

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-1599

EXCEL INNOVATIONS, INC.,

Plaintiff/Counterclaim Defendant-  
Appellant,

and

AVIV LLC and NED HOFFMAN,

Counterclaim Defendants,

v.

YOU TECHNOLOGY INC. (formerly known as YT ACQUISITION CORPORATION),

Defendant/Counterclaimant-  
Appellee.

Gregory J. Charles, Campeau Goodsell Smith, of San Jose, California, argued for plaintiff/counterclaim defendant-appellant. With him on the brief was Jonathan H. Bornstein, Bornstein & Bornstein, of San Francisco, California.

Mark S. Davies, O'Melveny & Myers LLP, of Washington, DC, argued for defendant/counterclaimant-appellee.

Appealed from: United States District Court for the Northern District of California

Judge Maxine M. Chesney

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### Judgment

ON APPEAL from the United States District Court for the Northern District of  
California

in CASE NO(S). 03-CV-3125

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (GAJARSA, LINN, and PROST, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED June 8, 2009

/s/ Jan Horbaly  
Jan Horbaly, Clerk