

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Intel Corp.,

NO. C 08-04555 JW

Plaintiff,

**ORDER DENYING DEFENDANT'S
MOTION FOR CERTIFICATION OF
INTERLOCUTORY APPEAL AND
MOTION TO STAY**

v.


Wi-Lan, Inc.,

Defendant.

Presently before the Court is Defendant's Motion for Certification of Interlocutory Appeal and Motion to Stay. (hereafter, "Motion," Docket Item No. 209.) The Court finds it appropriate to take the matter under submission without oral argument. See Civ. L.R. 7-1(b).

Upon review of the parties' submissions, the Court DENIES Defendant's Motion because the questions that Defendant seeks to have the Court certify for interlocutory appeal either do not involve controlling questions of law or involve only the Court's application of settled law to the facts of this case. See 28 U.S.C. § 1292(b); In re Cement Antitrust Litig., 673 F.2d 1020, 1026 (9th Cir. 1982); Thomas Weisel Partners LLC v. BNP Paribas, No. C 07-06198 MHP, 2009 WL 55946, at *4 (N.D. Cal. Jan. 7, 2009).¹

Dated: September 24, 2009



JAMES WARE
United States District Judge

¹ The Court notes that while a writ of mandamus may be an appropriate remedy to a denial of transfer in some circumstances, Defendant seeks certification of questions for interlocutory appeal rather than a writ of mandamus. See In re Volkswagen of Am., Inc., 545 F.3d 304 (5th Cir. 2008) (*en banc*).

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THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: September 24, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy