

NOTE: This order is nonprecedential.

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

MINE O'MINE, INC.,
Plaintiff-Appellee,

v.

MICHAEL D. CALMESE,
Defendant-Appellant,

AND

TRUE FAN LOGO, INC.,
Defendant.

2012-1084

Appeal from the United States District Court for the District of Nevada in case no. 10-CV-0043, Judge Kent J. Dawson.

ORDER

The court considers whether this appeal should be transferred to the United States Court of Appeals for the Ninth Circuit.

Michael D. Calmese appeals from a decision of the United States District Court for the District of Nevada

granting final judgment in favor of Mine O'Mine, Inc. in this trademark infringement, unfair competition, and right of publicity case. Based only upon our review of the papers transmitted by the district court, it does not appear that the district court's jurisdiction arose in whole or in part under the patent laws. Thus, it appears that this court lacks jurisdiction. 28 U.S.C. § 1295.

Accordingly,

IT IS ORDERED THAT:

Absent a response received by this court within 21 days of the date of filing of this order, this appeal will be transferred to the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT

JAN 31 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael J. McCue, Esq.
Michael D. Calmese

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

JAN 31 2012

JAN HORBALY
CLERK