

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

GERALD A. KELLOGG,
Plaintiff-Appellant,

v.

NIKE, INC. and NIKE USA, INC.,
Defendants-Cross Appellants.

2010-1173, -1174, -1195, -1196

Appeal from the United States District Court for the District of Nebraska in No. 07-CV-0070, Chief Judge Joseph F. Bataillon.

JUDGMENT

MARK J. PETERSON, Stinson Morrison Hecker, LLP, of Omaha, Nebraska, argued for plaintiff-appellant. With him on the brief was NORA M. KANE. Of counsel on the brief were G. THOMAS WILLIAMS and MARY C. BONNEMA, McGarry Bair PC, of Grand Rapids, Michigan.

B. TRENT WEBB, Shook, Hardy & Bacon, L.L.P, of Kansas City, Missouri, argued for defendants-cross appellants. With him on the brief were BART A. STARR, JONATHAN N. ZERGER and ANGEL D. MITCHELL.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, NEWMAN, and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

July 11, 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk