VOLUME IV, PAGES A06254-A08878

No. 2013-1504, -1505

#### In the United States Court of Appeals For The Federal Circuit

**DDR Holdings, LLC,** *Plaintiff-Appellee,* 

v.

Hotels.com, L.P., Cendant Travel Distribution Services Group, Inc., Expedia, Inc., Travelocity.com, L.P., Site59.com, LLC, International Cruise & Excursion Gallery, Inc., Ourvacationstore, Inc., Internetwork Publishing Corporation, and Orbitz Worldwide, LLC,

Defendants,

and

National Leisure Group, Inc. and World Travel Holdings, Inc., Defendants-Appellants,

and

**Digital River, Inc.,** *Defendant-Appellant.* 

Appeals from the United States District Court for the Eastern District of Texas in No. 06-CV-0042, Judge Rodney Gilstrap

#### JOINT APPENDIX (NON-CONFIDENTIAL VERSION)

Warren S. Huang, *Principal Counsel* Fulbright & Jaworski LLP 1301 McKinney, Suite 5100 Houston, Texas 77010-3095 Telephone: (713) 651-5151 Facsimile: (713) 651-5246 warren.huang@nortonrosefulbright.com

DOCKE

Brett C. Govett, *Of Counsel* Fulbright & Jaworski LLP 2200 Ross Avenue, Suite 2800 Dallas, Texas 75201 Telephone: (214) 855-8000 Facsimile: (214) 855-8200 brett.govett@nortonrosefulbright.com

Counsel for Defendant-Appellant Digital River, Inc.

Find authenticated court documents without watermarks at docketalarm.com.

# TABLE OF CONTENTS FOR JOINT APPENDIX (NON-CONFIDENTIAL<br/>VERSION) IN NO. 2013-1504, -1505; DDR HOLDINGS, LLC v.<br/>HOTELS. COM, L.P., ET AL.; IN THE UNITED STATES<br/>COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCUMENT	PAGES <sup>4</sup>
Final Judgment	A00001-A00003
Memorandum Opinion and Order Denying Post-Trial Motions	A00004-A00035
Memorandum Opinion and Order Awarding Costs to DDR	A00036-A00041
Order Denying Notice of Compliance	A00042
Order Relating to Motions in Limine	A00043-A00047
Order Granting in Part and Denying in Part Motion to Strike	A00048-A00079
Supplemental Order Clarifying Amendments	A00080-A00081
U.S. Patent No. 6,629,135	A00082-A00121
U.S. Patent No. 6,993,572	A00122-A00162
U.S. Patent No. 7,818,399	A00163-A00206
Docket Sheet	A00207-A00254
DDR Holdings, LLC's (Original) Complaint	A00255-A00264
DDR Holdings, LLC's Reply to Response to Motion to Stay	A00388-A00412
Order Granting DDR Holdings, LLC's Motion to Stay	A00413-A00414
Notice of Grant of Plaintiff's Ex Parte Reexamination	A00434-A00465

<sup>&</sup>lt;sup>4</sup> The page ranges for the entire documents are provided merely to better assist this Court in cross-referencing pages cited in the parties' briefs on the merits with the table of contents. Any gaps in the page ranges reflect the omission of documents that were originally designated for inclusion in the Joint Appendix but were not ultimately cited in the parties' briefs on the merits.

DOCUMENT	PAGES <sup>4</sup>
Requests	
Notice of Initial Determination in Reexaminations	A00466-A00468
Order Reopening Case	A00469
DDR Holdings, LLC's (Third) Amended Complaint	A00470-A00480
Order Granting Motion for Leave to File Third Amended Complaint	A00481
Joint Claim Construction and Prehearing Statement	A00542-A00550
DDR Holdings, LLC's (Fourth) Amended Complaint	A00551-A00562
DDR Holdings, LLC's Claim Construction Brief	A00601-A00807
Affidavit in Support of Defendants' Response to DDR Holdings, LLC's Claim Construction Brief	A00877-A00991
Claim Construction Chart	A01042-A01051
Claim Construction Order	A01053-A01079
DDR's Partial Amended Disclosure Pursuant to Patent Local Rules 3-1, 3-2 and Federal Rule of Civil Procedure 26(a)(1) Dated 7/19/06	A01137-A01197
DDR's Disclosure Pursuant to Patent Local Rules 3-1, 3-2 and Federal Rule of Civil Procedure 26(a)(1) Dated 4/15/11	
DDR's Amended Disclosure Pursuant to Patent Local Rules 3-6(a)(1) Dated 2/21/12	
Order Granting Stipulated Motion for Dismissal re: Orbitz	A01198-A01199
DDR Holdings, LLC's Letter Brief	A01200-A01213
Digital River's Motion for Summary Judgment of Non- Infringement	A01214-A01233
EXHIBIT 4 – Defendant Digital River, Inc.'s Motion for	A01338-A01342

DOCKET A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

DOCUMENT	PAGES <sup>4</sup>
Summary Judgment of NonInfringement	
EXHIBIT 5 – Defendant Digital River, Inc.'s Motion for Summary Judgment of NonInfringemen	A01343-A01360
EXHIBIT 6 – Defendant Digital River, Inc.'s Motion for Summary Judgment of NonInfringement	A01361-A01367
EXHIBIT 7 – Defendant Digital River, Inc.'s Motion for Summary Judgment of NonInfringement	A01368-A01372
EXHIBIT 11 – Defendant Digital River, Inc.'s Motion for Summary Judgment of NonInfringement	A01386-A01391
EXHIBIT 16 – Defendant Digital River, Inc.'s Motion for Summary Judgment of NonInfringement	A01409-A01412
EXHIBIT 19 – Defendant Digital River, Inc.'s Motion for Summary Judgment of NonInfringement	A01420-A01426
Proposed Pretrial Order	A01991-A02147
Proposed Jury Instructions & Verdict Forms	A02168-A02242
DDR Holdings, LLC's Sur-Reply to Reply to Response to Motion for Summary Judgment of Non-Infringement	A02243-A02251
DDR Holdings, LLC's Response to Motion to Exclude Mr. Chandler's Report and Opinion	A02252-A02325
Transcript of 9/20/12 Pretrial Hearing	A02503-A02653
Memorandum Opinion and Order Denying Digital River's Motion for Summary Judgment of Non-Infringement	A02805-A02814
Transcript of 10/02/12 Pretrial Hearing	A02815-A02890
Notice From Plaintiff of Dismissal of Certain Claims	A02990-A02994
Digital River's Second Motion for Judgment as a Matter of Law Pursuant to F.R.C.P. 50(a)	A03019-A03047

DOCKET ALARM Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

DOCUMENT	PAGES <sup>4</sup>
Proposed Jury Instructions	A03048-A03077
Jury Verdict	A03078-A03080
Transcript of 10/08/12 Morning Session of Trial	A03093-A03251
Transcript of 10/08/12 Afternoon Session of Trial	A03252-A03500
Transcript of 10/09/12 Morning Session of Trial	A03501-A03662
Transcript of 10/09/12 Afternoon Session of Trial	A03663-A03900
Transcript of 10/10/12 Morning Session of Trial	A03901-A04083
Transcript of 10/10/12 Afternoon Session of Trial	A04084-A04299
Transcript of 10/11/12 Morning Session of Trial	A04300-A04460
Transcript of 10/11/12 Afternoon Session of Trial	A04461-A04620
Transcript of 10/12/12 Morning Session of Trial	A04621-A04776
Order Granting DDR Holding, LLC's Motion to Dismiss With Prejudice	A04796-A04797
Digital River, Inc.'s Renewed Motion for Judgment as a Matter of Law Pursuant to Federal Rule of Civil Procedure 50(b)	A04826-A04856
DDR Holdings, LLC's Reply to Digital River's Response to Motion for Entry of Judgment	A04878-A04885
Digital River, Inc.'s Sur-Reply to Reply to Response to Motion for Entry of Judgment	A04886-A04893
DDR Holdings, LLC's Response to Digital River's Renewed Motion for Judgment as a Matter of Law Pursuant to Federal Rule of Civil Procedure 50(b)	A04894-A04930
National Leisure Group, Inc.'s Reply to Response to Renewed Motion for Judgment as a Matter of Law Pursuant to Fed. R.	A04944-A04956

DOCKET

### DOCKET A L A R M



## Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

#### **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

#### **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

#### **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

#### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

#### E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.