

NOTE: This order is nonprecedential.

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

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**PAUL MICHELOTTI,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2013-5131

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Appeal from the United States Court of Federal  
Claims in No. 13-CV-0029, Chief Judge Emily C. Hewitt.

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**ON PETITION FOR PANEL REHEARING**

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Before NEWMAN, LOURIE, and TARANTO, *Circuit Judges.*

PER CURIAM.

**ORDER**

A petition for panel rehearing having been filed by the  
appellant, and the matter having been referred to the  
panel that heard the appeal,

IT IS ORDERED THAT:

The petition for rehearing is DENIED, except that the portion of the opinion at page 7, lines 9-18, is replaced with the following:

Apr. 23, 2013), ECF No. 8, he never tied those studies to his patent infringement claim or alleged how the studies showed infringement when he mentioned them indirectly and in passing in his motion to amend. Thus, the Court of Federal Claims had no fair opportunity to consider Mr. Michelotti's new allegation. We note that the single document from the studies that he attached to his response to the motion to dismiss describes only government simulations of enhanced brake lighting systems, not any actual systems used or manufactured by or for the United States. *See* App. to Pl.'s Resp. to Mot. to Dismiss.

FOR THE COURT

March 3, 2014  
Date

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

cc: Paul Michelotti  
Sonia M. Orfield