

NOTE: This disposition is nonprecedential.

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

TDM AMERICA, LLC,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2010-5138

Appeal from the United States Court of Federal
Claims in No. 06-CV-472, Judge Thomas C. Wheeler.

JUDGMENT

DAVID W. DENENBERG, Davidoff Malito & Hatcher,
LLP, of Garden City, New York, argued for plaintiff-
appellant. With him on the brief was MICHAEL A. ADLER.

WALTER W. BROWN, Attorney, Commercial Litigation
Branch, Civil Division, United States Department of
Justice, of Washington, DC, argued for defendant-
appellee. With him on the brief were TONY WEST,
Assistant Attorney General, and JOHN FARGO, Director.
Of counsel on the brief was SUSAN L.C. MITCHELL,
Assistant Director, United States Department of Justice,
of Washington, DC.

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 16, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk