

NOTE: This order is nonprecedential.

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

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**JOOVY LLC,**  
*Plaintiff,*

AND

**ALBERT T. FAIRCLOUGH,**  
*Plaintiff-Appellant,*

v.

**TARGET CORPORATION,**  
*Defendant-Appellee.*

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2013-1281

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Appeal from the United States District Court for the Northern District of Texas in No. 06-CV-0616, Judge Royal Furgeson.

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**ON MOTION**

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

**O R D E R**

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Target Corporation moves to dismiss this appeal for lack of jurisdiction. Albert T. Fairclough has not responded.

This case arose out of a complaint filed by Joovy LLC in the United States Northern District of Texas, charging Target with infringement of U.S. Patent No. 5,622,375. The patent was issued to the appellant in this matter, Albert Fairclough. On appeal, this court held that the patent was invalid as anticipated by prior art.

After this court's mandate issued, the only remaining matter in the litigation was the payment of costs of \$14,817.05 to Target. On April 13, 2012, Target's counsel received payment of that amount from Joovy. In light of that payment, the case was terminated by the district court on April 30, 2012. On March 11, 2013, almost a year after termination of the case, the district court received a submission from Fairclough that was construed as a possible notice of appeal and transmitted to this court.

The Supreme Court has made clear that the 30-day statutory deadline for seeking review in this court from an appealable ruling of a district court is jurisdictional and mandatory. *See Bowles v. Russell*, 551 U.S. 205 (2007). To the extent that Fairclough was attempting to seek review of the underlying judgment or the termination of the case with this court, the time for filing such an appeal has long passed. To the extent that Fairclough was seeking relief by the district court rather than this court, such request should be made clear in a subsequent filing with the district court.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The appeal is dismissed.
- (2) Each side shall bear its own costs.

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FOR THE COURT

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

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ISSUED AS MANDATE: July 18, 2013