

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-2467**

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JOHN ALEXANDER, d/b/a Alexander & Company;  
SCHIFFER PUBLISHING LIMITED,

Plaintiffs - Appellees,

versus

G. PAUL MODRAK,

Defendant - Appellant,

and

CHESAPEAKE, POTOMAC AND TIDEWATER BOOKS, IN-  
CORPORATED, d/b/a The Washington Book Trading  
Company,

Defendant.

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Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Alexandria. T.S. Ellis, III, District Judge.  
(CA-98-1595-A)

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Submitted: January 18, 2001

Decided: January 23, 2001

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Before WIDENER and MICHAEL, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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G. Paul Modrak, Appellant Pro Se. Russell James Gaspar, COHEN MOHR,  
L.L.P., Washington, D.C.; Nancy A. Rubner-Frandsen, SEIDEL, GONDA,  
LAVORGNA & MONACO, P.C., Philadelphia, Pennsylvania, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

G. Paul Modrak appeals the district court's judgment entered following a jury trial in this copyright infringement and breach of contract action. On appeal, Modrak requests that we consider additional evidence that was not presented to the district court either at trial or in his post-trial motion for judgment as a matter of law. Although Modrak did submit this evidence in a Fed. R. Civ. P. 60(b) motion for reconsideration, that motion was filed after his appeal was noted in this case and, thus, is not properly considered on appeal. Because the district court did not consider this "newly-discovered" evidence at any point up to the entry of the judgment appealed from, we will not analyze this evidence for the first time on appeal. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED