

Wareham G 20120627 Sabre Counters 10-23 play order

Designation	Source	Tx Duration	Remains	Barcode
249:10-249:13	Wareham, Graham 2012-06-27	00:00:07	00:14:31	V83CS.1
249:10	Q: (BY MS. GIULIANELLI) Do you know -- I think			
249:11	you answered this, but just to be clear, do you know			
249:12	whether or not Sabre has distributed Qantas branded			
249:13	fares through the GDS?			
249:15-249:19	Wareham, Graham 2012-06-27	00:00:13	00:14:24	V83CS.2
249:15	A: I believe they do.			
249:16	Q: (BY MS. GIULIANELLI) Okay. Are you aware of			
249:17	whether or not Sabre has offered any paid seats products			
249:18	for other airlines through its GDS?			
249:19	A: I believe they do.			
269:11-269:17	Wareham, Graham 2012-06-27	00:00:18	00:14:11	V83CS.3
269:11	Q: (BY MS. GIULIANELLI) Okay. You would -- it			
269:12	would be fair to say that development is a two-way			
269:13	street?			
269:14	A: Yes.			
269:15	Q: With give and take from the airline as well as			
269:16	the GDS?			
269:17	A: To some degree, yes.			
230:6-230:8	Wareham, Graham 2012-06-27	00:00:06	00:13:53	V83CS.4
230:6	Q: (BY MS. GIULIANELLI) Mr. Wareham, Air Canada			
230:7	is the largest airline in Canada. Is that right?			
230:8	A: Yes.			
231:19-232:5	Wareham, Graham 2012-06-27	00:00:33	00:13:47	V83CS.5
231:19	Q: Would you agree with me that Air Canada's			
231:20	content is important to travel agents in Canada who are			
231:21	servicing the domestic market?			
231:22	A: Yes.			
231:23	Q: Would you agree with me that without access to			
231:24	Air Canada's flights and fares, a travel agent would be			
231:25	missing the content of the largest domestic carrier?			
232:1	A: Yes.			
232:2	Q: And domestic travel agents compete with one			
232:3	another in part based on the ability to provide their			
232:4	clients access to Air Canada's content. Isn't that			
232:5	right?			
232:7-232:7	Wareham, Graham 2012-06-27	00:00:02	00:13:14	V83CS.6
232:7	A: Yes.			
251:14-252:13	Wareham, Graham 2012-06-27	00:01:16	00:13:12	V83CS.7
251:14	Q: (BY MS. GIULIANELLI) I've marked as Exhibit 9			

Defendants' Trial
Exhibit

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251:15 a document that is Bates numbered Air Canada 363 to 365.
251:16 Is this an e-mail -- does this include e-mails that you
251:17 are on from March 26, 2010?
251:18 A: Yes.
251:19 Q: And this is an e-mail that Air Canada received
251:20 from CWT?
251:21 A: Yes.
251:22 Q: And if you could just look at the second page
251:23 of this e-mail.
251:24 A: Yes.
251:25 Q: Do you see where it says, CWT really has two
252:1 key expectations out of any GDS supplier relationships,
252:2 including AC/Sabre?
252:3 A: Yes.
252:4 Q: And there CWT is telling you that those
252:5 expectations are full content provided by Sabre with no
252:6 limitations? That's one of the expectations?
252:7 A: Of a relationship with Sabre? Their
252:8 expectations out of any GDS supplier -- I mean --
252:9 Q: Right.
252:10 A: Yes.
252:11 Q: Including AC/Sabre?
252:12 A: If their solution included a GDS, it would be
252:13 their expectation that they got full content.

252:16 -252:25 Wareham, Graham 2012-06-27 00:00:24 00:11:56 V83CS.8

252:16 Q: Do you know whether or not BCD prefers to have
252:17 all of Air Canada's content in the GDS?
252:18 A: I'm sure they have the same position that if
252:19 they have a relationship with Sabre, they would want
252:20 full content.
252:21 Q: What about HRG?
252:22 A: I'm sure. Are we going to go through them
252:23 all? I'm sure it's the same.
252:24 Q: Okay. And basically that would be the same
252:25 for any of the large TMC's?

253:2 -253:7 Wareham, Graham 2012-06-27 00:00:22 00:11:32 V83CS.9

253:2 A: Yes, while at the same time we're having
253:3 discussions with CWT on direct connect.
253:4 Q: (BY MS. GIULIANELLI) Has CWT indicated to you
253:5 that it prefers to have some content only available
253:6 through direct connect and not in the GDS?
253:7 A: It prefers to have full content in one place.

233:15 -233:22 Wareham, Graham 2012-06-27 00:00:20 00:11:10 V83CS.10

233:15 Q: (BY MS. GIULIANELLI) You were asked earlier

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233:16 today about the agreement that Air Canada had with Sabre
233:17 to provide full content. Do you remember that?
233:18 A: Yes.
233:19 Q: And then you testified that I think it was in
233:20 2006 Air Canada stopped providing Sabre with full
233:21 content?
233:22 A: Yes.

234:24 -235:2 Wareham, Graham 2012-06-27 00:00:14 00:10:50 V83CS.11
234:24 Q: (BY MS. GIULIANELLI) I've marked as Exhibit 7
234:25 the Sabre participating carrier and distribution
235:1 agreement. Are you familiar with this contract?
235:2 A: Yes.

237:7 -237:11 Wareham, Graham 2012-06-27 00:00:11 00:10:36 V83CS.12
237:7 Q: And do you see there that this contract was
237:8 executed by Air Canada?
237:9 A: Yes.
237:10 Q: And it was also executed by somebody from
237:11 American Airlines?

237:13 -238:2 Wareham, Graham 2012-06-27 00:00:21 00:10:25 V83CS.13
237:13 Q: (BY MS. GIULIANELLI) Looking at page 11 that
237:14 ends in 94311 --
237:15 MS. OLIVER: I'm not seeing where --
237:16 A: It says Sabre Travel Network.
237:17 Q: (BY MS. GIULIANELLI) It says American
237:18 Airlines, Inc. above that.
237:19 A: Yes.
237:20 Q: Because American Airlines owned Sabre at the
237:21 time?
237:22 A: Yes.
237:23 Q: Okay. And is it your understanding that this
237:24 is the PCA --
237:25 A: Yes.
238:1 Q: -- between Sabre and Air Canada?
238:2 A: Yes.

238:9 -238:14 Wareham, Graham 2012-06-27 00:00:15 00:10:04 V83CS.14
238:9 Q: (BY MS. GIULIANELLI) Do you have any
238:10 understanding as to whether or not this is the agreement
238:11 that today governs the relationship between Air Canada
238:12 and Sabre, as the manager of distribution for Air Canada
238:13 in charge of the GDS relationships?
238:14 A: Yes.

235:6 -235:9 Wareham, Graham 2012-06-27 00:00:12 00:09:49 V83CS.15
235:6 Q: And you see there under section 3.3, it
235:7 provides the right to increase price by a certain amount

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235:8 every year?

235:9 A: Yes.

239:7-239:13	Wareham, Graham 2012-06-27	00:00:44	00:09:37	V83CS.16
239:7	Q: (BY MS. GIULIANELLI) Now let's mark as			
239:8	Exhibit 8 a document which is Bates numbered			
239:9	SBR-23094355 to 75. And was this a 2004 agreement			
239:10	between Air Canada and Sabre?			
239:11	A: Yeah.			
239:12	Q: And this agreement -- in this agreement, Air			
239:13	Canada agreed to provide Sabre with full content?			
239:15-239:15	Wareham, Graham 2012-06-27	00:00:03	00:08:53	V83CS.17
239:15	A: I would have to read it.			
239:16-239:18	Wareham, Graham 2012-06-27	00:00:09	00:08:50	V83CS.18
239:16	Q: (BY MS. GIULIANELLI) And if you could just			
239:17	look at section 3, that may help expedite it. It's			
239:18	called, Content.			
239:19-239:19	Wareham, Graham 2012-06-27	00:00:01	00:08:41	V83CS.19
239:19	A: Yes.			
240:9-240:13	Wareham, Graham 2012-06-27	00:00:13	00:08:40	V83CS.20
240:9	Q: And then the 2004 amendment also provided that			
240:10	the parties would revert back to the PCA pricing and			
240:11	other terms if either party terminated this 2004			
240:12	amendment?			
240:13	A: Yes.			
241:22-241:24	Wareham, Graham 2012-06-27	00:00:12	00:08:27	V83CS.21
241:22	Q: You understood that Sabre was willing in 2004			
241:23	to reduce its booking fees in order to secure full			
241:24	content with Air Canada?			
242:1-242:7	Wareham, Graham 2012-06-27	00:00:19	00:08:15	V83CS.22
242:1	A: In 2004?			
242:2	Q: (BY MS. GIULIANELLI) Correct.			
242:3	A: Yes, it did.			
242:4	Q: And again, you I think testified earlier			
242:5	today that Air Canada has been negotiating with Sabre			
242:6	through -- for a variety of years, 2010, 2009 to get a			
242:7	new full content agreement?			
242:9-242:13	Wareham, Graham 2012-06-27	00:00:09	00:07:56	V83CS.23
242:9	A: To get a new agreement.			
242:10	Q: (BY MS. GIULIANELLI) To get a new agreement.			
242:11	And the new agreement would -- would have provided Sabre			
242:12	with the ability to distribute Air Canada's full			
242:13	content?			

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242:15 -242:15	Wareham, Graham 2012-06-27 242:15 A: Possibly.	00:00:01	00:07:47	V83CS.24
278:6 -278:6	Wareham, Graham 2012-06-27 278:6 Q: I'll quickly mark as Exhibit 11 --	00:00:03	00:07:46	V83CS.25
278:8 -278:13	Wareham, Graham 2012-06-27 278:8 Q: (BY MS. GIULIANELLI) Is this a copy of that 278:9 letter of intent? 278:10 A: Yes. 278:11 Q: And this letter of intent laid out the 278:12 proposed terms for a new Sabre participation agreement? 278:13 A: Correct.	00:00:18	00:07:43	V83CS.26
278:23 -279:1	Wareham, Graham 2012-06-27 278:23 Q: Okay. And Sabre was going to have the ability 278:24 to distribute all of the content that was then being 278:25 distributed through the AC2U API along with its GDS 279:1 display?	00:00:15	00:07:25	V83CS.27
279:4 -279:4	Wareham, Graham 2012-06-27 279:4 A: Yes.	00:00:02	00:07:10	V83CS.28
282:7 -282:14	Wareham, Graham 2012-06-27 282:7 Q: Okay. And in return for full content as it's 282:8 defined here in paragraph J, Air Canada's booking fees 282:9 were going to decrease. Correct? 282:10 A: Correct. 282:11 Q: And they were going to decrease pretty 282:12 substantially? 282:13 A: I think we -- we were satisfied with the 282:14 decrease.	00:00:30	00:07:08	V83CS.29
190:24 -191:1	Wareham, Graham 2012-06-27 190:24 Q: Okay. Air Canada and American Airlines are 190:25 competitors? 191:1 A: Correct.	00:00:05	00:06:38	V83CS.30
194:2 -195:2	Wareham, Graham 2012-06-27 194:2 you've met, have you not, with AA 194:3 business people on various occasions? 194:4 A: Yes. 194:5 Q: Okay. Including AA salespeople? 194:6 A: Possibly. 194:7 Q: Okay. You've had telephone calls with AA 194:8 employees? 194:9 A: Yes. 194:10 Q: And you've had in-person meetings with AA 194:11 employees? 194:12 A: Yes.	00:01:01	00:06:33	V83CS.31 (Edited)

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194:13 Q: It's accurate to say that you've met multiple
 194:14 times over the past three years with representatives of
 194:15 American Airlines?
 194:16 A: We've been in the same room. If you're
 194:17 implying that it was Air Canada and AA meeting
 194:18 exclusively, no, I wouldn't say that's true.
 194:19 Q: With AA and Air Canada and then other airlines
 194:20 as well?
 194:21 A: Yes.
 194:22 Q: And one of the topics at those meetings of
 194:23 discussion that you have had with American Airlines and
 194:24 other airlines is the distribution of airline content?
 194:25 A: Yes.
 195:1 Q: You've discussed the future of airline content
 195:2 distribution with American Airlines?

195:4 -195:8	Wareham, Graham 2012-06-27	00:00:13	00:05:32	V83CS.32
195:4	A: Yes.			
195:5	Q: (BY MS. GIULIANELLI) And you've discussed the			
195:6	future of airline content distribution with other			
195:7	airlines as well in those meetings?			
195:8	A: Yes.			
196:3 -196:3	Wareham, Graham 2012-06-27	00:00:02	00:05:19	V83CS.33
196:3	Q: Okay. I'm marking as Exhibit 1 --			
196:6 -196:8	Wareham, Graham 2012-06-27	00:00:17	00:05:17	V83CS.34
196:6	Q: (BY MS. GIULIANELLI) -- a document which is a			
196:7	series of e-mails on which you appear and others. And			
196:8	it's, for the record, AA-SABBI-000576356 to 6362.			
197:3 -197:5	Wareham, Graham 2012-06-27	00:00:10	00:05:00	V83CS.35
197:3	Q: This document contains a series of e-mails			
197:4	between you, Don Bender and others at AA and Air Canada?			
197:5	A: I was cc'd on the last one, yes.			
200:15 -200:17	Wareham, Graham 2012-06-27	00:00:10	00:04:50	V83CS.36
200:15	Q: Okay. And then in this discussion, there's			
200:16	talk about setting up a call with salespeople and to			
200:17	possibly other groups at AA. Is that right?			
200:20 -200:20	Wareham, Graham 2012-06-27	00:00:12	00:04:40	V83CS.37
200:20	A: Yes.			
200:25 -201:6	Wareham, Graham 2012-06-27	00:00:25	00:04:28	V83CS.38
200:25	Q: There's a discussion of first talking about			
201:1	three things, one, branded fares program, and then two,			
201:2	Farelogix, and three, revenue integrity.			
201:3	A: Okay.			
201:4	Q: Is that what the Air Canada representatives			

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201:5 were preparing to discuss with representatives from
 201:6 American Airlines in October of 2008?

201:8 -201:8 Wareham, Graham 2012-06-27 00:00:08 00:04:03 V83CS.39

201:8 A: Yeah, that's what it says. Yeah.

201:18 -201:25 Wareham, Graham 2012-06-27 00:00:18 00:03:55 V83CS.40

201:18 Q: And it looks like then a conference call is
 201:19 set up between representatives of Air Canada and
 201:20 American Airlines?
 201:21 A: Yes.
 201:22 Q: And you were listed as one of the participants
 201:23 in the call?
 201:24 A: Yes.
 201:25 Q: Okay. And the call also included Don Bender?

202:7 -202:23 Wareham, Graham 2012-06-27 00:00:34 00:03:37 V83CS.41

202:7 A: Okay. (Edited)
 202:8 Q: That's the Don Bender from American's
 202:9 distribution group?
 202:10 A: Yes.
 202:11 Q: Okay. And the call also included Suzanne
 202:12 Rubin from American Airlines?
 202:13 A: Is she listed? Yeah.
 202:14 Q: And also listed there is Alice Curry, who was
 202:15 the -- at American Airlines?
 202:16 A: Yes.
 202:17 Q: And also listed was Cory Garner at American
 202:18 Airlines?
 202:19 A: Yes.
 202:20 Q: Do you know Mr. Garner?
 202:21 A: Yes.
 202:22 Q: How often have you spoken with him about
 202:23 distribution?

202:25 -203:2 Wareham, Graham 2012-06-27 00:00:03 00:03:03 V83CS.42

202:25 A: In what period?
 203:1 Q: (BY MS. GIULIANELLI) Over the last four
 203:2 years.

