

United States Court of Appeals for the Federal Circuit

05-5014

COMPUTERVISION CORPORATION,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

John S. Brown, Bingham McCutchen LLP, of Boston, Massachusetts, filed a petition for rehearing en banc for plaintiff-appellant. With him on the petition were George P. Mair, Donald-Bruce Abrams and Matthew D. Schnall.

Francesca U. Tamami, Attorney, Tax Division, United States Department of Justice, of Washington, DC, filed a response to the petition for defendant-appellee. With her on the response were Eileen J. O'Connor, Assistant Attorney General; Richard T. Morrison, Deputy Assistant Attorney General; Gilbert S. Rothenberg and Bruce R. Ellisen, Attorneys.

Appealed from: United States Court of Federal Claims

Judge Marian Blank Horn

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UNITED STATES,

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ON PETITION FOR REHEARING EN BANC

Before MICHEL, Chief Judge, NEWMAN, MAYER, LOURIE, RADER, SCHALL, BRYSON, GAJARSA, LINN, DYK, and PROST, Circuit Judges.

ORDER

A petition for rehearing en banc was filed by the Appellant, and a response thereto was invited by the court and filed by the Appellee. The petition was referred first as a petition for panel rehearing to the panel that heard the appeal, and thereafter the petition and response were referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The petition for rehearing is denied.¹
- (2) The petition for rehearing en banc is denied.
- (3) The mandate of the court will issue on September 6, 2006.

¹ The merits panel issues a supplemental opinion simultaneously with this order.

FOR THE COURT

Aug 30 2006
Date

s/Jan Horbaly
Jan Horbaly
Clerk

cc: John S. Brown, Esq.
Francesca U. Tamami, Esq.