

NOTE: This order is nonprecedential.

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

MARK A. BARRY,
Plaintiff-Appellant

v.

DEPUY SYNTHES COMPANIES,
Defendant

**DEPUY SYNTHES SALES, INC., TRADING AS
DEPUY SYNTHES SPINE, MEDICAL DEVICE
BUSINESS SERVICES, INC., DEPUY SYNTHES
PRODUCTS, INC.,**
Defendants-Appellees

2023-2226, 2023-2234

Appeals from the United States District Court for the
Eastern District of Pennsylvania in No. 2:17-cv-03003-PD,
Judge Paul S. Diamond.

ON PETITION FOR REHEARING EN BANC

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA,
TARANTO, CHEN, HUGHES, STOLL, CUNNINGHAM, and
STARK, *Circuit Judges*.¹

PER CURIAM.

ORDER

DePuy Synthes Products, DePuy Synthes Sales, Inc. and Medical Device Business Services, Inc. filed a petition for rehearing en banc. A response was invited by the court and filed by Mark A. Barry. 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.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

June 17, 2026
Date

¹ Circuit Judge Newman did not participate.