203:4 -203:8 Wareham, Graham 2012-06-27 00:00:05 00:03:00 V83CS.43

203:4 A: More than once.
 203:5 Q: (BY MS. GIULIANELLI) More than once?
 203:6 A: More than once.
 203:7 Q: Multiple times?
 203:8 A: Yes.

204:24 -205:2 Wareham, Graham 2012-06-27 00:00:28 00:02:55 V83CS.44

204:24 Q: (BY MS. GIULIANELLI) Okay. Would it be

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204:25 accurate to say that you have discussed the GDS pull
 205:1 model with American Airlines business people since 2008?
 205:2 A: Yes.

205:12-206:5 Wareham, Graham 2012-06-27 00:00:51 00:02:27 V83CS.45

205:12 Q: (BY MS. GIULIANELLI) Let me turn to Open Axis
 205:13 briefly. You testified earlier today about Open Axis?
 205:14 A: Uh-huh.
 205:15 Q: Air Canada is on the board of Open Axis?
 205:16 A: Yes.
 205:17 Q: The airlines founded it?
 205:18 A: Yes.
 205:19 Q: Members are mostly airlines?
 205:20 A: Yes.
 205:21 Q: AA is a member?
 205:22 A: Yes.
 205:23 Q: What other airlines are members of Open Axis?
 205:24 A: Delta, United, AirTran, I believe.
 205:25 Q: Does Farelogix participate in Open Axis?
 206:1 A: They have been invited to a couple of
 206:2 meetings, yes.
 206:3 Q: Is that the only level of their participation
 206:4 in Open Axis?
 206:5 A: Yes.

206:12-206:14 Wareham, Graham 2012-06-27 00:00:10 00:01:36 V83CS.46

206:12 Q: (BY MS. GIULIANELLI) And would it be fair to
 206:13 say that airlines control Open Axis?
 206:14 A: Yes.

218:18-218:21 Wareham, Graham 2012-06-27 00:00:12 00:01:26 V83CS.47

218:18 Q: (BY MS. GIULIANELLI) In this e-mail
 218:19 Mr. Davidson makes it clear that his view of Open Axis
 218:20 is that it is about supporting alternate connectivity
 218:21 where the airline has control over the product.

218:23-219:3 Wareham, Graham 2012-06-27 00:00:05 00:01:14 V83CS.48

218:23 A: Yes.
 218:24 Q: (BY MS. GIULIANELLI) Would you agree with
 218:25 that?
 219:1 A: Yes.
 219:2 Q: Okay. That's basically the direct connect
 219:3 model?

219:5-219:10 Wareham, Graham 2012-06-27 00:00:13 00:01:09 V83CS.49

219:5 A: Yes.
 219:6 Q: (BY MS. GIULIANELLI) Okay. And in that model
 219:7 the airline will have control over the price that's
 219:8 ultimately displayed to the traveler or to the travel

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219:9 agent?
219:10 A: More control, yes.

219:17 -219:20 Wareham, Graham 2012-06-27 00:00:13 00:00:56 V83CS.50
219:17 Q: (BY MS. GIULIANELLI) Would it be fair (Edited)
219:18 to say that Open Axis was in part about changing the
219:19 role of the GDS's in displaying prices and fares to the
219:20 travel agents?

219:22 -219:23 Wareham, Graham 2012-06-27 00:00:12 00:00:43 V83CS.51
219:22 A: Yes, as the GDS's are part of the industry,
219:23 yes.

220:23 -220:25 Wareham, Graham 2012-06-27 00:00:09 00:00:31 V83CS.52
220:23 Q: One of the things that Open Axis group does is
220:24 advocate for distribution practices?
220:25 A: Yes.

222:10 -222:16 Wareham, Graham 2012-06-27 00:00:23 00:00:23 V83CS.53
222:10 Q: And there it says that when the (Edited)
222:11 information is limited to schedule and price, the
222:12 airline becomes fully commoditized. Do you see that?
222:13 A: Yes, I see that.
222:14 Q: And that forces the airlines to continually
222:15 compete on price alone. Did you agree with that?
222:16 A: Yes.

Total time for all Scripts in this report: 00:14:31