

United States Court of Appeals For the First Circuit

No. 07-1945

IMS HEALTH, INCORPORATED, a Delaware Corporation;
VERISPAN, LLC, a Delaware Limited Liability Company

Plaintiffs - Appellees

v.

KELLY A. AYOTTE, Attorney General for the State
of New Hampshire

Defendant - Appellant

Before

Lynch, Chief Judge,
Torruella, Selya, Siler, * Boudin,
Lipez and Howard,**
Circuit Judges.

ORDER OF COURT

Entered: January 14, 2009

The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and the petition for rehearing en banc be denied.

* Judge Eugene E. Siler of the U.S. Court of Appeals for the Sixth Circuit sitting by designation.

** Judge Jeffrey R. Howard is recused and did not participate in the consideration of this matter.

The motion to file an amicus brief in support of the petition for rehearing/rehearing en banc by Manufacturers of America and Pharmaceutical Research is denied as moot.

The motion to file an amicus brief in support of the petition for rehearing/rehearing en banc by American Business Media, First American Core Logic, Inc. National Association of Professional Background Screeners and Reed Elsevier, Inc. is denied as moot.

By the Court:
/s/ Richard Cushing Donovan, Clerk

cc: Patricia Acosta
Mark A. Ash
James P. Bassett
Thomas R. Julin
Michelle R. Milberg
Jeffrey C. Spear
Richard W. Head
Laura E. B. Lombardi
David A. Rienzo
Craig S. Donais
Daniel J. Popeo
Richard A. Samp
Don L. Bell
Garry R. Lane
William S. Bernstein
Terri D. Keville
David J. Shulock
John Kamp
Walter L. Maroney
Andrew M. Miller
Bert W. Rein
Joshua Scott Turner
Stacy J. Canan
Sean Fiil-Flynn
Bruce Vignery
Harold C. Becker
Katherine Webster
Donald B. Ayer
Stephen J. Judge
Charles R. A. Morse
Melissa Ngo
Marc S. Rotenberg