

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1504

I4I LIMITED PARTNERSHIP and
INFRASTRUCTURES FOR INFORMATION INC.,

Plaintiffs-Appellees,

v.

MICROSOFT CORPORATION,

Defendant-Appellant.

Appeal from the United States District Court for the Eastern District of Texas in case no. 07-CV-113, Judge Leonard Davis.

ON PETITION FOR PANEL REHEARING AND REHEARING EN BANC

Before MICHEL, Chief Judge, NEWMAN, MAYER, LOURIE, RADER, BRYSON, GAJARSA, LINN, DYK, PROST, and MOORE, Circuit Judges.

PER CURIAM.

ORDER

A combined petition for panel rehearing and rehearing en banc was filed by Microsoft Corporation. A response was invited by the panel and filed by i4i Limited Partnership, et al. The court granted leave for Microsoft to file a reply and Washington Legal Foundation to file a brief as amicus curiae in support of appellant's combined petition for rehearing.

On March 10, 2010, the court granted Microsoft's petition for panel rehearing for the limited purpose of revising portions of the discussion of willfulness and issued a revised opinion. Thereafter, the petition for rehearing en banc, response, reply, and

amicus brief were referred to the circuit judges who are authorized to request a poll whether to rehear the appeal en banc. A poll was requested, taken, and failed.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The petition for rehearing en banc is denied.
- (2) The mandate for the court will issue on April 8, 2010.

FOR THE COURT

APR - 1 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Matthew D. Powers, Esq.
Donald R. Dunner, Esq.
Richard Samp, Esq.
John W. Thornburgh, Esq.

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

APR 01 2010

JAN HORBALY
CLERK