

NOTE: This disposition is nonprecedential.

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

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**VITA-MIX CORPORATION,  
*Appellant,***

**v.**

**DAVID J. KAPPOS, DIRECTOR,  
UNITED STATES PATENT AND TRADEMARK  
OFFICE,  
*Appellee,***

**and,**

**K-TEC, INC.,  
*Appellee.***

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2012-1024

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Appeal from the United States Patent and Trademark  
Office, Board of Patent Appeals and Interferences in No.  
95/000,339.

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**JUDGMENT**

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JEREMY W. DUTRA, Squire, Sanders & Dempsey, LLP, of Washington, DC, argued for appellant. With him on the brief were ALAN L. BRIGGS and RACHAEL A. HARRIS.

AMY J. NELSON, Associate Solicitor, United States Patent and Trademark Office, of Alexandria, Virginia, argued for appellee United States Patent and Trademark Office. With her on the brief were RAYMOND T. CHEN, Solicitor, and WILLIAM LAMARCA, Associate Solicitor.

L. GRANT FOSTER, Holland & Hart, LLP, of Salt Lake City, Utah, argued for appellee K-TEC, Inc. With him on the brief were BRETT L. FOSTER and MARK A. MILLER.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, LOURIE, and PROST, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

September 5, 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk