

NOTE: This order is nonprecedential.

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

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**HOIST FITNESS SYSTEMS, INC.,**  
*Plaintiff-Appellant*

v.

**TUFFSTUFF FITNESS INTERNATIONAL, INC.,**  
*Defendant-Appellee*

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2020-1047

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Appeal from the United States District Court for the  
Central District of California in No. 5:17-cv-01388-AB-KK,  
Judge Andre Birotte, Jr.

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

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

PER CURIAM.

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

**O R D E R**

Appellant Hoist Fitness Systems, 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 December 14, 2020.

FOR THE COURT

December 7, 2020  
Date

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