

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TravelPass Group, LLC, Partner Fusion, Inc.,
Reservation Counter, LLC,

Plaintiffs,

v.

Caesars Entertainment Corporation, Choice
Hotels International, Inc., Hilton Domestic
Operating Company Inc., Hyatt Hotels
Corporation, Marriott International, Inc., Red
Roof Inns, Inc., Six Continents Hotels, Inc.,
Wyndham Hotel Group, LLC,

Defendants.

Case No. 5:18-cv-153-RWS-CMC

JURY TRIAL DEMANDED

HEARING REQUESTED

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**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE THE
AFFIRMATIVE REPORTS, OPINIONS, AND TESTIMONY OF DEFENDANTS'
EXPERT STEPHEN BECKER**

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Defendants Choice Hotels International, Inc. (“Choice”), Marriott International, Inc. (“Marriott”), and Six Continents Hotels, Inc. (“Six Continents”) (collectively, “Defendants”) hereby oppose the Motion to Exclude The Affirmative Reports, Opinions, And Testimony Of Defendants’ Expert Stephen Becker, Dkt. 559, (the “Motion”) filed by Plaintiffs TravelPass Group, LLC, Partner Fusion, Inc., and Reservation Counter, LLC (collectively, “TravelPass”).

I. INTRODUCTION

Dr. Stephen Becker is an experienced and well-regarded expert in the areas of financial analysis and economic damages. Defendants have retained Dr. Becker to analyze damages in this case related to both TravelPass’s antitrust claims and Defendants’ Lanham Act and state law counterclaims. TravelPass argues in its Motion that Dr. Becker’s opinions related to Defendants’ counterclaims should be excluded. The Court should deny TravelPass’s Motion because its criticisms of Dr. Becker’s opinions are wrong on the law or at most go to the weight of his testimony, not its admissibility.

Defendants will prove at trial that TravelPass has misled consumers into believing that they were booking hotel room reservations directly with a hotel when in fact they were booking with TravelPass. Nearly all of TravelPass’s customers wound up booking with TravelPass by (1) searching online for a specific hotel brand in a specific location—*e.g.*, “Holiday Inn Texarkana,” (2) following a link in a sponsored ad, (3) arriving at a hotel landing page, (4) ultimately making a reservation though the TravelPass website or dialing a phone number on the TravelPass website that connected the customer to a call center. At each step of this process, TravelPass set out to mislead the consumer into believing they were dealing directly with a centralized reservation counter or desk for the hotels themselves. For example, TravelPass’s sponsored ads prominently feature hotel brand names along with phrases like “book direct” and URLs like “holidayinn.reservationcounter.com. TravelPass’s websites also featured hotel brand names, along

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