

NOTE: This disposition is nonprecedential.

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

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**DAVID D. PROBERT and JACKLYN O. PROBERT,**  
*Plaintiffs-Appellants,*

v.

**THE CLOROX COMPANY, INC.,**  
*Defendant-Appellee.*

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2010-1298

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Appeal from the United States District Court for the  
District of Utah in No. 07-CV-0139, Judge Dee V. Benson.

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**JUDGMENT**

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TODD E. ZENGER, Kirton & McConkie, of Salt Lake  
City, Utah, argued for plaintiffs-appellants.

DAVID R. WRIGHT, Workman Nydegger, of Salt Lake  
City, Utah, argued for defendant-appellee. With him on  
the brief were DAVID R. TODD and CLINTON E. DUKE.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (GAJARSA, PROST, and MOORE, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

December 9, 2010  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk