

NOTE: This order is nonprecedential.

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

INVENTIO AG,
Plaintiff-Appellant,

v.

**THYSSENKRUPP ELEVATOR AMERICAS
CORPORATION,
THYSSENKRUPP ELEVATOR CORPORATION, AND
THYSSENKRUPP ELEVATOR MANUFACTURING
INCORPORATED,**
Defendants-Appellees.

2010-1525

Appeal from the United States District Court for the District of Delaware in case no. 08-CV-0874, Judge Eduardo C. Robreno.

ON PETITION FOR REHEARING EN BANC

Before RADER, *Chief Judge*, NEWMAN, LOURIE, BRYSON,
LINN, DYK, PROST, MOORE, O'MALLEY, and REYNA, *Circuit
Judges.*

PER CURIAM.

O'MALLEY, *Circuit Judge*, dissents, without opinion, from the denial of the petition for rehearing en banc.

O R D E R

A petition for rehearing en banc was filed by Defendants-Appellees, and a response thereto was invited by the court and filed by Plaintiff-Appellant. The petition for rehearing was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc and the response were referred to the circuit judges who are authorized to request a poll of whether to rehear the appeal en banc. A poll was requested, taken, and failed.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The petition of Defendants-Appellees for panel rehearing is denied.
- (2) The petition of Defendants-Appellees for rehearing en banc is denied.
- (3) The mandate of the court will issue on September 23, 2011.

FOR THE COURT

September 16, 2011

/s/ Jan Horbaly

Date

Jan Horbaly
Clerk

cc: Pierre R. Yanney, Esq.
David E. Schmit, Esq.