United States Court of Appeals for the Federal Circuit

UNILOC USA, INC. AND UNILOC SINGAPORE PRIVATE LIMITED,
Plaintiffs-Appellants,

v.

MICROSOFT CORPORATION,
Defendant-Cross Appellant.

2010-1035, -1055

Appeals from the United States District Court for the District of Rhode Island in case no. 03-CV-0440, Judge William E. Smith.

ON PETITION FOR PANEL REHEARING AND REHEARING EN BANC

Before RADER, *Chief Judge*, NEWMAN, LOURIE, BRYSON, GAJARSA, LINN, DYK, PROST, MOORE, O'MALLEY, and REYNA, *Circuit Judges.*

O'MALLEY, *Circuit Judge*, dissents from the denial of the petition for rehearing en banc.

PER CURIAM.

O R D E R

A combined petition for panel rehearing and rehearing en banc was filed by Plaintiffs-Appellants, and a response thereto was invited by the court and filed by Defendant-Cross Appellant. The court granted leave to file a brief amici curiae to ten damages experts, all appearing pro se.

The petition for panel rehearing was considered by the panel that heard the appeal, and thereafter the petition for rehearing en banc, response, and brief amici curiae were referred to the circuit judges who are authorized to request a poll of whether to rehear the appeal en banc. A poll was requested, taken, and failed.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The petition of Plaintiffs-Appellants for panel rehearing is denied.

(2) The petition of Plaintiffs-Appellants for rehearing en banc is denied.

(3) The mandate of the court will issue on May 23, 2011.

FOR THE COURT

May 16, 2011   /s/ Jan Horbaly
_____   _____

Date   Jan Horbaly
                                       Clerk

cc: Donald R. Dunner, Esq.
     Frank E. Scherkenbach, Esq
     Michael J. Chapman