

NOTE: This disposition is nonprecedential.

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

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**HOWMEDICA OSTEONICS CORP.,**  
*Plaintiff-Appellant,*

v.

**ZIMMER, INC. and CENTERPULSE  
ORTHOPEDECS, INC.**  
**(formerly known as Sulzer Orthopedics, Inc.),**  
*Defendants-Appellees,*

*and*

**SMITH & NEPHEW, INC.,**  
*Defendant-Appellee.*

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2010-1162

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Appeal from the United States District Court for the District of New Jersey in No. 05-CV-0897, Senior Judge William H. Walls.

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**JUDGMENT**

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GREGORY J. VOGLER, McAndrews, Held & Malloy, Ltd., of Chicago, Illinois, argued for plaintiff-appellant. With him on the brief were TIMOTHY J. MALLOY, PATRICIA J. MCGRATH and CHRISTOPHER M. SCHARFF.

DAVID K. CALLAHAN, Kirkland & Ellis LLP, of Chicago, Illinois, argued for all defendants-appellees. With him on the brief for Zimmer, Inc., et al. was BRYAN S. HALE. Of counsel was BRYCE A. MAUTNER. Also on the

brief for Smith & Nephew, Inc., were GREGORY N. STILLMAN, Hunton & Williams LLP, of Norfolk, Virginia; RODGER L. TATE and BRADLEY T. LENNIE, of Washington, DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (BRYSON, DYK, and MOORE, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

October 13, 2010  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk