

# **APPENDIX B**

NOTE: This order is nonprecedential.

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

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**PROMEGA CORPORATION,**  
*Plaintiff-Cross-Appellant*

**MAX-PLANCK-GESELLSCHAFT ZUR  
FOERDERUNG DER WISSENSCHAFTEN E.V.,**  
*Plaintiff*

v.

**LIFE TECHNOLOGIES CORPORATION,  
INVITROGEN IP HOLDINGS, INC., APPLIED  
BIOSYSTEMS, LLC,**  
*Defendants-Appellants*

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2013-1011, 2013-1029, 2013-1376

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Appeals from the United States District Court for the  
Western District of Wisconsin in No. 10-CV-0281, Chief  
Judge Barbara B. Crabb.

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**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

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Before PROST, *Chief Judge*, NEWMAN, MAYER\*, LOURIE,  
DYK, MOORE, O'MALLEY, REYNA, WALLACH, TARANTO,  
CHEN, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Cross-appellant Promega Corporation filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by appellants Life Technologies Corporation, Invitrogen IP Holdings, Inc. and Applied Biosystems, LLC. The petition was referred to the panel that heard the appeals, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on February 21, 2018.

FOR THE COURT

February 14, 2018

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

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\* Circuit Judge Mayer participated only in the decision on the petition for panel rehearing.