

NOTE: This order is nonprecedential.

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

SELECT EXPORT CORP.,
Plaintiff-Appellant,

v.

**JACK RICHESON & CO., TRIDENT INDUSTRIA DE
PRECISAO LTD., JERRY'S ARTARAMA N.C., INC.,
UTRECHT MANUFACTURING CORP., AND DAVID
SCHWARTZ,**
Defendants-Appellees.

2012-1122

Appeal from the United States District Court for the
Southern District of Florida in case no. 10-CV-80526,
Judge William P. Dimitrouleas.

ON MOTION

Before BRYSON, MAYER, and LINN, *Circuit Judges.*
BRYSON, *Circuit Judge.*

O R D E R

Jack Richeson & Co. et al. (Richeson) move to dismiss
Select Export Corp.'s appeal. Select opposes and moves to

transfer the appeal to the United States Court of Appeals for the Eleventh Circuit.

Select's appeal arises out of its complaint brought in the United States District Court for the Southern District of Florida, charging Richeson with trademark infringement, false advertising under the Lanham Act, trademark dilution, defamation, and tortious interference with contract.

This is a court of limited jurisdiction. 28 U.S.C. § 1295. Without a cause of action arising under the patent laws, this court is without jurisdiction to hear the state law and Lanham Act causes of action raised in Select's complaint.

Richeson contends that the appeal should be dismissed because Select waived its right to appeal by stipulating to a settlement of the case before the district court. Select argued below it did not in fact stipulate to settlement and informs the court in its motion to transfer that it intends to appeal that issue. Under the circumstances, we deem it the better course to transfer the appeal along with the motion to dismiss to the Eleventh Circuit.

Accordingly,

IT IS ORDERED THAT:

Select's motion to transfer is granted. The appeal and Richeson's motion to dismiss are transferred pursuant to 28 U.S.C. § 1631 to the United States Court of Appeals for the Eleventh Circuit.

FOR THE COURT

APR 02 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

APR 02 2012

JAN HORBALY
CLERK

3

SELECT EXPORT CORP v. RICHESON

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s19

Issued As A Mandate: APR 02 2012