

NOTE: This order is nonprecedential.

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

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**BIOSIG INSTRUMENTS, INC.,**  
*Plaintiff-Appellant*

v.

**NAUTILUS, INC.,**  
*Defendant-Appellee*

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2012-1289

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Appeal from the United States District Court for the Southern District of New York in No. 10-CV-7722, Judge Alvin K. Hellerstein.

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**ON PETITION FOR REHEARING EN BANC**

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

PER CURIAM.

**ORDER**

Appellee Nautilus, Inc. filed a petition for rehearing en banc. A response to the petition was invited by the

court and filed by appellant Biosig Instruments, Inc. The petition was first referred as a petition for rehearing to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on August 11, 2015.

FOR THE COURT

August 4, 2015  
Date

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

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\* Circuit Judges Schall participated only in the decision on the petition for panel rehearing.

\*\* Circuit Judge Stoll did not participate.