

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

QIANG WANG,

Plaintiff-Appellant,

v.

PALO ALTO NETWORKS, INC.; et al.,

Defendants-Appellees.

No. 14-16092

D.C. No. 3:12-cv-05579-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Qiang Wang appeals pro se from the district court's order denying his motion to vacate a settlement agreement he entered into with Palo Alto Networks, Inc. that resulted in the voluntary dismissal of his patent infringement claim.

We lack jurisdiction to hear Wang's appeal on its merits. *See* 28 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1295(a)(1) (the United States Court of Appeals for the Federal Circuit has exclusive jurisdiction over an appeal from a district court if the jurisdiction of the district court was based, “in whole or in part”, on 28 U.S.C. § 1338); *Breed v. Hughes Aircraft Co.*, 253 F.3d 1173, 1178 (9th Cir. 2001).

We therefore transfer the entire case to the Federal Circuit. *See* 28 U.S.C. § 1631; *Breed*, 253 F.3d at 1180; *see also Amity Rubberized Pen Co. v. Mkt. Quest Grp. Inc.*, 793 F.3d 991, 998 (9th Cir. 2015) (“[T]ransfer will generally be in the interest of justice, unless it is apparent that the matter to be transferred is frivolous or was filed in bad faith.”). The clerk shall transmit all materials lodged with this court to the clerk of that court.

TRANSFERRED.