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June 5, 2015

Daniel E. O'Toole, Clerk
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington D.C. 20439

Re: *Shukh v. Seagate Technology, LLC, et al.*, Appeal No. 14-1406.

Dear Mr. Clerk:

Pursuant to FRAP 28(j) and Circuit Rule 28(i), Appellant submits the following:

During the oral argument in the above case on June 4, 2015, the question of the Panel's authority regarding overruling prior precedent was briefly raised, and I referenced the September 25, 2014 Order of the full Court denying Appellant's Petition for Hearing En Banc which cites Circuit Rule 35(a)(1) that provides in part that in its brief and oral argument a party may argue to the Panel for the overruling of prior precedent, and that "[t]he panel will decide whether to ask the regular active judges to consider hearing the case en banc."

A copy of that Order is attached and we ask that it be provided to the Panel because it was not included in the Joint Appendix.

This is also pertinent to the argument on Page 3 of Appellant's Reply Brief regarding that point.

Thank you.

Very truly yours,

Constantine John Gekas

CJG:ab
Att.

APPELLANT'S CERTIFICATE OF INTEREST

Counsel for the appellant Alexander M. Shukh certifies the following:

1. The full name of every party or amicus represented by me is: **Alexander M. Shukh.**

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is: **Alexander M. Shukh.**

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are: **None.**

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

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NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

ALEXANDER SHUKH,
Plaintiff-Appellant,

v.

SEAGATE TECHNOLOGY, LLC, A Delaware Limited Liability Company, SEAGATE TECHNOLOGY, INC., a Delaware Corporation, SEAGATE TECHNOLOGY, a holding company of the Cayman Islands,
Defendants-Appellees,

AND

UNKNOWN OWNERS AND ASSIGNEES,
Defendant,

AND

SEAGATE TECHNOLOGY PLC, an Irish public limited company,
Defendant-Appellee.

2014-1406

Appeal from the United States District Court for the District of Minnesota in No. 0:10-cv-00404-JRT-JJK, Judge John R. Tunheim.

ON PETITION FOR HEARING EN BANC

Before PROST, *Chief Judge*, NEWMAN, LOURIE, DYK, MOORE, O'MALLEY, REYNA, WALLACH, TARANTO, CHEN, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

Appellant Alexander Shukh filed a petition for hearing en banc.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for hearing en banc is denied. The appeal will be heard by a panel. *See* Fed. Cir. R. 35(a)(1).

FOR THE COURT

September 25, 2014
Date

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