

NOTE: This order is nonprecedential.

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

THE PARADIGM ALLIANCE, INC.,
Plaintiff-Cross Appellant,

v.

**CELERITAS TECHNOLOGIES, LLC AND
CELERITASWORKS, LLC,**
Defendants-Appellants,

v.

KEN WILKERSON,
Third Party Defendant-Appellee.

2010-1446, -1449

Appeals from the United States District Court for the
District of Kansas in case no. 07-CV-1121, Judge Eric F.
Melgren.

ON MOTION

Before RADER, *Chief Judge*, FRIEDMAN and LINN, *Circuit
Judges.*

FRIEDMAN, *Circuit Judge.*

O R D E R

Paradigm Alliance, Inc. and Ken Wilkerson respond to this court's order directing the parties to show cause why this appeal should not be transferred to the United States Court of Appeals for the Tenth Circuit. We treat their responses as motions to transfer.

This court's jurisdiction depends on whether the plaintiff's complaint as amended establishes that either the federal patent law creates the cause of action or the plaintiff's right to relief necessarily depends on resolution of a substantial question of federal patent law, in that patent law is a necessary element of one of the well-pleaded claims. *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 822-24 (1988); *Chamberlain Group v. Skylink Tech., Inc.*, 381 F.3d 1178, 1189 (Fed. Cir. 2004).

The parties agree in their responses that the complaint does not include a patent cause of action and does not necessarily depend on resolution of a substantial question of patent law.

Accordingly,

IT IS ORDERED THAT:

The motions to transfer are granted. These appeals are transferred to the United States Court of Appeals for the Tenth Circuit pursuant to 28 U.S.C. § 1631.

JAN 19 2011

Date

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Brian P. Baggott, Esq.
Barry L. Pickens, Esq.
Steven F. Coronado, Esq.

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ISSUED AS A MANDATE: JAN 19 2011

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

JAN 19 2011

JAN HORBALY
CLERK