

NOTE: This order is nonprecedential.

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

In re: XIAOHUA HUANG,
Petitioner

2020-101

On Petition for Writ of Mandamus to the United States District Court for the Northern District of California in No. 3:18-cv-06654-WHA, Judge William H. Alsup.

ON PETITION

Before NEWMAN, LOURIE, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

Xiaohua Huang petitions this court for a writ of mandamus seeking sanctions against Nephos Inc., reversal of the district court's order striking his infringement contentions, and issuance of a temporary restraining order and preliminary injunction against Nephos.

Mr. Huang sued Nephos for patent infringement in the United States District Court for the Northern District of California. On July 9, 2019, the district court issued an order granting Nephos' motion to strike Mr. Huang's infringement contentions and allowing Mr. Huang to amend

and re-file his contentions. The district court also denied Mr. Huang's motion for sanctions. On August 30, 2019, the district court issued an order denying Mr. Huang's motion for a temporary restraining order and preliminary injunction to prohibit Nephos from selling its networking chips within the United States. Mr. Huang appealed that order, which this court docketed as Appeal No. 2020-1019. That appeal is still pending. On November 12, 2019, the district court entered final judgment in his case.

Mandamus is an extraordinary remedy, available only where the petitioner shows: (1) a clear and indisputable right to relief; (2) there are no adequate alternative legal channels through which he may obtain that relief; and (3) the grant of mandamus is appropriate under the circumstances. *See Cheney v. U.S. Dist. Court for the Dist. of Columbia*, 542 U.S. 367, 380–81 (2004). Mr. Huang has not shown entitlement to relief. Mr. Huang may directly appeal the district court's denial of his request for sanctions and any interlocutory ruling now that the district court has entered a final judgment in the case. Mr. Huang can also raise his arguments concerning the denial of his request for preliminary injunctive relief in Appeal No. 2020-1019. He therefore clearly has alternative means to obtain relief.

Accordingly,

IT IS ORDERED THAT:

The petition for writ of mandamus is denied.

FOR THE COURT

November 21, 2019

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court