

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

SEP 14 2016

**FOR THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**SUNEARTH, INC., a California corporation; THE SOLARAY CORPORATION, a Hawaiian corporation,**

Plaintiffs-Appellants,

v.

**SUN EARTH SOLAR POWER CO., LTD., FKA Ningbo Solar Electric Power Co., Ltd., a Chinese limited liability company; NBSOLAR USA INC., a California corporation,**

Defendants-Appellees.

No. 13-17622

D.C. No. 4:11-cv-04991-CW  
Northern District of California,  
Oakland

**ORDER**

**SUNEARTH, INC., a California corporation; THE SOLARAY CORPORATION, a Hawaiian corporation,**

Plaintiffs-Appellants,

v.

**SUN EARTH SOLAR POWER CO., LTD., FKA Ningbo Solar Electric Power Co., Ltd., a Chinese limited liability company; NBSOLAR USA INC., a California corporation,**

Defendants-Appellees.

No. 15-16096

D.C. No. 4:11-cv-04991-CW  
Northern District of California,  
Oakland

**THOMAS**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition shall not be cited as precedent by or to any court of the Ninth Circuit.