

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-5032**

**September Term, 2010**

FILED ON: DECEMBER 7, 2010

SOTTERA, INC., DOING BUSINESS AS NJOY,  
APPELLEE

v.

FOOD & DRUG ADMINISTRATION, ET AL.,  
APPELLANTS

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:09-cv-00771)

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Before: GARLAND and KAVANAUGH, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*

**J U D G M E N T**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the judgment of the District Court appealed from in this cause is hereby affirmed, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail  
Deputy Clerk

Date: December 7, 2010

Opinion for the court filed by Senior Circuit Judge Williams.  
Opinion concurring in the judgment filed by Circuit Judge Garland.