

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 10, 2017

Elisabeth A. Shumaker
Clerk of Court

DIGITAL ALLY, INC.,

Plaintiff - Appellant,

v.

TASER INTERNATIONAL, INC.,

Defendant - Appellee.

No. 17-3091
(D.C. No. 2:16-CV-02032-CM-TJJ)
(D. Kan.)

ORDER

Before **MATHESON, BACHARACH**, and **PHILLIPS**, Circuit Judges.

This matter is before the court upon receipt of the memorandum briefs the parties filed at the court’s direction to address whether jurisdiction of this appeal lies with this court or with the United States Court of Appeals for the Federal Circuit as a case that arises under the patent laws of the United States. In their respective briefs, each party ultimately requests that this court transfer the appeal to the Federal Circuit. [See 6/16/17 Taser Int’l, Inc.’s Memorandum Brief in Response to Order Entered May 5, 2017 at 19 (“[T]he Court should . . . transfer the case to Federal Circuit under 28 U.S.C. § 1631.”); 7/5/17 Digital Ally, Inc.’s Response to Order Entered June 19, 2017 at 2 (“Digital suggests that the Court transfer this appeal to the Federal Circuit, as provided under 28 U.S.C. § 1631.”)].

Upon consideration, the court transfers this appeal to the United States Court of Appeals for the Federal Circuit. *See* 28 U.S.C. § 1295(a)(1); 28 U.S.C. § 1631; *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 807-09 (1988); *In re Lipitor Antitrust Litigation*, 855 F.3d 126, 142-43 (3d Cir. 2017); *Apotex, Inc. v. Thompson*, 347 F.3d 1335, 1342 (Fed. Cir. 2003).

The Clerk of this court shall forward a copy of this order—along with a copy of all filings and orders entered to date—to the Clerk’s Office for the Federal Circuit.

The proceeding in this court shall be closed.]

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "LA Lee".

by: Lisa A. Lee
Counsel to the Clerk