

NOTE: This order is nonprecedential.

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

SECALT S.A. AND TRACTEL, INC.,
Plaintiffs-Appellants,

v.

**WUXI SHENXI CONSTRUCTION MACHINERY
COMPANY, LTD.,**
Defendant-Appellee.

2011-1082

Appeal from the United States District Court for the
District of Nevada in case no. 08-CV-0336, Judge James
C. Mahan.

ON MOTION

O R D E R

The court considers whether this appeal should be transferred to the United States Court of Appeals for the Ninth Circuit.

It appears from Secalt S.A. and Tractel, Inc.'s notice of appeal in this trade dress infringement case that the appellants were intending to seek review in the Ninth Circuit. This court is a court of limited jurisdiction. 28

U.S.C. § 1295. Based only upon our review, it does not appear that the district court's jurisdiction arose in whole or in part under the laws governing this court's appellate jurisdiction.

Accordingly,

IT IS ORDERED THAT:

Absent a response received by this court within 14 days of the date of filing of this order opposing transfer, this appeal will be transferred to the United States Court of Appeals for Ninth Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT

DEC 14 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

DEC 14 2010

cc: Michael R. Friscia, Esq.
Clay P. Hughes, Esq.

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JAN HORBALY
CLERK