

NOTE: This disposition is nonprecedential.

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

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**AVIVA SPORTS, INC., A MINNESOTA  
CORPORATION,**  
*Plaintiff-Appellee*

v.

**FINGERHUT DIRECT MARKETING, INC., A  
DELAWARE CORPORATION, MENARD, INC., A  
WISCONSIN CORPORATION, KMART  
CORPORATION, A MICHIGAN CORPORATION,**  
*Defendants-Appellants*

**MANLEY TOYS, LTD., DBA MANLEY TOYS, DBA  
TOYQUEST, A HONG KONG, CHINA  
CORPORATION,**  
*Defendant*

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2014-1394

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Appeal from the United States District Court for the  
District of Minnesota in No. 0:09-cv-01091-JNE-JSM,  
Judge Joan N. Ericksen.

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**JUDGMENT**

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JOHN THOMAS VITT, Dorsey & Whitney LLP, Minneapolis, MN, argued for plaintiff-appellee. Also represented by DAVID YOUNGERT TREVOR, MICHAEL WEINBECK.

THOMAS SCHMIDT, Hogan Lovells US LLP, New York, NY, argued for defendants-appellants. Also represented by NEAL KUMAR KATYAL, Washington, DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, NEWMAN and LOURIE, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

February 10, 2016  
Date

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