

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2242

LIBERTY INSURANCE UNDERWRITERS, INC.

v.

COCRYSTAL PHARMA, INC.,
Appellant

Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 1-19-cv-02281)
District Judge: Honorable Joshua D. Wolson

Argued on March 8, 2023

Before: SHWARTZ, BIBAS, and AMBRO, Circuit Judges

SUR PETITION FOR REHEARING

Present: SHWARTZ, BIBAS, and AMBRO, Circuit Judges

The petition for rehearing filed by Appellee, Liberty Insurance Underwriters, Inc., in the above-entitled case having been submitted to the judges who participated in the decision of this Court, it is hereby ORDERED that the petition for rehearing by the panel

is granted. The opinion filed on March 29, 2023, is hereby vacated. The Clerk is directed to file the amended opinion contemporaneously with this order. As the amendment does not affect the outcome of the appeal, the judgment will not be vacated.

The panel has advised the en banc Court of its action in accordance with 3d Cir. I.O.P. 9.5.7. A majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the Court en banc is denied.

BY THE COURT,

s/ Thomas L. Ambro
Circuit Judge

Date: April 25, 2023