

NOTE: This order is nonprecedential.

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

MONDIS TECHNOLOGY LTD.,
Plaintiff-Appellee,

v.

**HON HAI PRECISION INDUSTRY CO., LTD.,
ALSO KNOWN AS FOXCONN INNOLUX DISPLAY
CORP., LITE-ON TECHNOLOGY CORP., LITE-ON
TRADING USA, INC., TPV TECHNOLOGY, LTD.,
INNOLUX CORP., AND CHIMEI INNOLUX
CORPORATION, FORMERLY KNOWN AS
INNOLUX DISPLAY CORPORATION,**
Defendants,

AND

**TPV INTERNATIONAL (USA), INC.,
TPV ELECTRONICS (FUJIAN) CO. LTD.,
ENVISION PERIPHERALS INC.,
TOP VICTORY ELECTRONICS (FUJIAN) CO. LTD.,
AND TOP VICTORY ELECTRONICS (TAIWAN) CO.
LTD.,**
Defendants-Appellants.

2012-1208

Appeal from the United States District Court for the Eastern District of Texas in consolidated case nos. 07-CV-0565 and 08-CV-0478, Judge Rodney Gilstrap.

ON MOTION

O R D E R

TPV International (USA), Inc. et al. (TPV) submit a motion to enjoin an arbitration and to expedite briefing and argument. The parties did not self-expedite briefing. Upon review of the motion and the briefs, the court directs TPV to show cause why this appeal should not be dismissed for lack of jurisdiction.

TPV appeal an order of the district court that denied their motion to enjoin an arbitration. TPV argues in its brief that this is appealable pursuant to 28 U.S.C. § 1295(a)(1) (appeal of a final decision in a patent case) and *Solis v. Current Dev. Corp.*, 557 F.3d 772 (7th Cir. 2009) (appeal may be taken from post-judgment order addressing all issues raised). *Solis* did not involve an appeal of an order denying a motion to enjoin arbitration. The court notes that the Federal Arbitration Act, 9 U.S.C. § (b)(4), prohibits appeals "taken from an interlocutory order . . . refusing to enjoin an arbitration that is subject to this title." *See also Hardie v. United States*, 367 F.3d 1288 (Fed. Cir. 2004) (dismissing appeal from order denying, inter alia, motion to enjoin arbitration).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) TPV is directed to show cause, within 14 days of the date of filing of this order, why this appeal should not be dismissed for lack of jurisdiction. Mondis Technology Ltd. may also respond by that date.

(2) The motion to stay is held in abeyance. The motion to expedite is denied.

FOR THE COURT

AUG 24 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jonathan D. Hacker, Esq.
Martin J. Black, Esq.

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

AUG 24 2012

JAN HORBALY
CLERK