

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MARINE POLYMER TECHNOLOGIES, INC.,
Plaintiff-Appellee,

v.

HEMCON, INC.,
Defendant-Appellant.

2010-1548

Appeal from the United States District Court for the District of New Hampshire in case no. 06-CV-0100, Judge Joseph A. DiClerico, Jr.

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

PER CURIAM.

O R D E R

A combined petition for panel rehearing and rehearing en banc was filed by Plaintiff-Appellee and a response thereto was invited by the court and filed by Defendant-Appellant. The court granted leave to Intellectual Ventures Management LLC and Jan K. Voda, M.D. to file separate briefs amicus curiae.

* Judge Gajarsa participated in the decision for panel rehearing.

The petition for rehearing was considered by the panel that heard the appeal, and thereafter the petition for rehearing en banc, response, and briefs amicus 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 the court has decided that the appeal warrants en banc consideration.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The petition of Plaintiff-Appellee for panel rehearing is denied.

(2) The petition of Plaintiff-Appellee for rehearing en banc is granted.

(3) The court's opinion of September 26, 2011 is vacated, and the appeal is reinstated.

(4) This appeal will be heard en banc on the basis of the originally filed briefs. No additional briefing or oral argument will be requested.

FOR THE COURT

January 20, 2012

/s/ Jan Horbaly

Date

Jan Horbaly
Clerk

cc: Raymond A. Kurz, Esq.
Brian M. Poissant, Esq.
Matthew C. Phillips, Esq.
Mitchell G. Stockwell, Esq.

** Judge O'Malley did not participate.