

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KYOCERA CORPORATION,

Plaintiff-counter-defendant -
Appellant,

v.

PRUDENTIAL-BACHE TRADE SERVICES,
INC, fdba Prudential-Bache Trade
Corporation; PRUDENTIAL CAPITAL &
INVESTMENT SERVICES, INC.; LAPINE
TECHNOLOGY CORPORATION and
LAPINE HOLDING CO., INC.,

Defendants-counter-claimants -
Appellees.

Nos. 01-15630
01-16394
01-16528*

D.C. No. CV-91-20159-WAI
*Lead No.
CV-87-20316-WAI

LAPINE TECHNOLOY CORPORATION,
Plaintiff-Appellee,

v.

KYOCERA CORPORATION,

Defendant-Appellant.

Nos. 01-15653
01-16392

D.C. No. CV-87-20316-WAI

LAPINE TECHNOLOGY CORPORATION,

Plaintiff-counter-claim-
defendant-Appellee,

v.

KYOCERA CORPORATION,

Defendant-counter-claimant-
plaintiff-Appellant,

v.

PRUDENTIAL-BACHE TRADE SERVICES,
INC., fdba Prudential-Bache Trade Corporation;
PRUDENTIAL CAPITAL & INVESTMENT
SERVICES, INC.;

Defendants-counter-claimants -
Appellees.

No. 01-16182

D.C. No. CV-87-20316-WAI

ORDER

Filed December 17, 2002

Before: SCHROEDER, Chief Judge.

Upon the vote of a majority of nonrecused regular active judges of this court,¹ it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

¹Judge Tashima was recused.