

NOTE: This disposition is nonprecedential.

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

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**ERGOWERX INTERNATIONAL LLC,**  
*Plaintiff-Appellant*

v.

**MAXELL CORPORATION OF AMERICA,**  
*Defendant-Appellee*

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2014-1641

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Appeal from the United States District Court for the Southern District of New York in No. 1:13-cv-05633-PAE, Judge Paul A. Engelmayer.

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**JUDGMENT**

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JAY P. NELKIN, Nelkin & Nelkin, P.C., Houston, TX, argued for plaintiff-appellant.

HILARY L. PRESTON, Vinson & Elkins LLP, New York, NY, argued for defendant-appellee. Also represented by AJEET P. PAI, Austin, TX; NICKOU OSKOUI, Dallas, TX.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, TARANTO, and HUGHES, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

September 11, 2015  
Date

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court