

NOTE: This disposition is nonprecedential.

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

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**KROY IP HOLDINGS, LLC,**  
*Plaintiff-Appellant*

v.

**SAFEWAY, INC.,**  
*Defendant-Appellee*

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2015-1782

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Appeal from the United States District Court for the Eastern District of Texas in No. 2:12-cv-00800-WCB, Circuit Judge William C. Bryson.

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**JUDGMENT**

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TIMOTHY P. MALONEY, Fitch, Even, Tabin & Flannery, Chicago, IL, argued for plaintiff-appellant. Also represented by JOSEPH F. MARINELLI, ALISON AUBRY RICHARDS, NICOLE L. LITTLE; STEVEN C. SCHROER, Boulder, CO.

JAMES CHRISTOPHER MARTIN, Reed Smith LLP, Pittsburgh, PA, argued for defendant-appellee. Also represented by KIRSTEN RYDSTROM; GERARD M. DONOVAN, Washington, DC; CHRISTINE M. MORGAN, WILLIAM ROSS OVEREND, San Francisco, CA.

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THIS CAUSE having been heard and considered, it is  
ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, SCHALL, and CHEN, *Circuit  
Judges*).

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

ENTERED BY ORDER OF THE COURT

April 21, 2016  
Date

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