

Note: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1384

EZ GARD INDUSTRIES, INC.,

Plaintiff-Appellee,

v.

XO ATHLETIC CO.,

Defendant-Appellant,

and

PAUL J. ANDRE,

Defendant.

William L. Roberts, Faegre & Benson LLP, of Minneapolis, Minnesota, argued for plaintiff-appellee. With him on the brief were Kevin P. Wagner and Timothy E. Grimsrud.

Stephen M. Chin, von Simson & Chin LLP, of New York, New York, argued for defendant-appellant.

Appealed from: United States District Court for the District of Minnesota

Chief Judge James M. Rosenbaum

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Judgment

ON APPEAL from the United States District Court for the District of Minnesota
in CASE NO(S). 07-CV-4769

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (NEWMAN, LINN, and MOORE, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED December 15, 2008

/s/ Jan Horbaly
Jan Horbaly, Clerk