

# ATTACHMENT 2

NOTE: This order is nonprecedential.

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

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**ENZO LIFE SCIENCES, INC.,**  
*Plaintiff-Appellant*

v.

**ROCHE MOLECULAR SYSTEMS, INC., ROCHE  
DIAGNOSTICS CORPORATION, ROCHE  
DIAGNOSTICS OPERATIONS, INC., ROCHE  
NIMBLEGEN, INC., BECTON, DICKINSON AND  
COMPANY, AKA BECTON DICKSON AND  
COMPANY, BECTON DICKINSON DIAGNOSTICS  
INC., AKA BECTON DICKSON DIAGNOSTICS,  
GENEOHM SCIENCES INC., ABBOTT  
LABORATORIES, ABBOTT MOLECULAR, INC.,**  
*Defendants-Appellees*

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2017-2498, 2017-2499, 2017-2545, 2017-2546

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Appeals from the United States District Court for the  
District of Delaware in Nos. 1:12-cv-00106-LPS, 1:12-cv-  
00274-LPS, 1:12-cv-00275-LPS, 1:13-cv-00225-LPS, Chief  
Judge Leonard P. Stark.

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

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2 ENZO LIFE SCIENCES, INC. v. ROCHE MOLECULAR SYSTEMS,  
INC.

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

PER CURIAM.

### O R D E R

Appellant Enzo Life Sciences, Inc. filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by Appellees Abbott Laboratories, Abbott Molecular, Inc., Becton Dickinson Diagnostics Inc., Becton, Dickinson and Company, GeneOhm Sciences Inc., Roche Diagnostics Corporation, Roche Diagnostics Operations, Inc., Roche Molecular Systems, Inc. and Roche NimbleGen, Inc. 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 November 5, 2019.

FOR THE COURT

October 29, 2019  
Date

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

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\* Circuit Judge Moore did not participate.