

NOTE: This order is nonprecedential.

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

JBF RAK LLC,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee,

AND

**MITSUBISHI POLYESTER FILM, INC. AND SKC
INC.,**
Defendants.

2014-1354

Appeal from the United States Court of International
Trade in No. 11-00141, Senior Judge Judith M. Barzilay.

ON MOTION

Before REYNA, BRYSON, and TARANTO, *Circuit Judges.*
BRYSON, *Circuit Judge.*

O R D E R

The United States moves to summarily affirm. JBF RAK LLC opposes.

The sole issue raised in JBF's opening brief is whether this court's decision in *Union Steel v. United States*, 713 F.3d 1101 (Fed. Cir. 2013), should be overruled. Because both parties are in apparent agreement that *Union Steel* controls the outcome of this appeal by a panel of this court, we agree that summary affirmance is appropriate. See *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994) (Summary affirmance is appropriate where affirmance "is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists.").

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The judgment of the Court of International Trade is affirmed.
- (2) Each party shall bear its own costs.

FOR THE COURT

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