

NOTE: This order is nonprecedential.

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

**JOY TECHNOLOGIES, INC. AND JOY MM
DELAWARE, INC.,**
Plaintiffs-Appellants,

v.

NORTH AMERICAN REBUILD CO., INC.,
Defendant-Appellee.

2012-1061

Appeal from the United States District Court for the
Western District of Pennsylvania in case no. 05-CV-1066,
Chief Judge Gary L. Lancaster.

ON MOTION

Before LOURIE, PROST, and MOORE, *Circuit Judges.*

PER CURIAM.

O R D E R

Joy Technologies Inc. et al. move without opposition
to transfer this appeal to the United States Court of
Appeals for the Third Circuit. Joy also moves for an
extension of time to file their opening brief.

Joy is appealing from a final judgment of the United States District Court for the Western District of Pennsylvania in a trademark infringement and unfair competition case. This court is a court of limited jurisdiction. 28 U.S.C. § 1295. In this case, the district court's jurisdiction does not arise in whole or in part under the patent laws. Pursuant to 28 U.S.C. § 1631, this court is authorized to transfer the case to a court in which the appeal could have been brought at the time it was filed or noticed. The court agrees with the parties that transfer is appropriate here.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to transfer the appeal pursuant to 28 U.S.C. § 1631 is granted. The appeal is transferred to the United States Court of Appeals for the Third Circuit.

(2) Joy's motion for an extension of time is moot.

FOR THE COURT

FEB 06 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Eric G. Soller, Esq.
Frederick W. Bode, III, Esq.

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

FEB 06 2012

JAN HORBALY
CLERK