

NOTE: This order is nonprecedential.

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

ROBERT BOSCH LLC,
Plaintiff-Appellant,

v.

PYLON MANUFACTURING CORP.,
Defendant-Cross-Appellant.

2011-1363, -1364

Appeals from the United States District Court for the District of Delaware in case no. 08-CV-0542, Judge Sue L. Robinson.

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

PER CURIAM.

O R D E R

This case was argued before a panel of this court on July 9, 2012. Thereafter, a poll of the judges in regular active service was conducted to determine whether the jurisdictional issues raised by this appeal should be heard en banc.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The court by its own action grants a hearing en banc.

(2) The parties are requested to file new en banc briefs limited to the following questions:

a) Does 28 U.S.C. § 1292(c)(2) confer jurisdiction on this Court to entertain appeals from patent infringement liability determinations when a trial on damages has not yet occurred?

b) Does 28 U.S.C. § 1292(c)(2) confer jurisdiction on this Court to entertain appeals from patent infringement liability determinations when willfulness issues are outstanding and remain undecided?

(3) An original and thirty copies of the new en banc briefs shall be filed, and two copies of each en banc brief shall be served on opposing counsel. Plaintiff-Appellant's en banc brief is due 40 days from the date of this order. Defendant-Cross-Appellant's en banc response brief is due within 40 days of service of Plaintiff-Appellant's new en banc brief, and Plaintiff-Appellant's reply brief is due within 14 days of service of Defendant-Cross-Appellant's response brief. Principal briefs shall not exceed 7,000 words, and the reply brief shall not exceed 3,500 words.

(4) Briefs of amici curiae will be entertained. Any such amici briefs may be filed without consent and leave of court, and shall not exceed 7,000 words, but otherwise must comply with Federal Rule of Appellate Procedure 29 and Federal Circuit Rule 29. Any such briefs shall be limited to the questions above.

(5) Oral argument will be scheduled at a later date.

FOR THE COURT

August 7, 2012

/s/ Jan Horbaly

Date

Jan Horbaly
Clerk

cc: Mark A. Hannemann, Esq.
Mark A. Pals, Esq.