

NOTE: This disposition is nonprecedential.

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

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**PASTIFICIO LUCIO GAROFALO, S.P.A.**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee,*

*and*

**AMERICAN ITALIAN PASTA COMPANY,  
DAKOTA GROWERS PASTA COMPANY,  
and NEW WORLD PASTA COMPANY,**  
*Defendants-Appellees,*

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2011-1533

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Appeal from the United States Court of International Trade in consolidated Case Nos. 10-CV-0095 and 10-CV-0097, Judge Donald C. Pogue.

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**JUDGMENT**

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RICHARD P. FERRIN, Drinker Biddle & Reath LLP, of Washington, DC, argued for plaintiff-appellant. With him on the brief was DOUGLAS J. HEFFNER.

CARRIE A. DUNSMORE, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for defendant-appellee United States. With her on the brief were TONY WEST, Assistant Attorney General, JEANNE

E. DAVIDSON, Director, and REGINALD T. BLADES, JR., Assistant Director.

DAVID C. SMITH, JR., Kelley Drye & Warren, LLP of Washington, DC, argued for defendant-appellee American Italian Pasta Company, et al. With him on the brief was PAUL C. ROSENTHAL.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, MAYER, and DYK, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

March 14, 2012  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk