

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-1402

BERNARDO FOOTWEAR, LLC,

Plaintiff-Appellant,

v.

DILLARD'S INC.

Defendant,

and

FEDERATED DEPARTMENT STORES, INC.,

Defendant,

and

FORTUNE DYNAMIC, INC.,

Defendant-Appellee.

Edward W. Goldstein, Goldstein, Faucett & Prebeg, LLP, of Houston, Texas, argued for plaintiff-appellant. With him on the brief were Alisa A. Lipski and Wendy L. Boone.

John T. Palter, Riney Palter, PLLC, of Dallas, Texas, argued for defendant-appellee. With him on the brief were Theodore J. Riney and Bruce K. Packard. Of counsel on the brief was Angela P. Lin, Huang, Fedalen & Lin, LLP, of Encino, California.

Appealed from: United States District Court for the Southern District of Texas

Judge Nancy F. Atlas

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Defendant-Appellee.

## JUDGMENT

ON APPEAL from the United States District Court for the Southern District of Texas  
in CASE NO. 07-CV-0963.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

AFFIRMED. See Fed. Cir. R. 36

ENTERED BY ORDER OF THE COURT

DATED: March 4, 2009

/s/ Jan Horbaly  
Jan Horbaly, Clerk