

NOTE: This disposition is nonprecedential.

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

DEEP9 CORPORATION,
Plaintiff-Appellant,

v.

**BARNES & NOBLE, INC., AND
BARNESANDNOBLE.COM, LLC,**
Defendants-Appellees.

2013-1031

Appeal from the United States District Court for the
Western District of Washington in No. 11-CV-0035, Judge
James L. Robart.

JUDGMENT

CHRISTIAN E. MAMMEN, Hogan Lovells US, LLP, of
San Francisco, California, argued for plaintiff-appellant.
Of counsel on the brief were ERIC B. FASTIFF and DAVID T.
RUDOLPH, Lieff, Cabraser Heimann & Bernstein, LLP, of
San Francisco, California; and KIM D. STEPHENS and
CHASE ALVORD, Tousley Brain Stephens, PLLC, of Seat-
tle, Washington.

JOHN B. QUINN, Quinn Emanuel Urquhart & Sullivan, LLP, of Los Angeles, California, argued for defendants-appellees. Of counsel on the brief were DAVID EISEMAN and JEFFREY S. GERCHICK, of Washington, DC; and MELISSA J. BAILY, of San Francisco, California.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, O'MALLEY, and WALLACH, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

May 13, 2013

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk