

United States Court of Appeals for the Federal Circuit

CARNEGIE MELLON UNIVERSITY,
Plaintiff-Appellee

v.

**MARVELL TECHNOLOGY GROUP, LTD.,
MARVELL SEMICONDUCTOR, INC.,**
Defendants-Appellants

2014-1492

Appeal from the United States District Court for the
Western District of Pennsylvania in No. 2:09-cv-00290-
NBF, Judge Nora Barry Fischer.

ON PETITION FOR REHEARING AND REHEARING EN BANC

PATRICK JOSEPH MCELHINNY, K&L Gates LLP, Pitts-
burgh, PA, filed a petition for rehearing en banc for
plaintiff-appellee. Also represented by MARK G.
KNEDEISEN, CHRISTOPHER MICHAEL VERDINI; THEODORE J.
ANGELIS, DOUGLAS B. GREENSWAG, DAVID T. McDONALD,
Seattle, WA; E. JOSHUA ROSENKRANZ, Orrick, Herrington
& Sutcliffe LLP, New York, NY; ERIC SHUMSKY, Washing-
ton, DC; BAS DE BLANK, Menlo Park, CA.

KATHLEEN M. SULLIVAN, Quinn Emanuel Urquhart & Sullivan, LLP, New York, NY, filed a petition for panel rehearing and rehearing en banc for defendants-appellants. Also represented by EDWARD J. DEFranco, JOSEPH MILOWIC III, CLELAND B. WELTON II; SUSAN RACHEL ESTRICH, MICHAEL THOMAS ZELLER, Los Angeles, CA; KEVIN P.B. JOHNSON, Redwood Shores, CA; DEREK SHAFFER, Washington, DC; ROY WANG, Marvell Semiconductor, Inc., Santa Clara, CA.

DAN L. BAGATELL, Perkins Coie LLP, Phoenix, AZ, for amici curiae Broadcom Corporation, Xilinx, Inc. Also represented by KENNETH J. HALPERN, Palo Alto, CA.

Before PROST, *Chief Judge*, NEWMAN, LOURIE, DYK, MOORE,
O'MALLEY, REYNA, WALLACH, TARANTO, CHEN, HUGHES,
and STOLL, *Circuit Judges*.

PER CURIAM.

ORDER

Carnegie Mellon's petition for rehearing en banc is denied in part and held in abeyance in part. The court will hold in abeyance any decision on the request for rehearing en banc with respect to the first issue raised in Carnegie Mellon's petition, which seeks review of the panel's ruling on the enhancement of damages issue. The court will hold Carnegie Mellon's petition as to that issue pending the Supreme Court's decision in *Halo Electronics, Inc. v. Pulse Electronics, Inc.*, 769 F.3d 1371 (Fed. Cir. 2014) *cert. granted*, No. 14-1513, 2015 WL 3883472 (U.S. Oct. 19, 2015) and *Stryker Corp. v. Zimmer, Inc.*, 782 F.3d 649 (Fed. Cir. 2015) *cert. granted*, No. 14-1520, 2015 WL 3883499 (U.S. Oct. 19, 2015). Carnegie Mellon's petition for rehearing en banc is otherwise denied. Marvell's petition for rehearing and rehearing en banc is denied. A partial mandate will issue returning the case to the

district court, which shall have discretion to determine how and when best to handle the proceedings on remand.

IT IS ORDERED THAT:

(1) Carnegie Mellon's petition for rehearing en banc is denied in part and held in abeyance in part.

(2) Marvell's petition for rehearing and rehearing en banc is denied

(3) A partial mandate will issue on November 24, 2015.

FOR THE COURT

November 17, 2015
Date

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court