

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 12, 2013

\_\_\_\_\_  
No. 12-30647  
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Lyle W. Cayce  
Clerk

SMOOTHIE KING FRANCHISES, INCORPORATED,

Plaintiff - Appellee

v.

SOUTHSIDE SMOOTHIE & NUTRITION CENTER, INCORPORATED;  
DAVID J. GREGORY,

Defendants - Appellants

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:11-CV-2002  
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Before JOLLY, GARZA, and OWEN, Circuit Judges.

PER CURIAM:\*

AFFIRMED. *See* 5TH CIR. R. 47.6.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.