

NOTE: This disposition is nonprecedential.

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

---

**RACETECH, LLC,**  
*Plaintiff-Appellant*

v.

**KENTUCKY DOWNS, LLC, EXACTA SYSTEMS,  
LLC, FKA ENCORE GAMING, LLC,**  
*Defendants-Appellees*

---

2016-1672

---

Appeal from the United States District Court for the  
Western District of Kentucky in No. 1:15-cv-00059-GNS-  
HBB, Judge Gregory N. Stivers.

---

**JUDGMENT**

---

RICHARD L. BROPHY, Armstrong Teasdale LLP, St.  
Louis, MO, argued for plaintiff-appellant. Also represent-  
ed by MARK A. THOMAS, ZACHARY CHARLES HOWENSTINE.

SPIRO BEREVESKOS, Woodard, Emhardt, Moriarty,  
McNett & Henry LLP, Indianapolis, IN, argued for de-  
fendants-appellees. Also represented by WILLIAM ALEX  
MCKENNA.

---

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (WALLACH, HUGHES, and STOLL, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

February 13, 2017

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court