

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

AMERICAN AXLE & MANUFACTURING, INC.,
Plaintiff-Appellant

v.

**NEAPCO HOLDINGS LLC, NEAPCO DRIVELINES
LLC,**
Defendants-Appellees

2018-1763

Appeal from the United States District Court for the District of Delaware in No. 1:15-cv-01168-LPS, Chief Judge Leonard P. Stark.

ON PETITION FOR PANEL REHEARING

JAMES RICHARD NUTTALL, Steptoe & Johnson, LLP, Chicago, IL, filed a combined petition for panel rehearing and rehearing en banc for plaintiff-appellant. Also represented by JOHN LLOYD ABRAMIC, KATHERINE H. JOHNSON, ROBERT KAPPERS; CHRISTOPHER ALAN SUAREZ, Washington, DC.

J. MICHAEL HUGET, Honigman LLP, Ann Arbor, MI, filed a response to the petition for defendants-appellees. Also represented by SARAH E. WAIDELICH; DENNIS J. ABDELNOUR, Chicago, IL.

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MATTHEW ZAPADKA, Bass, Berry & Sims, PLC, Washington, DC, for amici curiae Jonathan Barnett, Richard A. Epstein, Christopher Michael Holman, Daryl Lim, Adam Mossoff, Kristen J. Osenga, Michael Risch, Ted M. Sichelman, Brenda M. Simon, Jonathan Stroud, David O. Taylor, Saurabh Vishnubhakat. Also represented by SCOTT A. M. CHAMBERS, Porzio, Bromberg & Newman, PC, Washington, DC.

MARK J. ABATE, Goodwin Procter LLP, New York, NY, for amicus curiae Intellectual Property Owners Association. Also represented by ALEXANDRA D. VALENTI; HENRY S. HADAD, Bristol-Myers Squibb Company, Princeton, NJ; KEVIN H. RHODES, 3M Innovative Properties Company, St. Paul, MN.

JEREMY COOPER DOERRE, Tillman Wright PLLC, Charlotte, NC, as amicus curiae, pro se.

AARON BARKOFF, McAndrews, Held & Malloy, Ltd., Chicago, IL, for amicus curiae Biotechnology Innovation Organization. Also represented by CHRISTOPHER SINGER; MELISSA A. BRAND, HANSJORG SAUER, Biotechnology Innovation Organization, Washington, DC.

ROBERT P. TAYLOR, Rpt Legal Strategies PC, San Francisco, CA, for amicus curiae Alliance of U.S. Startups and Inventors for Jobs.

JOHN THOMAS BATTAGLIA, Alexandria, VA, for amicus curiae Paul R. Michel.

Before DYK, MOORE, and TARANTO, *Circuit Judges*.

PER CURIAM.

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O R D E R

IT IS ORDERED THAT:

The Petition for Panel Rehearing is granted to the extent that the previous precedential opinion and judgment issued October 3, 2019, are withdrawn and replaced with the modified precedential opinion and judgment accompanying this order.

FOR THE COURT

July 31, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court