

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-2009

G & C PACKING COMPANY,

Plaintiff-Appellee,

versus

CITY MEAT STEAK COMPANY,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
(H-90-CV-1239)

(December 15, 1992)

Before GOLDBERG, JOLLY, and WIENER, Circuit Judges

PER CURIAM:*

After our study of the briefs in this case and after hearing the well-presented arguments of counsel, we are convinced that the district court committed no reversible error. Although we were initially somewhat concerned about damages, particularly to the extent that the loss of the Kroger contract was included in lost profits, our review of the damage calculation convinces us that the district court committed no reversible error, especially

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

considering the broad leeway granted to district court judges under 15 U.S.C. § 117 to fashion an appropriate damage remedy. Although the causation between the loss of Kroger sales and the trade dress infringement is thin, we are not convinced that a remand on the damages issue is required. Furthermore, since the appellant did not challenge the district court's decision to enjoin the future use of the trade dress, we assume that appellant will continue to refrain from directly or indirectly using the black boxes in question for the sale, demonstration, commercialization, or promotion of its beef patties.

The judgment of the district court is therefore

A F F I R M E D.