

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 16-3305

THE BABCOCK & WILCOX COMPANY,  
Plaintiff - Appellant,

v.

CORMETECH, INC.,  
Defendant - Appellee.

**FILED**  
Feb 15, 2017  
DEBORAH S. HUNT, Clerk

Before: McKEAGUE, GRIFFIN, and KETHLEDGE, Circuit Judges.

**JUDGMENT**On Appeal from the United States District Court  
for the Northern District of Ohio at Akron.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION THEREOF, and for the reasons more fully set forth in the opinion of even date, it is ORDERED that the district court's summary judgment rulings on both claims against Cormetech, Inc. are VACATED, and the case is REMANDED for further proceedings.

**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk