

NOTE: This order is nonprecedential.

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

IN RE CONAIR CORPORATION,
Petitioner.

Miscellaneous Docket No. 987

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Pennsylvania in case no. 10-CV-1497, Judge Cynthia M. Rufe.

ON PETITION

Before *RADER, Chief Judge, LOURIE and O'MALLEY,*
Circuit Judges.

PER CURIAM.

ORDER

Conair Corporation seeks a petition for a writ of mandamus directing the United States District Court for the Eastern District of Pennsylvania to vacate its order denying Conair's motion to dismiss Bruce A. Rogers' 35 U.S.C. § 292 qui tam relator suit. Conair also moves for

an order to show cause why an order of contempt should not be issued.

On September 16, 2011, the President signed into law the Leahy-Smith America Invents Act, H.R. 1249, 112th Cong. (1st Sess. 2011), amending 35 U.S.C. § 292 and including the following text regarding the effective date of this provision: "The amendments made by this subsection shall apply to all cases, without exception, that are pending on, or commenced on or after, the date of the enactment of this Act." Leahy-Smith America Invents Act, § 16(b)(4).

In light of the enactment of the Leahy-Smith America Invents Act, we deem it the better course to deny Conair's petition in order for the district court to address the potential effect of the Act on this case in the first instance. To the extent necessary, Conair can petition for a writ of mandamus seeking the same relief after such issues are resolved.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition is denied.
- (2) The motion for order to show cause is denied.
- (3) The stay is lifted.

FOR THE COURT

SEP 23 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

SEP 23 2011

**JAN HORBALY
CLERK**

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IN RE CONAIR CORPORATION

cc: Edward T. Kang, Esq.
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Clerk, United States District Court for the Eastern
District Of Pennsylvania

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