



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: June 2, 2011

CBCA 2355

XEROX CORPORATION,

Appellant,

v.

DEPARTMENT OF COMMERCE,

Respondent.

Donald J. Walsh of Offitt Kurman, P.A., Owings Mills, MD, counsel for Appellant.

Lisa J. Obayashi, Office of the General Counsel, United States Patent and Trademark Office, Department of Commerce, Alexandria, VA, counsel for Respondent.

GOODMAN, Board Judge.

ORDER

This appeal was filed from an alleged deemed denial of a claim. When the appeal was filed, appellant's counsel was not aware an appealable contracting officer's decision had been issued more than ninety days before the appeal was filed. Appellant has now filed a notice of dismissal with prejudice.

The appeal is **DISMISSED WITH PREJUDICE.**

ALLAN H. GOODMAN
Board Judge