

NOTE: This disposition is nonprecedential.

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

ALCATEL-LUCENT USA INC.,
Plaintiff-Appellant,

v.

OVERSTOCK.COM, INC.,
Defendant-Appellee,

AND

NEWEGG, INC., AND MAGNELL ASSOCIATE, INC.,
(doing business as Newegg.com),
Defendants-Appellees.

2012-1629

Appeal from the United States District Court for the
Eastern District of Texas in No. 09-CV-0422, Judge
Leonard Davis.

JUDGMENT

MARK C. FLEMING, Wilmer Cutler Pickering Hale and
Dorr, LLP, of Boston, Massachusetts, argued for plaintiff-

appellant. With him on the brief were LAUREN B. FLETCHER, ANNA LUMELSKY and YIN ZHOU. Of counsel on the brief were JAN M. CONLIN and EMMETT J. MCMAHON, Robins, Kaplan, Miller & Ciresi, LLP, of New York, New York.

EDWARD R. REINES, Weil Gotshal & Manges LLP, of Redwood Shores, California, argued for defendants-appellees. With him on the brief was TIMOTHY C. SAULSBURY. Of counsel on the brief were KENT E. BALDAUF, JR., DANIEL H. BREAN and BRYAN P. CLARK, The Webb Law Firm, of Pittsburgh, Pennsylvania, for defendants-appellees, Newegg, Inc., et al.; JOHN H. BARR, JR., JEFFREY L. OLDHAM and CHRISTOPHER A. SHIELD, Bracewell & Giuliani, LLP, of Houston, Texas, for defendant-appellee, Overstock.com, Inc.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

May 15, 2013

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk