

NOTE: This order is nonprecedential.

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

DIEM LLC,
Plaintiff-Appellee

v.

BIGCOMMERCE, INC.,
Defendant-Appellant

2019-1745

Appeal from the United States District Court for the Northern District of California in No. 3:18-cv-05978-SI, Senior Judge Susan Y. Illston.

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

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

PER CURIAM.

* Circuit Judge Schall participated only in the decision on the petition for panel rehearing.

ORDER

Appellant BigCommerce, Inc. filed a combined petition for panel rehearing and rehearing en banc. The petition was referred 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 March 31, 2020.

FOR THE COURT

March 24, 2020

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court