

United States Court of Appeals
Fifth Circuit

FILED

March 1, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-61132

UNITY COMMUNICATIONS CORPORATION,

Plaintiff - Appellee,

versus

BELLSOUTH CELLULAR, ETC.; ET AL.,

Defendants,

CINGULAR WIRELESS,

Defendant - Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi, Hattiesburg
USDC No. 2:03-CV-115

Before JOLLY, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

In this appeal, in which the primary issue relates to contract interpretation, we have studied the briefs, the relevant parts of the record, the cases to which we have been referred, particularly the Georgia cases, and have heard the well-presented arguments of counsel. We are unable to say that the district court erred in its denial of the motion for summary judgment and in permitting this case to go forward. Accordingly, the case is REMANDED for further proceedings.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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