



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-12-00229-CV**

IN RE KODIAK PRODUCTS CO.,  
INC.

RELATOR

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ORIGINAL PROCEEDING

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**MEMORANDUM OPINION<sup>1</sup> ON REHEARING**

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On July 9, 2010, this court issued a memorandum opinion denying relator's petition for writ of mandamus as moot. Relator filed a motion for rehearing. After due consideration, we deny Relator's motion but withdraw our prior memorandum opinion and substitute the following in its place.

The court has considered relator's petition for writ of mandamus and is of the opinion that relief should be denied. The issues presented therein, as they relate to relator's misappropriation of trade secrets, civil theft, and conversion claims, have become moot by virtue of the trial court's July 2, 2012 Order

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<sup>1</sup>See Tex. R. App. P. 47.4, 52.8(d).

Granting Defendant's Motion for Partial Summary Judgment. As to relator's remaining claim for unfair competition, the court is also of the opinion that relief should be denied. Accordingly, relator's petition for writ of mandamus is denied.

The stay of the trial court proceedings in cause number 236-252084-11, styled *Kodiak Products Co., Inc. v. Charles H. Deegear, Jr. and Deemaxx Components, Inc.*, pending in the 236th District Court of Tarrant County, Texas, is hereby lifted.

PER CURIAM

PANEL: WALKER, DAUPHINOT, and GARDNER, JJ.

DELIVERED: August 2, 2012