

NOTE: This order is nonprecedential.

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

AKAMAI TECHNOLOGIES, INC.,
Plaintiff-Appellant,

and

**THE MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,**
Plaintiff-Appellant,

v.

LIMELIGHT NETWORKS, INC.,
Defendant-Cross Appellant.

2009-1372, -1380, -1416, -1417

Appeals from the United States District Court for the
District of Massachusetts in case nos. 06-CV-11109 and
06-CV-11585, Judge Rya W. Zobel.

Before RADER, *Chief Judge*, NEWMAN, LOURIE, BRYSON,
GAJARSA, LINN, DYK, PROST, MOORE, O'MALLEY, and
REYNA, *Circuit Judges*.

PER CURIAM.

O R D E R

A combined petition for panel rehearing and rehearing en banc was filed by Plaintiff-Appellant Akamai Technologies, Inc. and a response thereto was invited by the court and filed by Defendant-Cross-Appellant.

The petition for rehearing was considered by the panel that heard the appeals, and thereafter the petition for rehearing en banc and the response were referred to the circuit judges who are authorized to request a poll of whether to rehear the appeals en banc. A poll was requested, taken, and the court has decided that the appeals warrant en banc consideration.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The petition of Plaintiff-Appellant Akamai Technologies, Inc. for panel rehearing is denied.

(2) The petition of Plaintiff-Appellant Akamai Technologies, Inc. for rehearing en banc is granted.

(3) The court's opinion of December 20, 2010 is vacated, and the appeals are reinstated.

(4) The parties are requested to file new briefs addressing the following issue: **If separate entities each perform separate steps of a method claim, under what circumstances would that claim be directly infringed and to what extent would each of the parties be liable?**

(5) These appeals will be heard en banc on the basis of the original filed briefs, additional briefing ordered herein, and oral argument. An original and thirty copies of all originally-filed briefs shall be filed within 20 days from the date of filing of this order. An original and thirty copies of new en banc briefs shall be filed, and two copies of each en banc brief shall be served on opposing counsel. Appellants' en banc brief is due 45 days from the date of

this order. The en banc response brief is due within 30 days of service of the appellants' new en banc brief, and the reply brief within 15 days of service of the response brief. Briefs shall adhere to the type-volume limitations set forth in Federal Rule of Appellate Procedure 32 and Federal Circuit Rule 32.

(6) Briefs of amici curiae will be entertained, and any such amicus briefs may be filed without consent and leave of court but otherwise must comply with Federal Rule of Appellate Procedure 29 and Federal Circuit Rule 29.

(7) Oral argument will be held at a time and date to be announced later.

FOR THE COURT

April 20, 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Donald R. Dunner, Esq.
Robert S. Frank, Jr., Esq.
Robert G. Krupka, Esq.