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2007 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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11-20-2007

## Victaulic Co v. Tieman

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 07-2088

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VICTAULIC COMPANY,

v.

JOSEPH L. TIEMAN;  
TYCO FIRE PRODUCTS, LP

(E.D.P.A. Civil No. 06-cv-05601)

JOSEPH L. TIEMAN;  
TYCO FIRE PRODUCTS, LP

v.

VICTAULIC COMPANY

(E.D.P.A. Civil No. 07-cv-00512)

Victaulic Company,

Appellant

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Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil Action No. 07-cv-00512)  
District Judge: Honorable Stewart Dalzell

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Argued July 11, 2007

Before: RENDELL, AMBRO and NYGAARD, Circuit Judges

(Opinion filed August 23, 2007)

Oldrich Foucek, III, Esquire (Argued)  
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Counsel for Appellees

**ORDER AMENDING PRECEDENTIAL OPINION**

AMBRO, *Circuit Judge*

It is now ordered that the published Opinion in the above case filed August 23, 2007, be further amended as follows:

On page 10, first paragraph, line 5, change “argues” to “argue” so that the sentence reads:

Tyco and Tieman argue that Victaulic asked for a preliminary injunction on the basis of all of its claims, including the trade secrets claim that has not

been dismissed.

On page 11, line 8, change “App. at A71” to “*id.* at A71” so that the sentence reads:

This language is all but lifted from the covenant not to compete, *see id.* at A71, which supports Victaulic’s claim that enforcement of the covenant (and not preliminary relief on the trade secrets claim) was its only aim in seeking preliminary injunctive relief.

On page 24, in the first line of footnote 7, add “the” before “District Court” so that the sentence reads:

In the alternative, Victaulic argues that the District Court should have attempted to “blue pencil” (*i.e.*, amend) the covenant to make it reasonable.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: November 20, 2007