

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

United States Court of Appeals For the First Circuit

No. 00-1444

WALTER TUVELL,
Plaintiff, Appellant,

v.

MICROSOFT CORPORATION,

Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Nancy Gertner, U.S. District Judge]

Before

Torruella, Chief Judge,
Boudin and Lipez, Circuit Judges.

Walter Tuvell on brief pro se.
Alan D. Rose, Michael L. Chinitz, Richard E. Bowman and Rose & Associates on brief for appellee.

December 15, 2000

Per Curiam. After carefully considering the briefs and record on appeal, we affirm the decision of the lower court.

The appellee argues that because the appellant's notice of appeal designated only the last order entered dismissing the fraud count, our review is limited to the dismissal of that count. We disagree. The appellant clearly indicated his intention to appeal from the dismissal of all claims. Johns's Insulation, Inc. v. L. Addison and Associates, Inc., 156 F.3d 101, 105 (1st Cir. 1998)(notice designating final judgment encompasses interlocutory orders merging in the judgment); Kotler v. American Tobacco Company, et al., 981 F.2d 7, 11 (1st Cir. 1992)(functional approach).

However, having reviewed the briefs, the record and the reasons given in the district court for its disposition, we are satisfied that no error was committed and that the appellant's claims were properly dismissed.

Affirmed. Loc. R. 27(c).