preamble: "an intelligent web server computer with multi-modes of contact, multi-communications protocols, multi-user and parallel operational capabilities." Appx54. Ameranth contended, in its opposition below, that when Ameranth's proposed constructions are applied, "said web server computer" should be construed to mean "an improved machine capable of running or executing server software that uses HTTP to serve up HTML documents and any associated files and scripts when requested by a client, such as a Web browser, and having the ability of a program to monitor its environment and initiate appropriate actions to achieve a desired state with two or more communication options including e.g. telephone calls, web pages, emails, pages, facsimiles, instant messages, and text messages, two or more protocols, two or more users and the parallel processing of related operational parameters to improve the performance of the web server." Appx7459; Appx7463-7464. Applying these constructions to obtain the fully

construed meaning of "said web server computer" identifies what the claims are "directed to" for purposes of the *Alice* analysis and confirms that the claims are not "directed to the use of machine learning."[18]

Attempting to disregard Ameranth's constructions, DoorDash used ellipses to mask the language that disclosed their actual meaning. Resp., p. 19 ("an improved machine capable of running or executing server software . . . having the ability of a program to monitor its environment and initiate ***appropriate*** actions ***to achieve a desired state***" (emphasis in original)). But even this shortened, incomplete meaning confirms the claims are directed to "an improved machine" – the "web server computer" as DoorDash argued. Resp., p. 38.

Without considering the Asserted Claims' specific language, DoorDash argues that "a web server' is a conventional component" and refers to Dr. Goodrich's "provid[ing] a definition for 'web server' from a dictionary published in 2002." Resp., pp. 38-39 (citing Appx256, ¶ 66). But as Ameranth's Opening explained at pp. 21-22, ¶ 66 of Dr. Goodrich's declaration provides a definition from the Microsoft Computer Dictionary for a conventional *unimproved* web server, Appx256, ¶ 66, and ¶ 67 explains that the '130 patent's Asserted Claims' "web server" computer <u>improved</u> the conventional web server:

> ***Thus***, a POSITA would understand that, ***rather than being*** *a generic* computer, the "web server" of claim 1, ***and as it is defined in the***

[18] *Recentive Analytics, Inc. v. Fox Corp.*, 134 F.4th 1205, 1207 (Fed. Cir. 2025).

> ***preamble is specialized*** to involve multi-modes of contact, multi-communications protocols, multi-user, and parallel operational capabilities, which is supported by the specification of the '130 Patent. . . . Further, the above definition of a Web server from *Microsoft Computer Dictionary* ***does not mention*** any of limitations of a web server additionally having multi-modes of contact, multi-communications protocols, multi-user, and parallel operational capabilities.

Appx257, ¶ 67. DoorDash does not address this point. Instead, DoorDash argues the preamble's "multi-modes of contact, multi-communications protocols, multi-user and parallel operational capabilities" "describe desired capabilities." Resp., p. 39. By admitting these are "capabilities," DoorDash recognizes that the claimed web server is *not* generic because generic web servers did not have these "capabilities." Appx257, ¶ 67. DoorDash's additional argument that these "capabilities" do not describe specific implementation is nothing more than untethered attorney argument that contradicts Dr. Goodrich's view as a POSITA and the Asserted Claims' explicit language setting forth programming details. Moreover, DoorDash's attorney argument creates factual disputes and, if anything, pertain to enablement and implementation details, not patent-eligibility.[19]

[19] *Visual Memory LLC v. NVIDIA Corp.*, 867 F.3d 1253, 1261 (Fed. Cir. 2017) ("[W]hether a patent specification teaches an ordinarily skilled artisan how to implement the claimed invention presents an enablement issue under 35 U.S.C. § 112, not an eligibility issue under § 101. Moreover, the implementation details of how to configure a programmable operational characteristic of a memory system may well fall within the routine knowledge of one of ordinary skill in the art, and a patent need not teach, and preferably omits, what is well known in the art.")

Ameranth's Opening explained, with record citations, the technological problems that existed at the time of invention in 2005 and how the Asserted Claims' inventions, which are "back-end" focused, solved them. Opening, pp. 3-9, 22-28. DoorDash does not contend that these technological problems did not exist.

DoorDash's approach is to make attorney arguments of what claims mean, not what they mean to a POSITA. For example, DoorDash incorrectly argues "the front-end/back-end distinction is found in neither the '130 patent's claims nor its specification." Resp., p. 18. This ignores the specification's description of a graphical user interface, which is "front-end" because this is what the system-user sees, *e.g.,* Appx27-33, Figs. 1-8; Appx39-40, 7:52-8:43, as well as other portions of the specification and claims' description of how a ***back-office*** web server computer processes changes and updates, which is "back-end" because this occurs "behind the scenes" and not viewable by the system-user. *E.g.,* Appx34-35, Figs. 9-10; Appx41-42, 12:51-13:6, Appx44, 18:19-32.

'130 patent claim 1 specifically includes and recites, among other features, "an advanced master database" having "a usable menu file structure," Appx46, 21:48-22:9, and the "master menu file structure" has "modifiers" that can be changed via "automatic reflection" through use of the three-way API.[20] *Id.*, 22:25-33. Claim 1

[20] This claimed external API is referred to as a "three-way API" because it integrates with (1) the hospitality food/drink ordering software; (2) the MFCCS, and (3) the advanced master database. Appx46, 22:21-33.

explicitly recites:

> the external software API integrating with and leveraging the advanced master database to enable the importing of food/drink menus including required and nonrequired modifiers which are then ***automatically reflected throughout the master menu tree file structure, improving efficiency while eliminating the necessity of continually querying or checking every tree branch in the master menu tree file structure*** when responding to remote user requested tasks and/or other inputs

Appx46, 22:25-33 ; *see also* Appx68, ¶¶ 50-51. All of this "reflection" occurs behind-the-scenes, i.e., on the "back-end," and the system-user does not see these changes to the database taking place.

This Court held that as long as what makes the claims inventive is recited by the claims, that is enough to demonstrate unconventionality.[21] As alleged, Dr. Goodrich, a POSITA, was able to understand the back-end improvements after reviewing the claims and the specification. Appx72-76, ¶¶ 60-72; *see also* Appx249-271, ¶¶ 55-94.

As detailed in Ameranth's Opening at pp. 28-34, the District Court erred in finding the claimed invention allegedly uses "typical" computer components and "known programming steps." Ameranth used specification citations from the District Court's opinion that evidences the court's mistakes in citing to unclaimed features and/or preferred embodiments, Opening, pp. 29-34, and of all the citations identified by Ameranth, DoorDash wrongly contends that Ameranth referred to two

[21] *Cellspin*, 927 F.3d at 1317.

examples not relied on by the District Court. Resp., p. 31.

DoorDash criticizes Ameranth for referring to Appx38, 6:41-46 and Appx46, 21:8-19. The '130 patent specification text at those citations provides general background information of the then-2005-state of the art, which did not describe the back-end-based invention claimed in the '130 patent, and ensured that the invention was not limited to certain embodiments, such as restaurant embodiments or certain display types. Opening, p. 29 (citing and quoting Appx38, 6:41-46; Appx46, 21:8-19). Even though that specification text did not apply to the '130 patent's claimed inventions, the court wrote: "As discussed above, the structures disclosed in claim 1 are described in the specification as 'typical,' 'simple,' and "known" not once, but through-out the specification. '130 Patent ***col. 6 ll. 41-46***, col. 6 l. 57-col. 7 l. 12, col. 13 ll. 9-21, ***col. 21 ll. 8-19***." Ameranth's Opening at pp. 29-31 addressed all of these specification citations incorrectly relied on by the District Court and illustrated why the Court was wrong.

iii. The Claims Set Forth Programming Details

Ameranth's Opening explained that claim 1 of the '130 patent explicitly recites programming details and Dr. Goodrich was able to write source code after reading the claims, Appx258-271, ¶¶ 74-94, which confirms the "how" is provided in the claims and specification. Opening, pp. 22-24, 42-51. DoorDash's Response makes two diametrically opposed attorney arguments: (1) the claims are "purely

functional" and do not include the "how," Resp., pp. 20-24, and (2) "Dr. Goodrich's 'source code' merely confirms what the specification already concedes: that the claimed functions could be implemented using conventional programming techniques." *Id.*, p. 43.

DoorDash's statements regarding Dr. Goodrich's writing source code admits that the claims are not "merely functional" because it confirms there was no need to include source code in the '130 patent in order for a POSITA, like Dr. Goodrich, to implement the claimed ordered combination.[22] As referenced in Ameranth's Opening, the specification's statements regarding "discrete programming steps" simply stands for the unremarkable proposition that, after reading the claims and specification teachings *disclosed by the patent*, a POSITA would have known how to implement the new described inventive features into programming code. Opening, pp. 30-31. DoorDash's argument confirms this fact, and Ameranth's position throughout this case has been that the claims' *ordered combination* achieves the technical design goals of a consistent, available, and partition-tolerant distributed database. Because patent claims are to be considered from the viewpoint of a

[22] *See Fonar Corp. v. General Elec. Co.*, 107 F.3d 1543, 1549 (Fed. Cir. 1997) ("As a general rule, where software constitutes part of a best mode of carrying out an invention, description of such a best mode is satisfied by a disclosure of the functions of the software. This is because, normally, writing code for such software is within the skill of the art, not requiring undue experimentation, once its functions have been disclosed.").

POSITA, DoorDash's self-serving attorney argument about the claims being "merely functional" should be rejected.[23]

iv. DoorDash Mischarecterizes and Oversimplifies the Claims

There is no dispute that the specification upon which the '130 patent's Asserted Claims are based is a continuation-in-part specification. "While the scope of claims may be limited by statements in the specification of the patent, it does not follow that claims in a continuation-in-part patent are necessarily limited by the specification of a patent to which the continuation-in-part claims priority."[24] Indeed, "it is erroneous to assume that the scope of the invention is the same such that disclaimers of scope necessarily apply across patents, particularly when continuation-in-part applications are involved."[25]

Despite this clear and uncontroversial statement of the law, the District Court below and DoorDash here on appeal mistakenly focus on a "principal object of the invention" taken from the '130 patent's 1999 parent specification instead of (1) examining the specific limitations of the Asserted Claims for the defined "web server computer," Resp., pp. 25-27, and (2) considering the specific continuation-

---

[23] *TecSec*, 978 F.3d at 1297 ("TecSec submitted an expert declaration asserting that the combination of techniques we have discussed was a specific, unconventional improvement in computer network functionality. Adobe has pointed to no evidence of its own that it submitted in support of its § 101 motion.").
[24] *X2Y Attenuators, LLC v. International Trade Comm'n*, 757 F.3d 1358, 1366 (Fed. Cir. 2014) (Reyna, J. concurring)
[25] *Id.*

in-part added text related to the '130 patent's claims. Like the District Court, DoorDash's misdirection as to what the claims are "directed to" propagates throughout its Response.

It is the claim language that determines what the invention is "directed to."[26] '130 patent claim 1 specifically includes and recites "an advanced master database" having "a usable menu file structure," Appx46, 21:48-22:9, and the "master menu file structure" has "modifiers" that can be changed via "automatic reflection" through use of the three-way API that "improv[es] efficiency while eliminating the necessity of continually querying or checking every tree branch in the master menu tree file structure" when processing node changes to the database. *Id.*, 22:25-33. This explains how to update an existing menu in a distributed database without crashing the system and interrupting its availability due to its inability to efficiently and optimally process a partition and multiple simultaneous changes to the database. *See* Appx66-67, ¶ 46. While an updated menu that results from claim 1's ordered combination could eventually appear in a hospitality food/drink ordering software application, the '130 patent's Asserted Claims are not directed to or focused on taking or processing orders or displaying the menu on a device. Instead, they are directed to an improved web server computer that achieves the design goals of a consistent,

[26] *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1313 (Fed. Cir. 2016) ("[C]ourts must be careful to avoid oversimplifying the claims by looking at them generally and failing to account for the specific requirements of the claims.").

available, and partition-tolerant distributed database that would not become unavailable and unusable when processing a node change. *See, e.g.,* Appx58-86, ¶¶ 30, 36, 37, 40, 41, 45-47, 49-59, 62-67, 72, 76, 82. In addition, claim 1's ordered combination achieves consistency, availability, and partition-tolerance because when a communication link is down in one communication modality or protocol, the claimed web server utilizes another communication modality or protocol that is not down. Appx65-67, ¶¶ 45-46; *see also* Appx249-255, ¶¶ 57-63.

DoorDash incoherently argues that the specification somehow limits the claims to "traditional pen-and-paper hospitality ordering." Resp., pp. 25-27. But the plain language of the Asserted Claims, in view of the prosecution history, and specification support completely belies this point. The '130 patent's claimed inventions disclose the importation over the Internet of an existing menu data file structure into the "said web server computer" from another computer followed by its "automatic reflection" into the master menu file structure, "improving efficiency [of the said web server] while eliminating the necessity of continually querying or checking every node on every tree branch in the master menu tree file structure when responding to remote user requested tasks and/or other inputs." Appx46, 22:25-33. These are clearly impossible tasks for any human. DoorDash "does not explain how a human could manually accomplish this feat" or how a human could simultaneously achieve the design goals of consistency, availability, and partition-tolerance in a

distributed database.[27]

Moreover, during prosecution, an amendment, which is specifically alleged and relied upon in the FAC, Appx53-55, ¶ 18; Appx69, ¶ 53; Appx70, ¶ 55; Appx71, ¶ 58, (and to which the examiner at the USPTO agreed) distinguished the single-thread-based prior art reference (Turcan)[28] and limited the claim to a multi-threaded invention. Through the lens of a POSITA, as defined in the FAC allegations, Appx53, ¶ 16, the '130 patent's Asserted Claims' repeated uses of "multi" (defined to mean "more than one," Appx54) requires "parallel operational capabilities," which is not merely "parallel computing" but an innovative technological element that should be construed to mean "parallel processing of related operational parameters[29] to improve the performance of the web server," Appx54, and which could not be done by a human on pen and paper. Appx7564 (prosecution history from the related '797 patent arguing in response to a § 101 rejection

> "Claims 1, 2, and 7-10 are all directed to a 'parallel processing' capability, as is explained and detailed in the specification, from and

---

[27] *Sonos, Inc. v. D&M Holdings Inc.*, C.A. No. 14-1330-RGA, 2017 WL 971700, at *6 (D. Del. Mar. 13, 2017) (finding "claim 1 of the '949 patent is a device claim for a controller used to form and control groups of audio players. Defendants' arguments that a human could perform the actions the device is said to perform is at best illogical.")

[28] "There is nothing in Turcan regarding hospitality software applications much less requiring **multi-thread** and multiple communications and the intelligence and logic to ensure that a particular hospitality task is actually completed."Appx205-206 (emphasis added). Humans cannot perform this.

[29] Ameranth's proposed construction for "related operational parameters" is at FAC ¶ 18. Appx55.

> which *is something a human cannot do* and which *is innately a technical problem,* and which is solved by Ameranth' s inventive concepts."

; Appx7570 (USPTO examiner agreeing and withdrawing the § 101 rejection).

Ameranth's FAC allegations also address the original claims teaching "parallel operations" and how the prosecution history evidences the fact that "parallel operational capabilities" cannot be done by hand. Appx7471 (explaining that the examiner at the USPTO agreed with Ameranth that "'parallel processing' capability, as is explained and detailed in the specification, from and which is something a human cannot do and which is innately a technical problem, and which is solved by Ameranth's inventive concepts.'" (quoting Appx7564)). Just like the District Court, DoorDash failed to consider the original claims, the prosecution history, and the claimed ordered combination and *what they mean to a POSITA*. Appx10; Resp., p. 30. Instead, they focus on and addressed very different functionality – of "parallel operations" by itself – and not as the claims specifically disclose nor through the lens of a POSITA. Appx10; Resp., p. 45.

2. *Alice* Step Two

DoorDash seeks to support the error below again by improperly using its own uncorroborated attorney argument to trump the views of a POSITA. It does not nullify the error in the judgement below which ignored the claims' ordered

combination including Ameranth's three-way API.

DoorDash argues that "the concept of simultaneously achieving consistency, availability, and partition-tolerance is absent from the claims themselves." Resp, p. 37. DoorDash cites no evidence to support its argument, and it is only attorney-created, litigation-based rhetoric. The evidence of record and the only evidence from a POSITA is Dr. Goodrich's declaration. Appx215-272. Dr. Goodrich described the problems that existed at the time of invention in 2005 in distributed database systems, Appx249-250, ¶ 57, and how the '130 patent's claimed inventions solved those problems. Appx249-271, ¶¶ 55-94. No record evidence contests these well-pled allegations of technological problems, and no record evidence contradicts that the Asserted Claims disclose a unique ordered combination that solved those technological problems. *See, e.g.,* Appx65-67, ¶¶ 45-46; Appx68, ¶ 50; Appx73-74, ¶ 65. As mentioned above at pp. 9-10, DoorDash relies on Dr. Goodrich's declaration in its Response when it believes his declaration supports its argument, evidencing that Dr. Goodrich's declaration is credible and should be considered in this case. But, when Dr. Goodrich's declaration supports Ameranth, DoorDash seeks to have the Court disregard his declaration.

DoorDash, based upon the same faulty premise of the District Court, argues that the FAC's allegations and Dr. Goodrich's expert declaration "contradict the specification's characterization of the claimed elements as 'typical' and implemented

with 'commonly known' programming steps." Resp., p. 37.

Yet, no such conflict between the specification, the FAC, and Dr. Goodrich's declaration exists, *see* Appx74-75, ¶¶ 68-69; Appx259, ¶ 76; Appx261-262, ¶¶ 80-81, and nothing in the specification discloses that the claimed ordered combination was "typical" or "conventional." Using the claim language, the specification, and the prosecution history, the FAC's allegations explain how the claims solve a technological problem. *See, e.g.,* Appx60-86, ¶¶ 36, 37, 40, 41, 45-59, 62-67, 72, 76; Appx236-271, ¶¶ 34-94.

As explained above at pp. 16-17 and in Ameranth's Opening at pp. 28-34, the '130 patent's claimed invention is not "typical," "routine," or "conventional," and the District Court and DoorDash focused on unclaimed features and/or preferred embodiments. DoorDash attempts to argue that each claim element *individually* is conventional while relying only on attorney argument. Resp., pp. 38-45. DoorDash oversimplifies the claims, fails to apply Ameranth's alleged constructions, and does not consider the viewpoint of a POSITA.

Nowhere in DoorDash's argument about the claimed web server does DoorDash apply Ameranth's proposed constructions. Resp., pp. 38-39. Nor does DoorDash recognize that the claimed "web server computer" "***comprises***" all of the elements specified in the body of claim 1 of the '130 patent. Instead, without considering how the claimed web server is programmed pursuant to its claim

limitations, DoorDash argues that "**a** 'web server' is a conventional component," Resp., p. 38, rather than an ***improved*** web server programmed in accordance to claim 1 of the '130 patent, that is not, by its own terms, generic. Appx256-257, ¶¶ 66-67.

As this Court ruled in *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*,[30] where the "the limitations of the claims, taken individually, recite generic computer, network and Internet components, none of which is inventive by itself," an "inventive concept" was found in the ordered combination of the known elements: "The inventive concept inquiry requires more than recognizing that each claim element, by itself, was known in the art" and "an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces."[31] Clearly applicable here, the claimed ordered combination of the '130 patent's Asserted Claims contains an inventive concept.

DoorDash also attempts to argue that the "'API' is merely an 'interface' which is described functionally as to what it ***enables***." Resp., p. 44 (emphasis in original). A review of the actual claim, however, shows that it explicitly recites programming elements and their technological benefit, and is not "merely an interface":

> the external software API integrating with and **leveraging the advanced master database** to enable the importing of food/drink menus including required and non-required modifiers which are then **automatically reflected** throughout the master menu tree file structure, ***improving efficiency while eliminating the necessity of*** continually

[30] 827 F.3d 1341 (Fed. Cir. 2016).
[31] *Id.* at 1349.

> querying or checking every tree branch **in the master menu tree file structure** when responding to remote user requested tasks and/or other inputs[.]

Appx46, 22:25-33 (emphasis added).

