

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Distributed Solutions, Inc. ) ASBCA No. 57266  
 )  
Under Contract Nos. F41999-99-C-0027 )  
 F41999-07-F-1375 )

APPEARANCE FOR THE APPELLANT: Thomas A. Coulter, Esq.  
LeClairRyan  
Richmond, VA

APPEARANCES FOR THE GOVERNMENT: Alan R. Caramella, Esq.  
Acting Air Force Chief Trial Attorney  
Christine Piper, Esq.  
Chun-I Chiang, Esq.  
Trial Attorneys

OPINION BY ADMINISTRATIVE JUDGE CLARKE ON  
APPELLANT'S MOTION FOR RECONSIDERATION

Distributed Solutions, Inc. (DSI) timely moves for reconsideration of our decision granting the Air Force Non-Appropriated Fund Purchasing Office (AFNAFPO) partial summary judgment as to intellectual property rights in the AFNAFPO's internet based purchasing system (IBPS) and otherwise denying the parties' motions. *Distributed Solutions, Inc.*, ASBCA No. 57266, 12-1 BCA ¶ 34,917. DSI requests that the Board vacate its decision and grant DSI's motion for summary judgment or alternatively deny the AFNAFPO's motion and allow further discovery on that portion of the appeal relating to Contract No. F41999-99-C-0027. Likewise, DSI requests that the Board grant it summary judgment based on the language in Order No. F41999-07-F-1375.

The Board concludes that the record needs to be more fully developed through further discovery as to both Contract Nos. F41999-99-C-0027 and F41999-07-F-1375.

Accordingly the Board's previous decision is hereby vacated in its entirety. The parties' cross-motions for summary judgment are denied.

Dated: 14 September 2012



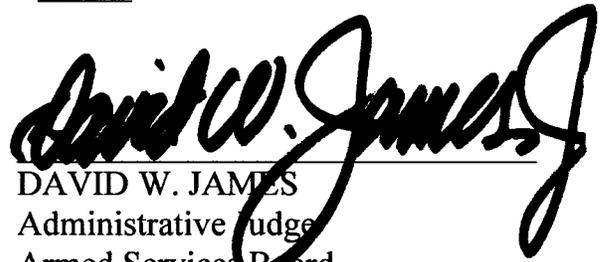
CRAIG S. CLARKE  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I concur



PETER D. TING  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I concur



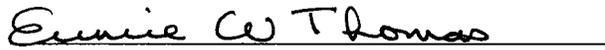
DAVID W. JAMES  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I concur



MARK N. STEMPLER  
Administrative Judge  
Acting Chairman  
Armed Services Board  
of Contract Appeals

I concur



EUNICE W. THOMAS  
Administrative Judge  
Vice Chairman  
Armed Services Board  
of Contract Appeals

I certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA No. 57266, Appeal of Distributed Solutions, Inc., rendered in conformance with the Board's Charter.

Dated:

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CATHERINE A. STANTON  
Recorder, Armed Services  
Board of Contract Appeals