

O R D E R

A combined petition for panel rehearing\* and for rehearing en banc having been filed by the PETITIONER, and a response thereto having been invited by the court and filed by the RESPONDENTS, and the petition for rehearing having been referred to the panel that

banc and response having been referred to the circuit judges who are in regular active service,

UPON CONSIDERATION THEREOF, it is

ORDERED that the petition for rehearing en banc be, and the same hereby is, DENIED.

FOR THE COURT,

*Jan Horbaly (AV)*

Jan Horbaly  
Clerk

Dated: September 27, 2004

**FILED**

**U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT**

cc: Michael J. Schaengold

**SEP 27 2004**