

NOTE: This disposition is nonprecedential.

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

---

**IN RE FRANK TOPPO**

---

2013-1077

---

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Serial No. 11/491,718.

---

**JUDGMENT**

---

SEAN A. PASSINO, Lowe Hauptman, Ham & Berner, LLP, of Alexandria, Virginia, argued for appellant. With him on the brief were BENJAMIN J. HAUPTMAN and BENJAMIN P. KOTA.

AMY J. NELSON, Associate Solicitor, United States Patent and Trademark Office, of Alexandria, Virginia, argued for appellee. With her on the brief were NATHAN K. KELLEY, Deputy Solicitor, and JAMIE L. SIMPSON, Associate Solicitor.

---

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, BRYSON, and TARANTO, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

June 13, 2013

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk