NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

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**KYLE E. GRAMLING,**
*Plaintiff-Appellant,*

**v.**

**UNITED STATES,**
*Defendant-Appellee.*

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2010-5039

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Appeal from the United States Court of Federal Claims in Case No. 09-CV-086, Senior Judge James F. Merow.

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**JUDGMENT**

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ALEXANDER M. BULLOCK, Kilpatrick Stockton, LLP, of Washington, DC, argued for plaintiff-appellant. With him on the brief were STEWART D. FRIED and SVETLANA S. GANS.

GREGORY PARIS YATES, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice of Washington, DC, argued for defendant-appellee. With him on the brief were TONY WEST, Assistant Attorney General, JEANNE E. DAVIDSON, Director, and MARTIN F. HOCKEY, JR. Assistant Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge,* LINN and MOORE, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

January 14, 2011 /s/ Jan Horbaly
Date Jan Horbaly
Clerk