

NOTE: This disposition is nonprecedential.

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

INTERVET INC., MERCK & CO., INC.,
Appellants

v.

E.I. DUPONT DE NEMOURS & COMPANY,
Appellee

2016-2131

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. 106,016.

JUDGMENT

JANELLE WAACK, Bass, Berry & Sims, PLC, Washington, DC, argued for appellants. Also represented by TERRY LYNN CLARK, BRIAN IVERSON; RICHARD GREGORY PARKER, Nashville, TN.

FRANK G. SMITH, III, Alston & Bird LLP, Atlanta, GA, argued for appellee. Also represented by MATTHEW WOLFF HOWELL; ROBERT STEPHEN RIGG, Vedder Price PC, Chicago, IL; THOMAS J. KOWALSKI, New York, NY; JUDY DE LEON JARECKI-BLACK, Merial Inc., Duluth, GA.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, O'MALLEY, and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

May 3, 2017
Date

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