

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

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**INTELLECTUAL VENTURES I LLC,  
INTELLECTUAL VENTURES II LLC,**  
*Plaintiffs-Appellees*

**INVENTION INVESTMENT FUND II, LLC,  
INTELLECTUAL VENTURES MANAGEMENT, LLC,  
INVENTION INVESTMENT FUND I, L.P.,**  
*Third Party Defendants-Appellees*

**v.**

**CAPITAL ONE FINANCIAL CORPORATION,  
CAPITAL ONE BANK (USA), NATIONAL  
ASSOCIATION, CAPITAL ONE, NATIONAL  
ASSOCIATION,**  
*Defendants/Third Party Plaintiffs-Appellants*

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2018-1367

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Appeal from the United States District Court for the  
District of Maryland in No. 8:14-cv-00111-PWG, Judge  
Paul W. Grimm.

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**ON PETITION FOR REHEARING EN BANC**

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MATTHEW J. MOORE, Latham & Watkins LLP, Wash-  
ington, DC, filed a combined petition for panel rehearing

and rehearing en banc for defendants/third party plaintiffs-appellants. Also represented by GABRIEL BELL, ALAN J. DEVLIN, ADAM MICHAEL GREENFIELD, BLAKE STAFFORD; CHRISTOPHER S. YATES, San Francisco, CA; ROBERT A. ANGLE, Troutman Sanders LLP, Richmond, VA.

ROBERT E. FREITAS, Freitas & Weinberg LLP, Redwood Shores, CA, filed a response to the petition for plaintiffs-appellees and third party defendants-appellees. Also represented by JESSICA N. LEAL, DANIEL J. WEINBERG.

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

PER CURIAM.

## ORDER

Appellants Capital One Financial Corporation, Capital One Bank (USA), National Association and Capital One, National Association 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 Intellectual Ventures I LLC, Intellectual Ventures II LLC, Intellectual Ventures Management, LLC, Invention Investment Fund I, L.P. and Invention Investment Fund II, LLC. The petition and response were first referred to the panel that heard the appeal. The panel denied the petition for panel rehearing in a separate order. The petition and response were also referred to the circuit judges who are in regular active service.

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\* Circuit Judge Moore did not participate.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for rehearing en banc is denied.

The mandate of the court will issue on December 18, 2019.

FOR THE COURT

December 11, 2019  
Date

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