

NOTE: This order is nonprecedential.

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

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**TEMPUR-PEDIC MANAGEMENT, INC., AND DAN  
FOAM APS,**  
*Appellants,*

v.

**FKA DISTRIBUTING CO.,**  
*Appellee.*

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2012-1052

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Appeal from the United States Patent and Trademark  
Office, Trademark Trial and Appeal Board in Opposition  
No. 91185706.

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**ON MOTION**

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**O R D E R**

Having received no objection to this court's December  
30, 2013 order,

IT IS ORDERED THAT:

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

2 TEMPUR-PEDIC MANAGEMENT, INC. v. FKA DISTRIBUTING CO.

FOR THE COURT

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

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ISSUED AS A MANDATE: January 16, 2014