

NOTE: This disposition is nonprecedential.

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

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**DENNIS L. SCHMIRLER,**  
*Plaintiff-Appellant,*

v.

**DAVID J. KAPPOS, UNDER SECRETARY OF  
COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR, UNITED STATES PATENT AND  
TRADEMARK OFFICE,**  
*Defendant-Appellee.*

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2012-1078

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Appeal from the United States District Court for the Eastern District of Wisconsin in No. 10-CV-0144, Judge Lynn Adelman.

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**JUDGMENT**

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GARET K. GALSTER, Ryan Kromholz & Manion, S.C., of Milwaukee, Wisconsin, argued for plaintiff-appellant.

THOMAS W. KRAUSE, Associate Solicitor, United States Patent and Trademark Office, of Alexandria, Virginia, argued for defendant-appellee. With him on the brief were RAYMOND T. CHEN, Solicitor, and FRANCES M. LYNCH, Associate Solicitor.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, PROST and REYNA,  
*Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

September 6, 2012  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk