

NOTE: This disposition is nonprecedential.

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

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**DEEP9 CORPORATION,**  
*Plaintiff-Appellant,*

v.

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

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2013-1031

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

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**JUDGMENT**

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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.

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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