

## United States Court of Appeals for the Federal Circuit

01-1544, -1591

EAGLE COMTRONICS, INC.,

Plaintiff-Cross Appellant,

v.

ARROW COMMUNICATION LABORATORIES, INC. (doing business as Arcom),  
NORTHERN CATV SALES, INC.,  
ANDREW F. TRESNESS, MARY TRESNESS, and GREG TRESNESS,

Defendants-Appellants.

J. Michael Jakes, Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., of Washington, DC, for plaintiff-cross appellant. Of counsel was Kathleen A. Daley. Also of counsel were Stephen P. Burr and Kevin C. Brown, Burr & Brown, of Syracuse, New York.

Charles W. Bradley, Orrick, Herrington & Sutcliffe LLP, of New York, New York, filed a combined petition for rehearing and rehearing en banc for defendants-appellants. With him on the petition was Lawrence P. Trapani, Lawrence P. Trapani, P.C., of Syracuse, New York.

Appealed from: United States District Court for the Northern District of New York

Senior Judge Howard G. Munson

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CATV SALES, INC.,  
ANDREW F. TRESNESS, MARY TRESNESS, and GREG TRESNESS,

Defendants-Appellants.

Before RADER, SCHALL and LINN, Circuit Judges.

## ORDER

A combined petition for rehearing and petition for rehearing in banc having been filed by Arrow Communication Laboratories, Inc. (doing business as Arcom), Northern CATV Sales, Inc., Andrew F. Tresness, Mary Tresness, and Greg Tresness, and the petition for rehearing having been referred to the merits panel that heard the appeal,

Upon consideration thereof,

IT IS HEREBY ORDERED THAT:

- (1) The petition for rehearing is GRANTED-IN-PART for the limited purpose of amending the last paragraph of section II of the opinion to delete the citation to

“L.A. Gear, Inc. v. Thom McAn Shoe Co., 988 F.2d 1117, 1124, 25 USPQ2d 1913, 1918 (Fed. Cir. 1993)” and to

(2) substitute therefor: --DeMarini Sports, 239 F.3d at 1330-32, 57 USPQ2d at 1899-1900.--.

(3) The petition is in all other respects DENIED.

FOR THE COURT

November 1, 2002

Richard Linn

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Date

Richard Linn

Circuit Judge