

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1542

DAVE D. PROBERT and JACKLYN O. PROBERT,

Plaintiffs-Appellants,

v.

THE CLOROX COMPANY,

Defendant-Appellee.

Appeal from the United States District Court for the District of Utah
in case no. 07-CV-139, Judge Dee Benson.

ON MOTION

ORDER

The parties move jointly to dismiss this appeal.*

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

SEP 29 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Todd E. Zenger, Esq.
Clinton Earl Duke, Esq.

s17

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SEP 29 2009

ISSUED AS A MANDATE: _____

SEP 29 2009

**JAN HORBALY
CLERK**

* The parties request that this dismissal be with prejudice; however, it is not the practice of this court to dismiss with or without prejudice.