

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-1504

I4I LIMITED PARTNERSHIP and  
INFRASTRUCTURES FOR INFORMATION INC.,

Plaintiffs-Appellees,

v.

MICROSOFT CORPORATION,

Defendant-Appellant.

Before SCHALL, PROST, and MOORE, Circuit Judges.

PROST, Circuit Judge.

### ON PETITION FOR PANEL REHEARING

A combined petition for panel rehearing and rehearing en banc was filed by Microsoft Corporation. A response was invited by the panel and filed by i4i Limited Partnership. That was followed by Microsoft's Motion for Leave to File a Reply in Support of Combined Petition for Panel Rehearing and Rehearing En Banc.

Among the issues on which Microsoft has sought rehearing is the holding that Microsoft did not challenge the district court's denial of Microsoft's post-verdict JMOL on willfulness. i4i Ltd. v. Microsoft Corp., 589 F.3d 1246, 1273 (Fed. Cir. 2009). Microsoft argues that this conclusion is factually incorrect, that review of the jury's willfulness verdict is required, and that it should prevail on that question.

IT IS ORDERED THAT:

(1) Microsoft's Motion for Leave to File a Reply in Support of Combined Petition for Panel Rehearing and Rehearing En Banc is granted.

(2) Microsoft's Petition for Panel Rehearing is granted for the limited purpose of revising portions of the discussion of willfulness.

(3) The previous opinion in this appeal issued December 22, 2009 and reported at i4i Ltd. v. Microsoft Corp., 589 F.3d 1246 (Fed. Cir. 2009), is withdrawn and replaced with the revised opinion accompanying this order.

The Petition for Rehearing En Banc will be circulated to the full court along with a copy of this order.

FOR THE COURT

March 10, 2010  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: Matthew D. Powers  
Donald R. Dunner  
John W. Thornburgh  
Richard Samp