

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 14 2016

FOR THE NINTH CIRCUIT

**MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

**SUNEARTH, INC., a California
corporation; THE SOLARAY
CORPORATION, a Hawaiian
corporation,**

Plaintiffs-Appellants,

v.

**SUN EARTH SOLAR POWER CO.,
LTD., FKA Ningbo Solar Electric Power
Co., Ltd., a Chinese limited liability
company; NBSOLAR USA INC., a
California corporation,**

Defendants-Appellees.

No. 13-17622

**D.C. No. 4:11-cv-04991-CW
Northern District of California,
Oakland**

ORDER

SUNEARTH, INC., a California corporation; THE SOLARAY CORPORATION, a Hawaiian corporation,

Plaintiffs-Appellants,

v.

SUN EARTH SOLAR POWER CO., LTD., FKA Ningbo Solar Electric Power Co., Ltd., a Chinese limited liability company; NBSOLAR USA INC., a California corporation,

Defendants-Appellees.

No. 15-16096

D.C. No. 4:11-cv-04991-CW
Northern District of California,
Oakland

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition shall not be cited as precedent by or to any court of the Ninth Circuit.