

NOTE: This disposition is nonprecedential.

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

IN RE AFFINITY LABS OF TEXAS, LLC

2013-1393

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Reexamination No. 95/001,263.

JUDGMENT

CYRUS A. MORTON, Robins, Kaplan, Miller, and Ciresi, L.L.P., of Minneapolis, Minnesota, argued for appellant. Of counsel on the brief was TIMOTHY G. NEWMAN, Larson Newman, LLP, of Austin, Texas.

SCOTT C. WEIDENFELLER, Associate Solicitor, Office of the Solicitor, United States Patent and Trademark Office, of Alexandria, Virginia, argued for intervenor Commissioner for Patents. With him on the brief were NATHAN K. KELLEY, Acting Solicitor, and STACY B. MARGOLIES, Associate Solicitor.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, DYK, and WALLACH, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 9, 2014
Date

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court