

NOTE: This disposition is nonprecedential.

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

HITACHI KOKI CO., LTD.,
Plaintiff-Appellant,

v.

**DAVID J. KAPPOS, DIRECTOR, PATENT AND
TRADEMARK OFFICE.,**
Defendant-Appellee.

2009-1548

Appeal from the United States District Court for the District of Columbia in No. 07-CV-1504, Judge Ellen S. Huvelle.

JUDGMENT

PAUL DEVINSKY, McDermott, Will & Emery LLP, of Washington, DC, argued for plaintiff-appellant. With him on the brief were Bureden J. Warren, Charles J. Hawkins and Isaac S. Crum.

JOSEPH G. PICCOLO, United States Patent & Trademark Office, of Alexandria, Virginia, for defendant-appellee. With him on the brief were RAYMOND T. CHEN, Solicitor and FRANCES M. LYNCH, Associate Solicitor.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (GAJARSA, MAYER, and MOORE, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

October 14, 2010
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk