

NOTE: This disposition is nonprecedential.

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

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**NIPPON SHINYAKU CO., LTD.,**  
*Plaintiff-Appellant*

v.

**ANDREI IANCU, UNDER SECRETARY OF  
COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE,**  
*Defendant-Appellee*

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2019-1824

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Appeal from the United States District Court for the District of Columbia in No. 1:10-cv-01142-EGS, United States District Judge Emmet G. Sullivan.

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**JUDGMENT**

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ANTHONY F. LO CICERO, Amster Rothstein & Ebenstein LLP, New York, NY, argued for plaintiff-appellant. Also represented by MARION P. METELSKI, HOLLY PEKOWSKY.

BRIAN RACILLA, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, argued for

defendant-appellee. Also represented by KAKOLI  
CAPRIHAN, THOMAS W. KRAUSE.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, LINN and  
TARANTO, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

March 10, 2020  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court