

NOTE: This disposition is nonprecedential.

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

SOFPOOL LLC,
Plaintiff-Appellant,

v.

**KMART CORPORATION AND
BIG LOTS STORES, INC.,**
Defendants-Appellees.

2013-1466

Appeal from the United States District Court for the Eastern District of California in No. 10-CV-3333, Senior Judge Lawrence K. Karlton.

JUDGMENT

JOHN P. COSTELLO, Costello Law Corporation, of Sacramento, California, argued for plaintiff-appellant.

PAUL L. GALE, Troutman Sanders LLP, of Irvine, California, argued for defendants-appellees. With him on the brief was SIAVASH DANIEL RASHTIAN.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, DYK, and TARANTO, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 17, 2014
Date

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