

NOTE: This order is nonprecedential.

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

SCICO TEC GMBH,
Plaintiff-Appellee,

v.

**BOSTON SCIENTIFIC CORPORATION AND
BOSTON SCIENTIFIC SCIMED, INC.,**
Defendants-Appellees.

v.

JONATHAN LEE RICHES,
Movant-Appellant.

2012-1449

Appeal from the United States District Court for the Eastern District of Texas in case no. 07-CV-0076, Judge Ron Clark.

Before LOURIE, SCHALL and DYK, *Circuit Judges.*

PER CURIAM.

O R D E R

Jonathan Lee Riches appeals the United States District Court for the Eastern District of Texas's denial of his motion to intervene. The court considers whether to dismiss this appeal for lack of jurisdiction.

On May 5, 2009, the district court dismissed the underlying patent case with prejudice.* On May 22, 2009, the district court denied appellant's motion to intervene, noting there was no indication that appellant had "an interest related to the '403 Patent." The appellant's notice of appeal was received at the court on May 29, 2012, 1103 days after denial of his motion to intervene.

To challenge the district court's May 22, 2009 order denying the appellant's motion for leave to intervene, the appellant should have filed a notice of appeal within 30 days of that order. See *Stringfellow v. Concerned Neighbors In Action*, 480 U.S. 370, 377 (1987) (an order denying a motion for leave to intervene is subject to immediate review); see also Fed. R. App. P. 4(a)(1)(A) ("[T]he notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.").

Because this appeal was filed outside the statutory deadline for taking an appeal to this court, we must dismiss.

Accordingly,

IT IS ORDERED THAT:

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

* Because the underlying complaint asserted patent infringement claims, this court would otherwise have jurisdiction. See 28 U.S.C. § 1295(a)(1); *Christiansen v. Colt Industries Operating Corp*, 486 U.S. 800 (1988).

FOR THE COURT

AUG 03 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jonathan Lee Riches
Stanley M. Gibson, Esq.
S. Calvin Capshaw, III, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

AUG 03 2012

JAN HORBALY
CLERK