

NOTE: This order is nonprecedential.

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

**PAT HUVAL RESTAURANT & OYSTER BAR, INC.,
AQUA FARMS CRAWFISH, INC., CATFISH
WHOLESALE, INC., CHARLES BERNARD (DOING
BUSINESS AS CHARLES' CRAWFISH PAD),
ANDRE LEGER (DOING BUSINESS AS CHEZ
FRANCOIS), JIM FRUGE (DOING BUSINESS AS
FISHERMAN'S COVE), J. BERNARD SEAFOOD
PROCESSING, INC., FRENCH'S ENTERPRISES
SEAFOOD PEELING PLANT, AND KOYO
CORPORATION OF U.S.A.,**

Plaintiffs,

AND

SKF USA, INC.,
Plaintiff-Appellant,

v.

**UNITED STATES INTERNATIONAL TRADE
COMMISSION,**
Defendant-Appellee,

AND

**UNITED STATES CUSTOMS AND BORDER
PROTECTION,**
Defendant-Appellee,

AND

**TIMKEN U.S. CORPORATION
AND MPB CORPORATION,**

Defendants-Appellees.

2012-1250

Appeal from the United States Court of International Trade in consolidated case no. 06-CV-0290, Judge Gregory W. Carman.

ON MOTION

Before BRYSON, MAYER, and LINN, *Circuit Judges.*

BRYSON, *Circuit Judge.*

ORDER

SKF USA, Inc. moves for an injunction, pending appeal, to prohibit the United States from distributing funds currently being held for SKF.

In deciding whether to grant a stay or injunction, pending appeal, this court "assesses the movant's chances of success on the merits and weighs the equities as they affect the parties and the public." *E.I. Dupont de Nemours & Co. v. Phillips Petroleum Co.*, 835 F.2d 277, 278 (Fed. Cir. 1987); *see also Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511 (Fed. Cir. 1990). To prevail, a movant must establish a strong likelihood of success on the merits or, failing that, must demonstrate that it has a substantial case on the merits and that the harm factors militate in its favor. *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987).

Without prejudicing the ultimate disposition of this case, and based upon the motions papers submitted, the court determines that SKF has not met its burden.

Accordingly,

IT IS ORDERED THAT:

The motion for an injunction is denied.

FOR THE COURT

MAR 08 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Herbert C. Shelley, Esq.
Patrick V. Gallagher, Esq.
Patrick J. McDonough, Esq.
Courtney S. McNamara, Esq.

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

MAR 08 2012

s19

JAN HORBALY
CLERK