

NOTE: This disposition is nonprecedential.

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

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**BERNARD CAP COMPANY, INC.,**  
*Appellant,*

v.

**ROBERT M. GATES, SECRETARY OF DEFENSE,**  
*Appellee.*

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2010-1353

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Appeal from the Armed Services Board of Contract Appeals in Nos. 56679, 56703, 56705, and 56716, Administrative Judge Jack Delman.

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**JUDGMENT**

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MARC LAMER, Kostos and Lamer, P.C., of Philadelphia, Pennsylvania, for appellant.

JACOB A. SCHUNK, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for appellee. With him on the brief were TONY WEST, Assistant Attorney General, JEANNE E. DAVIDSON, Director, and TODD M. HUGHES, Deputy Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

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

ENTERED BY ORDER OF THE COURT

February 14, 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk