

NOTE: This disposition is nonprecedential.

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

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**K-MAR INDUSTRIES, INC.,**  
*Plaintiff-Appellant,*

v.

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

and

**FIVE RIVER SERVICES LLC,**  
*Defendant.*

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2010-5090

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Appeal from the United States Court of Federal  
Claims in No. 08-CV-877, Senior Judge Loren A. Smith.

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**JUDGMENT**

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MARILYN H. DAVID, Russell S. Gill, PLLC, of Biloxi,  
Mississippi, for plaintiff-appellant. Of counsel on the  
brief was RUSSELL S. GILL.

WILLIAM P. RAYEL, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for defendant-appellee. Of counsel on the brief were TONY WEST, Assistant Attorney General, JEANNE E. DAVIDSON, Director, and BRIAN M. SIMKIN, Assistant Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

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

ENTERED BY ORDER OF THE COURT

January 13, 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk