

NOTE: This order is nonprecedential.

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

WESTERN PLASTICS, INC.,
Plaintiff-Cross-Appellant

v.

DUBOSE STRAPPING, INC.,
Defendant-Appellant

2021-1371, 2021-1372

Appeals from the United States District Court for the Eastern District of North Carolina in No. 5:15-cv-00294-D, Chief Judge James C. Dever, III.

ON PETITION FOR REHEARING EN BANC

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

PER CURIAM.

* Circuit Judge Newman and Circuit Judge Stoll did not participate.

O R D E R

Defendant-Appellant DuBose Strapping, Inc. filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by Plaintiff-Cross-Appellant Western Plastics, Inc. The petition was construed to request panel rehearing as well and was first referred as a petition for panel rehearing. 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:

- (1) The petition for panel rehearing is granted. See accompanying order.
- (2) The petition for rehearing en banc is denied.

FOR THE COURT

February 25, 2022
Date

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