

NOTE: This disposition is nonprecedential.

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

MICROSOFT CORPORATION,
Plaintiff-Appellee,

v.

DATATERN, INC.,
Defendant-Appellant.

2013–1184

Appeal from the United States District Court for the Southern District of New York in No. 11–CV–2365, Judge Katherine B. Forrest.

SAP AG, AND SAP AMERICA, INC.,
Plaintiffs-Appellees,

v.

DATATERN, INC.,
Defendant-Appellant.

2013–1185

Appeal from the United States District Court for the Southern District of New York in No. 11–CV–2648, Judge Katherine B. Forrest.

SUA SPONTE

Before PROST and MOORE, *Circuit Judges*.¹

MOORE, *Circuit Judge*.

O R D E R

The original panel opinion decided on April 4, 2014 in the above-identified appeals is hereby vacated. A new decision is forthcoming and the time for rehearing petitions will begin anew. No additional briefing or argument is necessary at this time.

FOR THE COURT

May 5, 2014

Date

/s/ Daniel E. O'Toole

Daniel E. O'Toole
Clerk

¹ Chief Judge Rader is recused and takes no part in this order.