

NOTE: This disposition is nonprecedential.

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

AVIVA SPORTS, INC.,
Plaintiff-Cross-Appellant,

v.

**FINGERHUT DIRECT MARKETING, INC.,
MENARD, INC., AND KMART CORPORATION,**
Defendants,

AND

MANLEY TOYS, LTD.,
doing business as Manley Toys, and
doing business as ToyQuest,
Defendant-Appellant.

2013-1635, -1671

Appeals from the United States District Court for the
District of Minnesota in No. 09-CV-1091, Judge Joan N.
Ericksen.

JUDGMENT

STEPHEN M. LOBBIN, The Eclipse Group LLP, of Ir-
vine, California, argued for defendant-appellant.

J. THOMAS VITT, Dorsey & Whitney LLP, of Minneapolis, Minnesota, argued for plaintiff-cross-appellant. With him on the brief were DAVID Y. TREVOR and MICHAEL WEINBECK. Of counsel was KEITH M. SORGE, Arthur, Chapman, Kettering, Smetak & Pikala, PA, of Minneapolis, Minnesota.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, MOORE, and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

August 18, 2014
Date

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