

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-1469

BRADY CONSTRUCTION INNOVATIONS, INC.,

Plaintiff-Appellant,

v.

CALIFORNIA EXPANDED METAL PRODUCTS COMPANY,

Defendant-Appellee.

2008-1057

BRADY CONSTRUCTION INNOVATIONS, INC.,

Plaintiff-Appellee,

v.

CALIFORNIA EXPANDED METAL PRODUCTS COMPANY,

Defendant-Appellant.

R. Joseph Trojan, Trojan Law Offices, of Beverly Hills, California, argued for plaintiff-appellant and plaintiff-appellee.

Paul A. Stewart, Knobbe, Martens, Olson & Bear, LLP, of Irvine, California, argued for defendant-appellee and defendant-appellant. With him on the brief were Vito A. Canuso, III, and Michael K. Friedland.

Appealed from: United States District Court for the Central District of California

Chief Judge Alicemarie H. Stotler

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-1469

BRADY CONSTRUCTION INNOVATIONS, INC.,

Plaintiff-Appellant,

v.

CALIFORNIA EXPANDED METAL PRODUCTS COMPANY,

Defendant-Appellee.

2008-1057

BRADY CONSTRUCTION INNOVATIONS, INC.,

Plaintiff-Appellee,

v.

CALIFORNIA EXPANDED METAL PRODUCTS COMPANY,

Defendant-Appellant.

Appeal from United States District Court for the Central District of California in case no. 07-CV-217, Chief Judge Alicemarie H. Stotler

DECIDED: August 15, 2008

Before MICHEL, Chief Judge, RADER and MOORE, Circuit Judges.

MICHEL, Chief Judge.

Brady Construction Innovations, Inc. (“Brady”) appeals from the district court’s summary judgment of invalidity. Order, Brady Construction Innovations, Inc. v. California Expanded Metal Products Company, No. 07-217 (C.D. Cal. June 13, 2007) (“Summary Judgment Order”). California Expanded Metal Products Company (“CEMCO”) appeals from the district court’s denial of its motion for attorneys’ fees. Order, Brady Construction Innovations, Inc. v. California Expanded Metal Products Company, No. 07-217 (C.D. Cal. Sept. 26, 2007) (“Fees Order”). We heard oral argument on July 7, 2008. For the reasons discussed in our opinion in Brady Construction Innovations, Inc. v. Perfect Wall, Inc., Nos. 2007-1460, -1486, we affirm both the district court’s summary judgment of invalidity and denial of attorneys’ fees.*

* CEMCO also sought attorneys’ fees under Rule 11 on the same basis as it sought fees under Section 285. The district court’s denial of a motion for Rule 11 sanctions is reviewed for abuse of discretion. E.g., Q-Pharma, Inc. v. Andrew Jergens Co., 360 F.3d 1295, 1299 (Fed. Cir. 2004). We have reviewed CEMCO’s arguments as to attorneys’ fees as well as the correspondence in the record between CEMCO’s counsel and Brady’s counsel, and we conclude that the district court did not abuse its discretion in denying attorneys’ fees under Rule 11.