

United States Court of Appeals for the Federal Circuit

ERRATA

February 24, 2010

Appeal No. 2008-5114,-5115, AGREDANO V US

Precedential Opinion

Decided: February 17, 2010

Please correct the following:

On page 2, lines 5-17, delete:

The sale catalog, in turn, stated:

The vehicles offered to you for purchase at any U.S. Customs Auction are sold "AS IS, WHERE IS". This means that neither U.S. Customs or McCormack Auction Company, or EG & G Dynatrend, extend any warranties or promises of any kind regarding any aspect of the vehicle or its ability to operate, including but not limited to the vehicle's identity, previous ownership, physical condition, registration status, or ability to pass a smog certification.

A second disclaimer, printed on a flyer displayed at the auction, stated "[a]ll merchandise is sold on an 'AS IS, WHERE IS' basis, without warranty or guarantee as to condition, fitness to use, or merchantability stated, implied or otherwise. Please bid from your personal observations."

and insert:

The sale catalog, in turn, stated "[a]ll merchandise is sold on an 'AS IS, WHERE IS' basis, without warranty or guarantee as to condition, fitness to use, or merchantability stated, implied or otherwise. Please bid from your personal

observations.” A second disclaimer, printed on a brochure advertising the auction, stated:

The vehicles offered to you for purchase at any U.S. Customs Auction are sold “AS IS, WHERE IS”. This means that neither U.S. Customs or McCormack Auction Company, or EG & G Dynatrend, extend any warranties or promises of any kind regarding any aspect of the vehicle or its ability to operate, including but not limited to the vehicle’s identity, previous ownership, physical condition, registration status, or ability to pass a smog certification.

On page 6, lines 5 & 8, delete “sale catalog” and insert “brochure”