

NOTE: This order is nonprecedential.

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

---

**MALVERN PANALYTICAL INC.,**  
*Plaintiff-Appellant*

v.

**TA INSTRUMENTS-WATERS LLC, WATERS  
TECHNOLOGIES CORPORATION,**  
*Defendants-Appellees*

---

2022-1439

---

Appeal from the United States District Court for the District of Delaware in No. 1:19-cv-02157-RGA, Judge Richard G. Andrews.

---

**ON PETITION FOR REHEARING EN BANC**

---

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

---

<sup>1</sup> Circuit Judge Newman and Circuit Judge Stark did not participate.

2 MALVERN PANALYTICAL INC. v. TA INSTRUMENTS-WATERS LLC

PER CURIAM.

**O R D E R**

TA Instruments-Waters LLC and Waters Technologies Corporation filed a petition for rehearing en banc. 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 on February 9, 2024.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

February 2, 2024  
Date