

NOTE: This disposition is nonprecedential.

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

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**HYPOXICO INC.,**  
*Plaintiff-Appellant*

v.

**COLORADO ALTITUDE TRAINING LLC,**  
*Defendant-Appellee*

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2014-1544

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Appeal from the United States District Court for the Southern District of New York in No. 1:02-cv-06191-TPG, Senior Judge Thomas P. Griesa.

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**JUDGMENT**

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ROGER THOMPSON, The Law Offices of Roger S. Thompson, New York, NY, argued for plaintiff-appellant.

CHARLES DAVISON HOFFMANN, Hoffmann Marshall Strong LLP, New York, NY, argued for defendant-appellee. Also represented by CHRISTOPHER MATTHEW STRONG.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, REYNA and CHEN,  
*Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

June 18, 2015  
Date

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