

NOTE: This order is nonprecedential.

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

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**DUKE UNIVERSITY,**  
*Appellant*

v.

**BIOMARIN PHARMACEUTICAL INC.,**  
*Appellee*

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2018-1696

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2013-  
00535.

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**ON PETITION FOR REHEARING EN BANC**

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

PER CURIAM.

**CORRECTED ORDER**

Appellant Duke University filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by Appellee Biomarin Pharmaceutical Inc.

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\* Circuit Judge Hughes did not participate.

The petition was first referred as a petition for rehearing to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on February 10, 2020.

FOR THE COURT

February 3, 2020  
Date

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