

NOTE: This order is nonprecedential.

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

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**BEDGEAR, LLC,**  
*Appellant*

v.

**FREDMAN BROS. FURNITURE COMPANY, INC.,**  
*Appellee*

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2018-2170

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2017-  
00524.

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**ON PETITION FOR PANEL REHEARING**

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Before LOURIE, MAYER, and TARANTO, *Circuit Judges*.

PER CURIAM.

**ORDER**

Bedgear, LLC petitions the court for panel rehearing on the basis that it raised an Appointments Clause challenge in its opening brief. In view of this court's decision in *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 (Fed. Cir. 2019), and this court's precedential order

denying the petitions for rehearing in *Arthrex, Inc. v. Smith & Nephew, Inc.*, 953 F.3d 760 (Fed. Cir. 2020),

IT IS ORDERED THAT:

- 1) Bedgear LLC's petition for panel rehearing is granted.
- 2) The court's decision affirming the decision of the Patent Trial and Appeal Board is vacated.
- 3) The Patent Trial and Appeal Board's decision in No. IPR2017-00524 is vacated and the case is remanded to the Board for proceedings consistent with this court's decisions in *Arthrex*.

FOR THE COURT

April 29, 2020  
Date

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