

NOTE: This disposition is nonprecedential.

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

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**JEROME A. MAHER AND JOHN R. GRAVEE,**  
*Plaintiffs-Appellants,*

v.

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

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2010-5130

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Appeal from the United States Court of Federal  
Claims in No. 08-CV-012, Senior Judge John P. Wiese.

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**JUDGMENT**

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JOHN O. TOUHY, of Chicago, Illinois, argued for  
plaintiffs-appellants.

VINCENT D. PHILLIPS, Trial Attorney, Commercial  
Litigation Branch, Civil Division, United States  
Department of Justice, of Washington, DC, argued for  
defendant-appellee. With him on the brief were MICHAEL  
F. HERTZ, Deputy Assistant Attorney General, JEANNE E.  
DAVIDSON, Director, KENNETH M. DINTZER, Assistant  
Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, PLAGER, and DYK, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

December 12, 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk