

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DCO-075

No. 20-1767

UNITED STATES of AMERICA,
Appellant

v.

SABRE CORPORATION; et al.

(D. Del. No. 1-19-cv-01548)

Present: RESTREPO, PORTER and SCIRICA, Circuit Judges

1. Appellant's Suggestion of Mootness and Motion to Vacate the District Court's Decision and Order Granting Judgment to Defendants
2. Uncontested Motion by Appellant to Filed Under Seal the Sealed Version of the District Court's Opinion
3. Response by Appellees in Opposition to Appellant's Suggestion of Mootness and Motion to Vacate
4. Reply by Appellant in Support of Motion to Vacate the District Court's Decision and Order Granting Judgment to Defendants
5. Letter dated 6/17/20 from Appellant sent for the information of the Court
6. Response dated 6/22/20 from Appellee to Appellant's letter of 6/17/20

Respectfully,
Clerk/mb/arr

ORDER

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.

By the Court,

s/ David J. Porter

Circuit Judge

Dated: July 20, 2020

Lmr/cc: All Counsel of Record