

United States District Court

WESTERN DISTRICT OF NEW YORK

Gaymar Industries, Inc.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 08-CV-299 - S

v.

Cincinnati Sub-Zero Products, Inc.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED, that the (Dkt. No.171) Report and Recommendation is ACCEPTED. Further, that the (Dkt. No.172) Objections are DENIED. FURTHER, that Defendant's (Dkt. No.158) Motion for Attorney Fees Under Section 285 is DENIED. FURTHER, that finding no error, the (Dkt. No.173) Appeal of the (Dkt No.171) Order is DENIED.

The Patent and Trademark Office decided the infringement issue during the pendency of this action, which rendered it moot here.

Date: December 4, 2013

MICHAEL J. ROEMER,
Clerk of the Court

By: s/Denise Collier
Deputy Clerk