

**General Docket
Third Circuit Court of Appeals**

Court of Appeals Docket #: 20-1767**Docketed:** 04/13/2020**Nature of Suit:** 1410 Antitrust**Termed:** 07/20/2020

USA v. Sabre Corp, et al

Appeal From: United States District Court for the District of Delaware**Fee Status:** NA**Case Type Information:**

- 1) civil
- 2) United States as party
- 3) Other civil

Originating Court Information:**District:** 0311-1 : [1-19-cv-01548](#)**Court Reporter:** Brian Gaffigan, Court Reporter**Trial Judge:** Leonard P. Stark, U.S. District Judge**Date Filed:** 08/20/2019**Date Order/Judgment:**

04/07/2020

Date Order/Judgment EOD:

04/07/2020

Date NOA Filed:

04/08/2020

Prior Cases:

None

Current Cases:

None

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UNITED STATES OF AMERICA,
Appellant

v.

SABRE CORPORATION;
SABRE GLBL INC.;
FARELOGIX, INC.;
SANDLER CAPITAL PARTNERS V, L.P.;

04/13/2020	<input type="checkbox"/> 1 107 pg, 2.68 MB	CIVIL CASE DOCKETED. Notice filed by Appellant USA in District Court No. 1-19-cv-01548. (MB) [Entered: 04/13/2020 09:54 AM]
04/13/2020	<input type="checkbox"/> 2	RECORD available on District Court CM/ECF. (MB) [Entered: 04/13/2020 10:01 AM]
04/13/2020	<input type="checkbox"/> 3 2 pg, 66.1 KB	ORDER (Clerk) It is noted that several documents were filed in the District Court under seal. In accordance with the Court's November 4, 2008 Notice to the Bar, the parties are advised that dockets on the Court of Appeals are not sealed as the text of the docket contains procedural information only. When the district court seals part or all of the documents in a civil case, however, the seal on those documents will continue for thirty (30) days after the filing of the notice of appeal. Counsel must file a motion to continue to seal pursuant to 3d Cir. Misc. L.A.R. 106.1(c)(2), within this thirty-day period, or the seal will be lifted. Any motion under 3d Cir. Misc. L.A.R. 106.1 (c)(2) should specify the scope of the relief requested, the basis for sealing, and the desired duration of the sealing order. It is noted that if counsel wishes to file any other documents in this Court under seal, all parties are directed to use the CM/ECF events preceded by the word SEALED whenever filing any documents which may contain sealed material. Hard copies of documents submitted to this Court should be properly labeled that they are SEALED and provided in a clearly marked envelope. It is counsel's responsibility to ensure that any documents subject to this order are properly filed under SEAL. The sealed filing must be accompanied by a motion to seal containing the information set forth above. (MB) [Entered: 04/13/2020 10:30 AM]
04/27/2020	<input type="checkbox"/> 4 2 pg, 118.86 KB	ECF FILER: ENTRY OF APPEARANCE from Nickolai G. Levin on behalf of Appellant(s) United States of America. [20-1767] (NGL) [Entered: 04/27/2020 02:07 PM]
04/27/2020	<input type="checkbox"/> 5 2 pg, 81.55 KB	ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellant USA. [20-1767] (NGL) [Entered: 04/27/2020 02:09 PM]
04/27/2020	<input type="checkbox"/> 6 100 pg, 2.6 MB	ECF FILER: Concise Summary of the Case filed by Appellant USA. [20-1767] (NGL) [Entered: 04/27/2020 02:11 PM]
04/27/2020	<input type="checkbox"/> 7 1 pg, 32.07 KB	ECF FILER: Transcript Purchase Order Form (Part 1) filed by Appellant USA advising this court that transcripts are already on file in the District Court. [20-1767] (NGL) [Entered: 04/27/2020 02:13 PM]
04/27/2020	<input type="checkbox"/> 8 2 pg, 27.12 KB	ECF FILER: Motion filed by Appellant USA to stay briefing schedule. Certificate of Service dated 04/27/2020. Service made by ECF. [20-1767] (NGL) [Entered: 04/27/2020 02:51 PM]
04/28/2020	<input type="checkbox"/> 9 2 pg, 17.6 KB	ECF FILER: ENTRY OF APPEARANCE from Steven C. Sunshine on behalf of Appellee(s) Sabre Corporation and Sabre GBL Inc.. [20-1767] (SCS) [Entered: 04/28/2020 09:11 PM]
04/28/2020	<input type="checkbox"/> 10 6 pg, 28.04 KB	ECF FILER: Response from for Appellees Sabre Corp and Sabre Gbl Inc in opposition to the Government's motion to stay issuance of briefing schedule. Certificate of Service dated 04/28/2020. Service made by ECF. [20-1767]--[Edited 04/29/2020 by MB] (SCS) [Entered: 04/28/2020 09:36 PM]
04/29/2020	<input type="checkbox"/> 11 4 pg, 12.81 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellees Sabre Corp and Sabre Gbl Inc. [20-1767] (SCS) [Entered: 04/29/2020 11:27 AM]
04/29/2020	<input type="checkbox"/> 12 3 pg, 30.23 KB	ECF FILER: Reply by Appellant USA to Response, motion to stay briefing schedule. Certificate of Service dated 04/29/2020. Service made by ECF [20-1767] (NGL) [Entered: 04/29/2020 03:59 PM]
04/29/2020	<input type="checkbox"/> 13 2 pg, 138.16 KB	ECF FILER: ENTRY OF APPEARANCE from Kenneth A. Gallo on behalf of Appellee(s) Farelogix, Inc. and Sandler Capital Partners V, L.P.. [20-1767] (KAG) [Entered: 04/29/2020 09:56 PM]
04/29/2020	<input type="checkbox"/> 14 2 pg, 526.45 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellees Farelogix Inc and Sandler Capital Partners V LP. [20-1767] (KAG) [Entered: 04/29/2020 09:57 PM]
05/08/2020	<input type="checkbox"/> 15 10 pg, 33.34 KB	ECF FILER: Motion filed by Appellees Sabre Corp and Sabre Gbl Inc to Continue Impoundment Pursuant to Local Appellate Rule 106.1(C)(2).. Certificate of Service dated 05/08/2020. Service made by ECF. [20-1767]--[Edited 05/13/2020 by MB] (JOL) [Entered: 05/08/2020 07:06 PM]
05/12/2020	<input type="checkbox"/> 16 107 pg, 2.7 MB	ECF FILER: The United States' Suggestion of Mootness and Motion to Vacate the District Court's Decision and Order Granting Judgment to Defendants. Certificate of Service dated 05/12/2020. Service made by ECF. [20-1767]--[Edited 05/13/2020 by MB] (NGL) [Entered: 05/12/2020 01:11 PM]
05/12/2020	<input type="checkbox"/> 17  0 pg, 0 KB	ECF FILER: Uncontested Motion to File Under Seal the Sealed Version of the District Court's Opinion (Doc. 274). Certificate of Service dated 05/12/2020. [20-1767]--[Edited 05/13/2020 by MB] (NGL) [Entered: 05/12/2020 03:26 PM]
05/13/2020	<input type="checkbox"/> 18 2 pg, 65.83 KB	ORDER (Clerk) The Government's motion for summary action and motion to file the unredacted District Court opinion under seal are referred to a motions panel. The Clerk will hold the unredacted version of the District Court's opinion provisionally under seal pending disposition of the motion to seal. Any response in opposition to the motion will also be referred to the motions panel. No action will be taken on the Government's motion to stay briefing, the response by Appellees, the reply by the Government and Appellees' motion to continue impoundment. The Clerk will not issue a briefing schedule while the motion for summary action is pending. The parties may renew the motions, if necessary, should the Court deny the motion for summary action. If Appellees need to file any sealed documents as part of a response in

