

NOTE: This order is nonprecedential.

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

EVOLUTION CONCEPTS, INC.,
Plaintiff-Appellant

v.

HOC EVENTS, INC., DBA SUPERTOOL USA,
Defendant

EVOLUTION CONCEPTS, INC.,
Plaintiff-Appellant

v.

JUGGERNAUT TACTICAL, INC.,
Defendant-Appellee

2021-1963, 2021-1987

Appeals from the United States District Court for the
Central District of California in Nos. 2:19-cv-02736-JLS-
DFM, 8:18-cv-01378-JLS-DFM, Judge Josephine L. Staton.

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

Before MOORE, *Chief Judge*, NEWMAN, LOURIE, DYK, PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL, and CUNNINGHAM, *Circuit Judges*.¹

PER CURIAM.

ORDER

Juggernaut Tactical, 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 panel makes one change in its opinion, which is unrelated to the rehearing petition. Footnote 1 is replaced with the following:

On October 26, 2021, the district court issued an order granting attorney’s fees to Juggernaut as a “prevailing party” under 35 U.S.C. § 285 and directing Juggernaut to submit a proposed amendment to the earlier judgment to incorporate the fees award—thus making clear that the October 26th order was not going to “be the court’s final act in the matter.” *S.L. ex rel. Loof v. Upland Unified School Dist.*, 747 F.3d 1155, 1161–62 (9th Cir. 2014) (cleaned up). On November 24, 2021, after Juggernaut made the submission, the court issued an amended final judgment incorporating the

¹ Circuit Judge O’Malley retired on March 11, 2022.

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award of attorney's fees. On December 1, 2021, within 30 days of the November 24th judgment, Evolusion timely filed an amended notice of appeal to include, in Appeal No. 21-1987, the district court's final judgment granting attorney's fees to Juggernaut. Juggernaut has not objected to inclusion of that judgment in Appeal No. 21-1987.

This change does not alter the court's judgment, and no new judgment will be issued.

The mandate of the court will issue on March 25, 2022.

FOR THE COURT

March 18, 2022
Date

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