

NOTE: This order is nonprecedential.

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

---

**HITACHI ENERGY USA INC.,**  
*Plaintiff-Appellee*

v.

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

**HYUNDAI HEAVY INDUSTRIES CO., LTD.,  
HYUNDAI CORPORATION, USA,**  
*Defendants-Appellants*

---

2020-2114

---

Appeal from the United States Court of International  
Trade in No. 1:16-cv-00054-MAB, Judge Mark A. Barnett.

---

**ON PETITION FOR PANEL REHEARING**

---

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

PER CURIAM.

**ORDER**

Appellee Hitachi Energy USA Inc. filed a combined petition for panel rehearing and rehearing en banc.

Responses were invited by the court and filed by Appellee the United States and Appellants Hyundai Corporation, USA and Hyundai Heavy Industries Co., Ltd.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied. However, the previous precedential opinion issued May 24, 2022, is modified as follows:

On page 16, line 12, after “unqualified” insert “in the circumstances of this case.”

FOR THE COURT

November 23, 2022  
Date

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