

Appendix 1

NOTE: This disposition is nonprecedential.

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

THADDEUS GABARA,
Plaintiff-Appellant

v.

FACEBOOK, INC.,
Defendant-Appellee

2020-2333

Appeal from the United States District Court for the Southern District of New York in No. 1:19-cv-09890-DLC, Senior Judge Denise Cote.

JUDGMENT

TIMOTHY GILMAN, Stroock & Stroock & Lavan LLP, New York, NY, argued for plaintiff-appellant. Also represented by BINNI N. SHAH.

ERIC SHUMSKY, Orrick, Herrington & Sutcliffe LLP, Washington, DC, argued for defendant-appellee. Also represented by ABIGAIL COLELLA, New York, NY; ERIN MARIE BOYD LEACH, Irvine, CA.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, *Chief Judge*, REYNA and HUGHES, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

July 8, 2021
Date

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

Appendix 2

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

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Plaintiff-Appellant

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FACEBOOK, INC.,
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2020-2333

Appeal from the United States District Court for the Southern District of New York in No. 1:19-cv-09890-DLC, Senior Judge Denise Cote.

ON PETITION FOR REHEARING EN BANC

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

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

** Circuit Judge Cunningham did not participate.

PER CURIAM.

O R D E R

Thaddeus Gabara filed a petition for rehearing en banc. The petition was first referred as a petition for rehearing 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 September 17, 2021.

FOR THE COURT

September 10, 2021
Date

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