

United States Court of Appeals for the Federal Circuit

03-1615

NTP, INC.,

Plaintiff-Appellee,

v.

RESEARCH IN MOTION, LTD.,

Defendant-Appellant.

Henry C. Bunsow, Howrey Simon Arnold & White, LLP, of San Francisco, California, filed a combined petition for panel rehearing and rehearing en banc for defendant-appellant. With him on the petition were Robert C. Laurenson, of Irvine, California, and David W. Long, of Washington, DC.

James H. Wallace, Jr., Wiley, Rein & Fielding LLP, of Washington, DC, filed a response to the petition for plaintiff-appellee. With him on the response were John B. Wyss, Gregory R. Lyons, Scott E. Bain, Floyd B. Chapman, and Kevin P. Anderson.

Philip C. Swain, Foley Hoag LLP, of Boston, Massachusetts, filed an amicus curiae brief for the Canadian Chamber of Commerce. With him on the brief was Carla Miriam Levy.

Homer E. Moyer, Jr., Miller & Chevalier, Chartered, of Washington, DC, filed an amicus curiae brief for The Government of Canada. With him on the brief was Michael T. Brady.

Linda S. Resh, Kirkland & Ellis LLP, of Chicago, Illinois, filed an amicus curiae brief for the Information Technology Association of Canada. With her on the brief was Craig D. Leavell.

Susan A. Cahoon, Kilpatrick Stockton LLP, of Atlanta, Georgia, filed an amicus curiae brief for Earthlink, Inc. With her on the brief was Kristin J. Doyle.

Appealed from: United States District Court for the Eastern District of Virginia

Chief Judge James R. Spencer

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Before MICHEL, * Chief Judge, SCHALL, and LINN, Circuit Judges.

ORDER

A combined petition for panel rehearing and rehearing en banc was filed by Research In Motion, Ltd. ("RIM"). A response thereto was invited by the court and filed by NTP, Inc. ("NTP"). Briefs of amicus curiae were filed by Earthlink, Inc.; The Canadian Chamber of Commerce; Information Technology Association of Canada; and The Government of Canada. Thereafter, these filings were referred to the merits panel that heard the appeal.

* Paul R. Michel assumed the position of Chief Judge on December 25, 2004.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) the petition for panel rehearing is granted for the limited purpose of revising portions of the opinion treating Section 271, and

(2) the previous opinion of the court in this appeal, issued on December 14, 2004 and reported at 392 F.3d 1336, is withdrawn. The new opinion accompanies this order.

FOR THE COURT

August 2, 2005
Date

s/Jan Horbaly
Jan Horbaly
Clerk