

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-1210, -1245

MERITOR TRANSMISSION CORPORATION,

Plaintiff-Appellant,

v.

EATON CORPORATION,

Defendant-Cross Appellant.

Daniel R. Cherry, Welsh & Katz, LTD, of Chicago, Illinois, argued for plaintiff-appellant. With him on the brief were Walter J. Kawula, Jr., Brian J. Sodikoff and M. Lee Murrah, Chief Intellectual Property Counsel, ARVINMERITOR, INC., of Troy, Michigan.

John A. Burlingame and Donnie Lewis Kidd, Jr., Squire, Sanders & Dempsey L.L.P., of Washington, argued for defendant-cross appellant. With them on the brief was William H. Mandir, of Sughrue Mion PLLC, of Washington, DC.

Appealed from: United States District Court for the Western District of North Carolina.

Judge Lacy H. Thornburg

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### JUDGMENT

ON APPEAL from the United States District Court for the  
Western District of North Carolina

In CASE NO(S). 1:04-CV-178

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED: AFFIRMED. See Fed. Cir. R. 36

Per Curiam (NEWMAN, MAYER, and GAJARSA, Circuit Judges).

ENTERED BY ORDER OF THE COURT

DATED: December 13, 2007

/s/ Jan Horbaly  
Jan Horbaly, Clerk