

**FILED**

AUG 13 2009

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

XILINX, INC., AND CONSOLIDATED  
SUBSIDIARIES,

Petitioner - Appellee,

v.

COMMISSIONER OF INTERNAL  
REVENUE,

Respondent - Appellant.

No. 06-74246

Tax Ct. No. 702-03

OPINION

XILINX, INC., AND CONSOLIDATED  
SUBSIDIARIES,

Petitioner - Appellee,

v.

COMMISSIONER OF INTERNAL  
REVENUE,

Respondent - Appellant.

No. 06-74269

Tax Ct. No. 4142-01

Before: FISHER, Circuit Judge.

Appellant is directed to file a response to Appellee's Petition for Rehearing or Rehearing En Banc, filed with this court on August 12, 2009. The response shall not exceed 15 pages or 4200 words and shall be filed within 21 days of the

date of this order. Parties who are registered for ECF must file the response electronically without submission of paper copies. Parties who are not registered ECF filers must file the original response plus 50 paper copies.