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Ezaki Gliko Kabushiki Kaisha v. Lotte International America Co

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-3010

EZAKI GLICO KABUSHIKI KAISHA,
a Japanese Corporation d/b/a Ezaki Glico;

EZAKI GLICO USA CORP.,
a California Corporation,
Appellants

v.

LOTTE INTERNATIONAL AMERICA CORP.;
LOTTE CONFECTIONARY CO. LTD.

(D.N.J. No. 2-15-cv-05477)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, and McKEE, AMBRO, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO,
BIBAS, PORTER, MATEY, and PHIPPS, and FUENTES,* Circuit Judges

The petition for rehearing filed by Appellant in the above-captioned case having been submitted to the judges who participated in the decision, it is hereby **ORDERED** that the petition for rehearing by the panel is **GRANTED**. The opinion and judgment filed October 8, 2020, are hereby **VACATED**. A subsequent opinion and judgment are herewith issued.

A majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the Court en banc is **DENIED**.

* Judge Fuentes's vote is limited to panel rehearing only.

By the Court,

s/ Stephanos Bibas
Circuit Judge

Dated: January 26, 2020
Sb/cc: All Counsel of Record