

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

American Airlines, Inc.,

Plaintiff,

v.

Travelport Ltd., Travelport L.P. d/b/a
Travelport,

Orbitz Worldwide, LLC d/b/a Orbitz,

and

Sabre Inc., Sabre Holdings Corp., Sabre Travel
Int'l Ltd. d/b/a Sabre Travel Network,

Defendants.

Case No. 4:11-cv-00244-Y

Oral Argument Requested

Sabre's Motion to Dismiss Pursuant to Rule 12(b)(6)

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Sabre Inc., Sabre Holdings Corp. and Sabre Travel Int'l Ltd. d/b/a Sabre Travel Network (collectively, "Sabre") respectfully move the Court for an order dismissing Plaintiff American Airlines, Inc.'s ("AA's") Amended Complaint. (Doc. 70 (filed under seal).) The grounds for this motion to dismiss are as follows:

1. AA has filed suit against Sabre alleging violations of the Sherman Act, 15 U.S.C. §§ 1-2, and tortious interference with contractual relations. (Doc. 70.)

2. Dismissal of AA's antitrust claims is warranted because, *inter alia*, (1) AA's "Sabre-Only" market definition is implausible; (2) AA has failed to allege exclusionary conduct; and (3) AA has failed to allege adequate foreclosure or anticompetitive effect.

3. Furthermore, dismissal of AA's tortious interference claim is warranted because it is preempted by a federal statute, specifically the Airline Deregulation Act, 49 U.S.C. § 41713(b)(1). Even if the claim were not preempted, it should still be dismissed (a) for the same reasons that AA's antitrust claims should be dismissed and (b) for failure to adequately allege the elements of the claim, including the identification of any contract with which Sabre has tortiously interfered.

4. Accordingly, Sabre respectfully requests that AA's Complaint be dismissed with prejudice in its entirety.

5. This Motion is based upon the accompanying Memorandum in Support of Sabre's Motion to Dismiss Pursuant to Rule 12(b)(6), which has been filed under seal.¹

¹ Pursuant to this Court's order of June 9, 2011 (Doc. 69), Sabre certifies that after consultation with counsel of record, all parties are unopposed to Sabre's Memorandum in Support of its Motion to Dismiss and related appendix being filed under seal.

DATED: July 13, 2011

Respectfully submitted,

/s/ Donald E. Scott

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system pursuant to the Court's Local Rule 5.1(d) on July 13, 2011.

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