

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ECF

ALEKSANDR L. YUFA,

Plaintiff,

v.

Civ. Action No. 08cv0330 (RJL)

UNITED STATES DEPARTMENT
OF DEFENSE, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

(May 12, 2008) (#9)

Aleksandr L. Yufa ("Yufa" or "plaintiff"), *pro se*, has sued the United States Department of Defense ("DOD") and ten "Doe-Defendants" alleging patent infringement. Currently before the Court is plaintiff's consent motion to transfer this case to the United States Court of Federal Claims ("COFC"). For the following reasons, the motion is GRANTED.

BACKGROUND

Yufa filed this action against the DOD and ten "Doe-Defendants" on February 26, 2008, alleging that he has the rights to U.S. Patent No. 6,346,983 and U.S. Patent No. 6,034,769 and that the DOD's use of certain products infringes on these patents.¹ Compl.

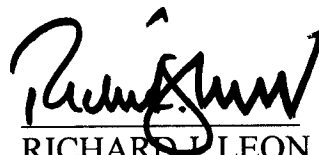
¹These patents are the subject of another lawsuit Yufa filed in the Central District of California. *Yufa v. Lockheed Martin Corp.*, Civil No. 06-3923 (C.D. Cal.). According to plaintiff, that suit is stayed pending a reexamination of the patents by the Patent and Trademark Office.

¶¶ 2, 3. Plaintiff claims that this alleged infringement has caused him unspecified money damages, as well as “moral damage and emotional distress.” *Id.* ¶ 14.

ANALYSIS

Plaintiff, with DOD’s consent, has moved to transfer this action to the COFC pursuant to 28 U.S.C. § 1631, which provides, in pertinent part, that “[w]henever a civil action is filed . . . and [the] court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought.” This case is a patent infringement action against the United States. Title 28 of the U.S. Code § 1498(a) grants the COFC exclusive jurisdiction over patent infringement actions against the United States.² Accordingly, this Court lacks jurisdiction over plaintiff’s case.

It is therefore ORDERED that plaintiff’s Consent Motion to Transfer this Case to the United States Court of Federal Claims is GRANTED. In the interest of justice, the Court hereby TRANSFERS this case to the United States Court of Federal Claims.



RICHARD J. LEON
United States District Judge

²“Whenever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner’s remedy shall be by action against the United States in the United States Court of Federal Claims for the recovery of his reasonable and entire compensation for such use and manufacture.” 28 U.S.C. § 1498(a).