

# APPENDIX A

NOTE: This disposition is nonprecedential.

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

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**PPC BROADBAND, INC., DBA PPC, FKA JOHN  
MEZZALINGUA ASSOCIATES, INC.,**  
*Plaintiff-Appellee*

**v.**

**CORNING OPTICAL COMMUNICATIONS RF, LLC,**  
*Defendant-Appellant*

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2017-1347

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Appeal from the United States District Court for the  
Northern District of New York in No. 5:11-cv-00761-GLS-  
DEP, Senior Judge Gary L. Sharpe.

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**JUDGMENT**

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J. MICHAEL JAKES, Finnegan, Henderson, Farabow,  
Garrett & Dunner, LLP, Washington, DC, argued for  
plaintiff-appellee. Also represented by JOSE M. RECIO;  
ROBERT L. BURNS, II, Reston, VA; JUSTIN A. HENDRIX,  
Palo Alto, CA; JOHN D. COOK, DOUGLAS J. NASH, Barclay  
Damon, LLP, Syracuse, NY; JOHN T. GUTKOSKI, Boston,  
MA.

KIMBALL RICHARD ANDERSON, Winston & Strawn LLP, Chicago, IL, argued for defendant-appellant. Also represented by HOWARD I. SHIN, New York, NY; MARK S. DAVIES, KATHERINE M. KOPP, Orrick, Herrington & Sutcliffe LLP, Washington, DC; ELIZABETH MOULTON, Menlo Park, CA; DANIEL A. RUBENS, New York, NY; JOSEPH P. LAVELLE, DLA Piper US LLP, Washington, DC.

CLYDE MOODY SIEBMAN, Siebman, Burg, Phillips & Smith, LLP, Sherman, TX, for amicus curiae Samsung Electronics Co., Ltd.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, MAYER and REYNA, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

March 13, 2018  
Date

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

# APPENDIX B

NOTE: This order is nonprecedential.

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

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**PPC BROADBAND, INC., DBA PPC, FKA JOHN  
MEZZALINGUA ASSOCIATES, INC.,**  
*Plaintiff-Appellee*

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Appeal from the United States District Court for the  
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DEP, Senior Judge Gary L. Sharpe.

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

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Before PROST, *Chief Judge*, NEWMAN, MAYER<sup>1</sup>, LOURIE,  
DYK, MOORE, O'MALLEY, REYNA, WALLACH, TARANTO,  
CHEN, and HUGHES, *Circuit Judges*\*.

PER CURIAM.

**O R D E R**

2 PPC BROADBAND, INC. v. CORNING OPTICAL COMMUNICATIONS

Appellant Corning Optical Communications RF, LLC filed a combined petition for panel rehearing and rehearing en banc. The petition was referred to the panel that heard the appeal, 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 May 21, 2018.

FOR THE COURT

May 14, 2018

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

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\* Circuit Judge Stoll did not participate.

<sup>1</sup> Circuit Judge Mayer participated only in the decision on the petition for panel rehearing.