

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 05-16964  
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(D.C. Docket No. 97-03924-CV-AMS)

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 30, 2007 THOMAS K. KAHN CLERK
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JERRY GREENBERG,  
individually,

Plaintiff-Appellee,

IDAZ GREENBEREG,  
individually,

Plaintiff,

versus

NATIONAL GEOGRAPHIC SOCIETY,  
a District of Columbia corporation, NATIONAL GEOGRAPHIC  
ENTERPRISES, INC., a corporation, MINDSCAPE, INC.,  
a California corporation,

Defendants-Appellants.

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On Appeal from the United States District Court for the  
Southern District of Florida  
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(Opinion June 13, 2007, \_\_\_ F.3rd \_\_\_, 11<sup>th</sup> Cir. 2007)

(August 30, 2007)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES,  
BARKETT, MARCUS, WILSON and PRYOR, Circuit Judges\*.

BY THE COURT:

A member of this Court in active service having requested a poll on the suggestions of rehearing en banc and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

**IT IS ORDERED** that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby **VACATED**.

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\*Judge Frank M. Hull has recused herself and will not participate. Senior United States Circuit Judge Phyllis A. Kravitch has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).