

NOTE: This order is nonprecedential.

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

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**ON24, INC.,**  
*Plaintiff-Petitioner*

v.

**WEBINAR.NET, INC.,**  
*Defendant-Respondent*

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2024-118

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On Petition for Permission to Appeal pursuant to 28 U.S.C. Section 1292(b) from the United States District Court for the Northern District of California in No. 3:21-CV-07721-EMC, Judge Edward M. Chen.

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**ON PETITION**

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Before CHEN, LINN, and HUGHES, *Circuit Judges*.  
LINN, *Circuit Judge*.

**O R D E R**

ON24, Inc. petitions for permission to appeal an interlocutory order of the United States District Court for the Northern District of California granting partial summary

judgment, which the district court certified pursuant to 28 U.S.C. § 1292(b).

Under § 1292(b), a district court may certify that an order that is not otherwise appealable is one involving a controlling question of law as to which there is substantial ground for difference of opinion and for which an immediate appeal may materially advance the ultimate termination of the litigation. Ultimately, this court must exercise its own discretion in deciding whether to grant permission to appeal an interlocutory order. *See In re Convertible Rowing Exerciser Pat. Litig.*, 903 F.2d 822, 822 (Fed. Cir. 1990). In this case, we conclude that an interlocutory appeal under § 1292(b) is not appropriate.

Accordingly,

IT IS ORDERED THAT:

The petition for permission to appeal is denied.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

May 3, 2024  
Date