United States Court of Appeals for the Federal Circuit

APPLE INC., A CALIFORNIA CORPORATION,
Plaintiff-Appellant

v.

SAMSUNG ELECTRONICS CO., LTD., A KOREAN CORPORATION, SAMSUNG ELECTRONICS AMERICA, INC., A NEW YORK CORPORATION, SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, A DELAWARE LIMITED LIABILITY COMPANY,
Defendants-Appellees

2014-1802

Appeal from the United States District Court for the Northern District of California in No. 5:12-cv-00630-LHK, Judge Lucy H. Koh.

ON PETITION FOR REHEARING EN BANC

Before PROST, *Chief Judge,* MOORE, and REYNA, *Circuit Judges*.

PER CURIAM.

O R D E R

Appellees Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. ("Samsung") filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by appellant Apple, Inc. The petition and response were referred to the panel that heard the appeal.

IT IS ORDERED THAT:

1) Samsung's petition for rehearing is granted by a majority of the panel for the limited purpose of modifying the previously filed majority opinion. Page 17 of the original opinion reads: "Apple did not establish that that these features were the exclusive or significant driver of customer demand, which certainly would have weighed more heavily in its favor. We conclude that this factor weighs in favor of granting Apple's injunction." The corrected opinion reads:

> Apple did not establish that these features were the exclusive driver of customer demand, which certainly would have weighed more heavily in its favor. Apple did, however, show that "a patented feature is one of several features that cause consumers to make their purchasing decisions." *Apple III*, 735 F.3d at 1364. We conclude that this factor weighs in favor of granting Apple's injunction.

The dissenting opinion was also amended. Samsung's petition is denied in all other respects.

2) The prior opinions in this appeal, which issued on September 17, 2015, and were reported at *Apple Inc. v. Samsung Elecs. Co., Ltd.*, 801 F.3d 1352 (Fed. Cir. 2015), are withdrawn and replaced with the revised opinions accompanying this order.

FOR THE COURT

December 16, 2015
Date

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court