

NOTE: This order is nonprecedential.

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

GS CLEANTECH CORPORATION,
Plaintiff-Appellant

v.

ADKINS ENERGY LLC,
Defendant-Cross-Appellant

2016-2231, 2017-1838

Appeals from the United States District Court for the Northern District of Illinois in No. 1:10-cv-04391, Judge Larry J. McKinney.

GS CLEANTECH CORPORATION, GREENSHIFT CORPORATION,
Plaintiffs-Appellants

CANTOR COLBURN LLP
Interested Party

v.

BIG RIVER RESOURCES GALVA, LLC, BIG RIVER RESOURCES WEST BURLINGTON, LLC, LINCOLNLAND AGRI-ENERGY, LLC, IROQUOIS

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LLC

**BIO-ENERGY COMPANY, LLC, CARDINAL
ETHANOL, LLC, LINCOLNWAY ENERGY, LLC,
ICM, INC., BUSHMILLS ETHANOL, INC., AL-CORN
CLEAN FUEL, LLC, CHIPPEWA VALLEY
ETHANOL COMPANY, LLP, HEARTLAND CORN
PRODUCTS, GEA MECHANICAL EQUIPMENTUS,
INC., AS SUCCESSOR-IN-INTEREST TO GEA
WESTFALIA SEPARATOR, INC. PURSUANT TO
THE NOTICE OF MERGER FILED ON 4/28/2011,
ACE ETHANOL, LLC, BLUE FLINT ETHANOL LLC,
UNITED WISCONSIN GRAIN PRODUCERS, LLC,
FLOTTWEG SEPARATION TECHNOLOGY, INC.,
ADKINS ENERGY LLC, AEMETIS, INC., AEMETIS
ADVANCED FUELS KEYES, INC., LITTLE SIOUX
CORN PROCESSORS, LLLP, GUARDIAN ENERGY,
LLC, WESTERN NEW YORK ENERGY, LLC,
SOUTHWEST IOWA RENEWABLE ENERGY, LLC,
PACIFIC ETHANOL MAGIC VALLEY LLC,
PACIFIC ETHANOL STOCKTON, HOMELAND
ENERGY SOLUTIONS, LLC, PACIFIC ETHANOL,
INC., DAVID J. VANDER GRIEND,
*Defendants-Appellees***

2017-1832

Appeal from the United States District Court for the
Southern District of Indiana in Nos. 1:10-cv-00180-RLM-
DML, 1:10-cv-08000-RLM-DML, 1:10-cv-08001-RLM-
DML, 1:10-cv-08002-RLM-DML, 1:10-cv-08003-RLM-
DML, 1:10-cv-08004-RLM-DML, 1:10-cv-08005-RLM-
DML, 1:10-cv-08006-RLM-DML, 1:10-cv-08007-RLM-
DML, 1:10-cv-08008-RLM-DML, 1:10-cv-08009-RLM-
DML, 1:10-cv-08010-RLM-DML, 1:10-cv-08011-RLM-
DML, 1:10-ml-02181-RLM-DML, 1:13-cv-08012-RLM-
DML, 1:13-cv-08013-RLM-DML, 1:13-cv-08014-RLM-
DML, 1:13-cv-08015-RLM-DML, 1:13-cv-08016-RLM-

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DML, 1:13-cv-08017-RLM-DML, 1:13-cv-08018-RLM-DML, 1:14-cv-08019-RLM-DML, 1:14-cv-08020-RLM-DML, Judge Larry J. McKinney.

ON PETITION FOR REHEARING EN BANC

Before PROST, *Chief Judge*, NEWMAN, LOURIE, DYK, MOORE, O'MALLEY, REYNA, WALLACH, TARANTO, CHEN, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Appellants Greenshift Corporation and GS Cleantech Corporation filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by the appellees. 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.

The mandate of the court will issue on July 7, 2020.

FOR THE COURT

June 30, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court