

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 11, 2008

No. 07-10930

Charles R. Fulbruge III
Clerk

TRIPLE TEE GOLF, INC., a Florida Corporation,

Plaintiff-Appellant,

v.

NIKE, INC., an Oregon Corporation;
TOM STITES & ASSOCIATES, INC.,
Doing Business as Impact Golf Technologies, Inc.;
JOHN THOMAS STITES, III, Also Known as Tom Stites,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
No. 4:04-CV-302

Before DAVIS, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

In this suit for misappropriation of trade secrets and for damages under the Texas Deceptive Trade Practices Act, the district court, on remand, granted summary judgment by determining that plaintiff Triple Tee Golf, Inc., never received a right to sue on the claim at issue and was not a "consumer" under the state statute. We have reviewed the briefs and pertinent portions of the record and have heard the arguments of counsel. We find no reversible error. The judgment, accordingly, is AFFIRMED.