'130 patent claim 1 includes and recites "an advanced master database" having "a usable menu file structure," Appx46, 21:48-22:9, and the "master menu file structure" has "modifiers" that can be changed via "automatic reflection" through use of the three-way API, *id.*, 22:25-33; the claim element "a usable menu file structure dictated prior to task execution" should be construed to mean "a menu file structure that improves the efficiency of the advanced master database." Appx55. This means that, when a single-tree node type modifier is updated, it is "automatically reflected throughout the tree. That is, the imported modifier is reflected at each node with the same modifier name. Such a scheme is different from single-position methods, such as those embodied in data structure libraries like JDSL and in tree-structured file systems, such as in Athos, MacOS, and Linux/Unix."[32] Appx68, ¶ 51 (citing Appx40, 9:48-62); *see also* Appx241-242, ¶¶ 43-44. This results in saving web server CPU cycles and reducing network traffic for updating

[32] In single position methods, modifying a tree-structure node requires separate sequential updating of each data node located in various limbs of the tree structure, Appx242, ¶ 44, which increases CPU cycles and network traffic, which results in the system becoming unavailable due to not being able to efficiently and optimally process a partition and change to the database. Appx243-244, ¶ 46; Appx249-250, ¶ 57.

menu trees and similar tree file structures, as it requires only one insertion or deletion rather than performing insertions or deletions at every node tagged with the same modifier name, which improves the functioning of computers. Appx68, ¶ 50; *see also* Appx72, ¶ 62; Appx241-245,¶¶ 42-48. This also demonstrates DoorDash's reliance on *Recentive Analytics* is misplaced because the claims clearly do not merely "apply established methods of machine learning to a new data environment."[33]

As explained above at pp. 17-18, DoorDash has not contested that Dr. Goodrich was able to write source code – the technical language that controls the operation of a computer and its software – after reading the '130 patent's claims, which proves that the "how" is provided in the claims and specification. Appx258-271, ¶¶ 74-94. Instead, DoorDash contends that his ability to write complying code means that "the claimed functions could be implemented using conventional programming techniques." Resp., p. 43. By so doing DoorDash admits that the claims are not "merely functional" because the code can be written and the claimed ordered combination can be implemented. It is this claimed combination that results in the invention and inventive concept for an improved web server computer.

[33] *Recentive Analytics*, 134 F.4th at 1211.

As further evidence that the District Court below and DoorDash did not examine the *actual* claims of the '130 patent and as an ordered combination, DoorDash argues:

> The District Court addressed how the MFCCS enables communication with 'handheld computers' and is 'integrated with the master database and with the . . . hospitality food/drink ordering software application' as well as its integration with the 'backoffice server application' and the ***'linked web sites***" (Appx12) . . . and found this to be nothing more than computerized synchronization of information that was previously done with pen and paper."

Resp., p. 46. But linked web sites are not in any of the claims of the '130 patent.

Now, addressing the ordered combination issue for the first time, DoorDash argues that the '130 patent's claimed combination "is the conventional architecture of any web-based ordering platform." Resp., p. 45. This new argument was never made to the District Court and has no record evidence supporting it. At best, DoorDash merely raises a question of fact as to whether the claimed combination is unconventional.[34]

III. CONCLUSION AND STATEMENT OF RELIEF SOUGHT

For these reasons and those set forth in Ameranth's Opening, the District Court's grant of DoorDash's Motion to Dismiss should be reversed and the case remanded for further proceedings.

[34] *Berkheimer*, 881 F.3d at 1368; *Aatrix*, 882 F.3d at 1128.

Dated: May 13, 2026

Respectfully submitted,

/s/ Richard C. Weinblatt

Richard C. Weinblatt
STAMOULIS & WEINBLATT LLC
800 N. West Street, Third Floor
Wilmington, DE 19801
(302) 999-1540
Email: weinblatt@swdelaw.com

Robert F. Ruyak
LARSON LLP
900 17th Street NW, Suite 200
Washington, DC 20006
(202) 795-4900
Email: rruyak@larsonllp.com

Attorneys for Appellant
Ameranth, Inc.

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2026-1248

Short Case Caption: Ameranth, Inc. v. DoorDash, Inc.

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

☑ the filing has been prepared using a proportionally-spaced typeface and includes 6,999 words.

☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.

☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 05/13/2026

Signature: /s/ Richard C. Weinblatt

Name: Richard C. Weinblatt