

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

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**SUNPREME INC.,**  
*Plaintiff-Appellant*

v.

**UNITED STATES, SOLARWORLD AMERICAS, INC.,**  
*Defendants-Cross-Appellants*

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2018-1116, 2018-1117, 2018-1118

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Appeals from the United States Court of International  
Trade in No. 1:16-cv-00171-CRK, Judge Claire R. Kelly.

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**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

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JUSTIN REINHART MILLER, International Trade Field  
Office, Commercial Litigation Branch, Civil Division,  
United States Department of Justice, New York, NY, filed  
a combined petition for panel rehearing and rehearing en  
banc for defendant-cross-appellant United States. Also  
represented by REGINALD THOMAS BLADES, JR., JEANNE  
DAVIDSON, JOSEPH H. HUNT, Washington, DC; MERCEDES  
MORNO, United States Department of Commerce, Wash-  
ington, DC.

JOHN M. GURLEY, Arent Fox, LLP, Washington, DC, filed a response to the petition for plaintiff-appellant. Also represented by DIANA DIMITRIUC QUAIA, NANCY NOONAN.

THOMAS M. BELINE, Cassidy Levy Kent USA LLP, for amicus curiae Committee to Support U.S. Trade Laws. Also represented by JOHN M. HERRMANN, Kelley Drye & Warren, LLP, Washington, DC.

JOHN MICHAEL PETERSON, Neville Peterson LLP, New York, NY, for amicus curiae American Association of Exporters and Importers. Also represented by RICHARD F. O'NEILL.

MICHAEL KONRAD TOMENGA, Washington, DC, for amicus curiae TR International Trading Company. Also represented by LAWRENCE J. BOGARD.

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

PER CURIAM.

## ORDER

Cross-Appellant United States filed a Combined Petition for Panel Rehearing and Rehearing En Banc. A response to the petition was invited by the court and filed by Appellant Sunpreme Inc. Several motions for leave to file amici curiae briefs were also filed and granted by the court.

The petition was referred to the panel that heard the appeal, and thereafter the petition, response, and briefs of

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\* Circuit Judge Wallach did not participate.

amici curiae were referred to the circuit judges who are in regular active service. A poll was requested and taken.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The petition for rehearing en banc is granted.

(2) The panel's judgment and original opinion entered on May 16, 2019 is vacated and is replaced by the en banc opinion issued this date.

FOR THE COURT

January 7, 2020  
Date

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