

NOTE: This disposition is nonprecedential.

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

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**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.*

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2013-1635, -1671

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

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**JUDGMENT**

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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.

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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