

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

95-1066

FESTO CORPORATION,

Plaintiff-Appellee,

v.

SHOKETSU KINZOKU KOGYO
KABUSHIKI CO., LTD., a/k/a SMC CORPORATION,
and SMC PNEUMATICS, INC.,

Defendants-Appellants.

ON PETITION FOR REHEARING EN BANC

Before MAYER, Chief Judge, NEWMAN, MICHEL,
Circuit Judges, PLAGER, Senior Circuit Judge, LOURIE,
CLEVINGER, RADER, SCHALL, BRYSON, GAJARSA,
LINN, DYK, and PROST, Circuit Judges.

ORDER

The Festo Corporation (“Festo”) and Shoketsu Kinzoku Kogyo Kabushiki Co., LLtd., a/k/a SMC Corporation, and SMC Pneumatics, Inc. (collectively “SMC”) have each filed a petition for rehearing en banc. The petitions were circulated to the judges who issued the en banc decision on September 6, 2003.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Festo’s petition for rehearing en banc is denied.

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(2) SMC's petition for rehearing en banc is denied.

(3) The mandate of the court will issue on November 12, 2003.

Date: November 5, 2003

FOR THE COURT

/s/ Jan Horably

Jan Horably

Clerk

FILED

U.S. Court of Appeals For
The Federal Circuit

November 5, 2003

Jan Horably

Clerk