

NOTE: This disposition is nonprecedential.

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

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**NUCLIMATE AIR QUALITY SYSTEMS, INC.,  
and JAMES MILLER,**  
*Plaintiffs-Appellees,*

v.

**AIRTEX MANUFACTURING PARTNERSHIP  
(successor in interest to M & I Heat Transfer  
Products, Ltd.),**  
*Defendant-Appellant.*

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2012-1184

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Appeal from the United States District Court for the  
Northern District of New York in Case No. 08-CV-0317,  
Judge Glenn T. Suddaby.

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**JUDGMENT**

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LAURA W. SMALLEY, Harris Beach PLLC, of Pittsford,  
New York, argued for plaintiffs-appellees. With her on  
the brief was NEAL L. SLIFKIN.

JAMES J. MEREK, Merck, Blackmon & Voorhees, LLC,  
of Alexandria, Virginia, argued for defendant-appellant.  
With him on the brief was DAVID H. VOORHEES.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

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

ENTERED BY ORDER OF THE COURT

October 5, 2012  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk