

NOTE: This order is nonprecedential.

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

FRESHUB, INC., FRESHUB, LTD.,
Plaintiffs-Appellants

v.

**AMAZON.COM, INC., PRIME NOW, LLC, WHOLE
FOODS MARKET SERVICES, INC., AMAZON.COM
SERVICES LLC,**
Defendants-Cross-Appellants

2022-1391, 2022-1425

Appeals from the United States District Court for the
Western District of Texas in No. 6:21-cv-00511-ADA, Judge
Alan D. Albright.

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

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

¹ Circuit Judge Newman, Circuit Judge Stoll, and
Circuit Judge Cunningham did not participate.

PER CURIAM.

O R D E R

Freshub, Inc. and Freshub, Ltd. 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 May 22, 2024.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

May 15, 2024
Date