

NOTE: This order is nonprecedential.

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

NAZIR KHAN,
Plaintiff-Appellant

IFTIKHAR KHAN,
Plaintiff

v.

ARTIVION, INC.,
Defendant-Appellee

2026-1364

Appeal from the United States District Court for the Northern District of Georgia in No. 1:21-cv-02291-SCJ, Judge Steve C. Jones.

ON MOTION

Before DYK, REYNA, and HUGHES, *Circuit Judges*.

PER CURIAM.

ORDER

Artivion, Inc. moves to dismiss this appeal, which Nazir Khan opposes. We dismiss.

This court previously affirmed the dismissal of Mr. Khan’s complaint against Artivion. *Khan v. Artivion, Inc.*, No. 2023-2347, 2024 WL 3419942 (Fed. Cir. July 16, 2024). On June 4, 2025, the district court denied several of Mr. Khan’s post-judgment motions. Dkt. No. 110. Both parties then filed additional motions, some of which remain pending. On January 13, 2026, the court deferred Artivion’s motion for a protective order and relieved it from having to respond to Mr. Khan’s filings unless further ordered. Dkt. No. 140. On January 20, 2026, Mr. Khan filed a notice of appeal from the June 2025 and January 2026 orders.

Our jurisdiction over decisions from district courts in patent infringement cases is limited in ways that preclude our review of these orders. As for the June 2025 order: Mr. Khan failed to file his appeal within the 30 day statutory deadline. 28 U.S.C. § 2107(a); *see* Fed. R. App. P. 4(a)(1)(A). As that deadline is jurisdictional and cannot be waived or otherwise excused, we must dismiss. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). As for the January 2026 order: this is not “an appeal from a final decision,” 28 U.S.C. § 1295(a)(1), because there are ongoing related proceedings before the district court (regarding at least motions for attorney fees and to reverse the judgment). *See, e.g., Acheron Capital, Ltd. v. Mukamal*, 22 F.4th 979, 987 (11th Cir. 2022) (citing 15B Charles Alan Wright et al., Fed. Prac. & Proc. § 3916 (rev. 2d. 2021)). We have considered Mr. Khan’s arguments but find he has not established our jurisdiction.

Accordingly,

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IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

March 20, 2026
Date