

NOTE: This order is nonprecedential.

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

LAKSHMI ARUNACHALAM,
Plaintiff-Appellant

v.

WELLS FARGO BANK, N.A.,
Defendant-Appellee

2020-1492

Appeal from the United States District Court for the District of Delaware in No. 1:13-cv-01812-RGA, Judge Richard G. Andrews.

ON MOTION

PER CURIAM.

O R D E R

Wells Fargo Bank, N.A. moves to dismiss this appeal as untimely. Lakshmi Arunachalam opposes the motion.

This appeal stems from a patent infringement suit filed by Dr. Arunachalam against Wells Fargo. On January 9, 2020, the United States District Court for the District of Delaware entered an order dismissing the case with

App. 1a

prejudice, explaining that Dr. Arunachalam “asserts no valid patent.” The district court received Dr. Arunachalam’s notice of appeal on February 13, 2020, 35 days after entry of the dismissal order.*

To be timely, a notice of appeal must be filed with the district court clerk within 30 days after the judgment or order appealed from is entered. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). “[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

Dr. Arunachalam appears to indicate that her notice of appeal was filed late due to illness. However, the filing deadline is mandatory, and as such, we may only consider whether the appeal was timely filed at the court. *See id.* In other words, we cannot toll the deadline based on Dr. Arunachalam’s personal circumstances. Because Dr. Arunachalam’s appeal was not filed within the statutory deadline, we must dismiss for lack of jurisdiction.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

April 16, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

* Although Dr. Arunachalam’s notice of appeal was dated February 12, 2020, it was filed at the district court on February 13, 2020. But even if the district court received her notice of appeal on February 12, 2020, it would still be untimely.

App. 20

ARUNACHALAM v. WELLS FARGO BANK, N.A.

3

s32

ISSUED AS A MANDATE: April 16, 2020

App. 3a

(Contd.) App. 1a
Federal Circuit Order (5/16/20)

Appellant Lakshmi Arunachalam filed a petition for rehearing en banc. The petition was first referred as a petition for rehearing to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

FOR THE COURT

May 26, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

App. 5a

App. 2a
District Court Order (1/9/20)