

NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

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IN RE PETER KITE AND DAVID HATTON

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2009-1579  
(Serial No. 10/313,844)

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Appeal from the United States Patent and Trademark  
Office, Board of Patent Appeals and Interferences.

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## JUDGMENT

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ROBERT G. MUKAI, Buchanan Ingersoll & Rooney PC,  
of Alexandria, Virginia, argued for appellants. With him  
on the brief was TRAVIS D. BOONE.

THOMAS J. KRAUSE, Associate Solicitor, Office of the  
Solicitor, United States Patent and Trademark Office, of  
Arlington, Virginia, argued for the Director of the United  
States Patent and Trademark Office. With him on the  
brief were RAYMOND T. CHEN, Solicitor, and BENJAMIN  
D.M. WOOD, Associate Solicitor.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, GAJARSA, and LINN, *Circuit  
Judges*).

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

ENTERED BY ORDER OF THE COURT

June 21, 2010  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk