

NOTE: This order is nonprecedential.

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

ELCOMMERCE.COM, INC.,
Plaintiff-Appellant,

v.

SAP AG AND SAP AMERICA, INC.,
Defendants-Appellees.

2011-1369

Appeal from the United States District Court for the
Eastern District of Pennsylvania in No. 09-CV-4458,
Judge Jan E. Dubois.

ON PETITION FOR REHEARING EN BANC

BEFORE PROST,* CHIEF JUDGE, NEWMAN, LOURIE,
RADER, ** DYK, MOORE, O'MALLEY, REYNA, WALLACH,
TARANTO, CHEN, AND HUGHES, CIRCUIT JUDGES.

PER CURIAM.

* Sharon Prost assumed the position of Chief Judge
on May 31, 2014.

** Randall R. Rader vacated the position of Chief
Judge on May 30, 2014.

O R D E R

The parties jointly move to dismiss this appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted. This court's February 24, 2014 opinion and judgment are vacated.

(2) The petition for rehearing en banc is withdrawn and the appeal is dismissed. The case is remanded with instructions for the district court to dismiss the case.

(3) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

ISSUED AS A MANDATE: June 6, 2014