

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**DAVID A. TROPP,**  
*Plaintiff-Appellee,*

v.

**CONAIR CORPORATION, L.C. INDUSTRIES, LLC,  
MASTER LOCK COMPANY LLC, SAMSONITE  
CORPORATION, TRAVELPRO INTERNATIONAL  
INC., AND TRG ACCESSORIES, LLC,**  
*Defendants-Appellants,*

AND

**BRIGGS & RILEY TRAVELWARE LLC,**  
*Defendant-Appellant,*

AND

**EAGLE CREEK, A DIVISION OF VF OUTDOOR,  
INC., BROOKSTONE COMPANY, INC., AND  
BROOKSTONE STORES, INC.,**  
*Defendants-Appellants,*

AND

**DELSEY LUGGAGE INC.,**  
*Defendant-Appellant,*

AND

**EBAGS, INC.,**  
*Defendant-Appellant,*

AND

2

DAVID TROPP v. CONAIR CORPORATION

**MAGELLAN'S INTERNATIONAL TRAVEL  
CORPORATION,**  
*Defendant-Appellant,*

AND

**TUMI, INC.,**  
*Defendant-Appellant,*

AND

**WORDLOCK, INC.,**  
*Defendant-Appellant,*

AND

**OUTPAC DESIGNS INC., HP MARKETING CORP.  
LTD., AND TITAN LUGGAGE USA,**  
*Defendants.*

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2012-1337

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Appeal from the United States District Court for the  
Eastern District of New York in No. 08-CV-4446, Judge  
Eric N. Vitaliano.

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**ON MOTION**

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Before DYK, PROST and O'MALLEY, *Circuit Judges.*  
PROST, *Circuit Judge.*

**O R D E R**

The parties jointly submit a letter, which this court  
construes as a motion to vacate the district court's denial  
of the appellants' motion for attorneys' fees.

DAVID TROPP v. CONAIR CORPORATION

3

This appeal of a denial of attorneys' fees, along with the underlying merits appeal, *David Tropp v. Conair Corp.*, No. 2011-1583, ("Merits Appeal"), was stayed pending this court's decision in *Travel Sentry, Inc. v. David Tropp*, Nos. 2011-1023, -1367. Shortly after this court's decision in *Travel Sentry*, the court decided the Merits Appeal, vacating and remanding the district court's judgment. Accordingly, vacatur of the district court's denial of attorneys' fees is also warranted. See *Raytheon Co. v. Indigo Systems Corp.*, 688 F.3d 1311, 1313 n.1 (Fed. Cir. 2012).

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to vacate is granted.
- (2) All parties shall bear their own costs.

FOR THE COURT

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk

s25