

NOTE: This disposition is nonprecedential.

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

WINTERHAWK OUTFITTERS, INC.,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2013-5063

Appeal from the United States Court of Federal
Claims in No. 12-CV-133, Senior Judge Bohdan A. Futey.

JUDGMENT

TODD E. MACKINTOSH, Wood, Ris & Hames, P.C., of
Denver, Colorado, argued for plaintiff-appellant.

ELLEN M. LYNCH, Trial Attorney, Commercial Litiga-
tion Branch, Civil Division, United States Department of
Justice, of Washington, DC, argued for defendant-
appellee. With her on the brief were STUART F. DELERY,
Acting Assistant Attorney General, JEANNE E. DAVIDSON,
Director, and STEVEN J. GILLINGHAM, Assistant Director.
Of counsel on the brief was DIANE M. CONNOLLY, Attor-

ney, United States Department of Agriculture, of Golden,
Colorado.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, O'MALLEY, and WALLACH, *Circuit
Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

October 16, 2013
Date

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk