

NOTE: This order is nonprecedential.

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

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**HOLOGIC, INC., CYTYC SURGICAL PRODUCTS,  
LLC,**  
*Plaintiffs-Appellants*

v.

**MINERVA SURGICAL, INC.,**  
*Defendant-Cross-Appellant*

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2019-2054, 2019-2081

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Appeals from the United States District Court for the District of Delaware in No. 1:15-cv-01031-JFB-SRF, Senior Judge Joseph F. Bataillon.

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**ON PETITION FOR REHEARING EN BANC**

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Before MOORE, *Chief Judge*, NEWMAN, LOURIE, CLEVINGER<sup>1</sup>, DYK, PROST, REYNA, WALLACH<sup>2</sup>, TARANTO,

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<sup>1</sup> Circuit Judge Clevenger participated only in the decision on the petition for panel rehearing.

<sup>2</sup> Circuit Judge Wallach participated only in the decision on the petition for panel rehearing.

CHEN, HUGHES, STOLL, and CUNNINGHAM, *Circuit Judges*.<sup>3</sup>

PER CURIAM.

**O R D E R**

Minerva Surgical, Inc. filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by Cytoc Surgical Products, LLC and Hologic, Inc. 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 November 17, 2022.

FOR THE COURT

November 10, 2022  
Date

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

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<sup>3</sup> Circuit Judge Stark did not participate.