opposition to the Government's motion for summary action, Appellees may file a separate motion to seal the documents. (MB) [Entered: 05/13/2020 01:42 PM]

05/22/2020	<input type="checkbox"/> 19 18 pg, 58.43 KB	ECF FILER: Response filed by Appellees Sabre Corp and Sabre Gbl Inc to motion for summary action. Certificate of Service dated 05/22/2020. [20-1767] (JOL) [Entered: 05/22/2020 04:31 PM]
05/29/2020	<input type="checkbox"/> 20 76 pg, 860.75 KB	ECF FILER: Reply by Appellant USA to motion for summary action, Response. Certificate of Service dated 05/29/2020. Service made by ECF [20-1767] (NGL) [Entered: 05/29/2020 12:49 PM]
06/17/2020	<input type="checkbox"/> 21 2 pg, 27.01 KB	ECF FILER: LETTER from Attorney Nickolai G. Levin, Esq. for Appellant USA Letter informing the Court that Accelya and Farelogix reached an agreement for Accelya to acquire Farelogix. Certificate of Service dated 06/17/2020. Service made by ECF. [20-1767] (NGL) [Entered: 06/17/2020 03:56 PM]
06/22/2020	<input type="checkbox"/> 22 3 pg, 15.37 KB	ECF FILER: Response filed by Appellees Sabre Corp and Sabre Gbl Inc to Response. Certificate of Service dated 06/22/2020. [20-1767] (JOL) [Entered: 06/22/2020 08:22 PM]
07/20/2020	<input type="checkbox"/> 23 4 pg, 116.82 KB	ORDER (RESTREPO, PORTER and SCIRICA, Circuit Judges) The Motion to File Under Seal the Sealed Version of the District Court's Opinion is granted. The Motion to Vacate the District Court's Decision and Order Granting Judgment to Defendants is granted because Sabre Corporation mooted the parties' dispute by terminating its acquisition of Farelogix, Inc. See U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship, 513 U.S. 18, 25 (1994) (explaining that vacatur is merited "when mootness results from unilateral action of the party who prevailed below"). By granting this motion, we do not hold that the government's direct or indirect action can never cause mootness in merger-abandonment cases. We also express no opinion on the merits of the parties' dispute before the District Court. See id. at 28 ("We again assert the inappropriateness of disposing of cases, whose merits are beyond judicial power to consider, on the basis of judicial estimates regarding their merits."). As such, this Order should not be construed as detracting from the persuasive force of the District Court's decision, should courts and litigants find its reasoning persuasive. Panel ID: DCO-075 Judge: PORTER Authoring (LMR) [Entered: 07/20/2020 08:45 AM]

☒ **Documents and Docket Summary**☐ **Documents Only**☐ **Include Page Numbers**Selected Pages: Selected Size: **Totals reflect accessible documents only and do not include unauthorized restricted documents.**