

Per Curiam

LOTUS DEVELOPMENT CORP. *v.* BORLAND
INTERNATIONAL, INC.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FIRST CIRCUIT

No. 94-2003. Argued January 8, 1996—Decided January 16, 1996
49 F. 3d 807, affirmed by an equally divided Court.

Henry B. Gutman argued the cause for petitioner. With him on the briefs were *Kerry L. Konrad*, *Jeffrey E. Ostrow*, *Arthur R. Miller*, *Neal D. Goldman*, and *Donald J. Rosenberg*.

Gary L. Reback argued the cause for respondent. With him on the brief were *Michael Barclay*, *Susan A. Creighton*, and *Katherine L. Parks*.*

PER CURIAM.

The judgment of the United States Court of Appeals for the First Circuit is affirmed by an equally divided Court.

**Morton David Goldberg*, *June M. Besek*, *Davis O. Carson*, and *Jesse M. Feder* filed a brief for Digital Equipment Corp. et al. as *amici curiae* urging reversal.

Briefs of *amici curiae* urging affirmance were filed for *Altai, Inc.*, by *Susan Gertrude Braden*; for the American Committee for Interoperable Systems et al. by *Peter M. C. Choy* and *Paul Goldstein*; for Computer Scientists by *Ron Kilgard* and *Karl M. Tilleman*; for the League for Programming Freedom by *Eben Moglen* and *Pamela S. Karlan*; for the Software Forum by *Diane Marie O'Malley*; for the Software Industry Coalition et al. by *Thomas F. Villeneuve*; for the Software Protection Committee of the Minnesota Intellectual Property Law Association by *Steven W. Lundberg*, *Daniel J. Kluth*, and *Rudolph P. Hofmann, Jr.*; for Copyright Law Professors by *Pamela Samuelson*; and for *Peter S. Menell* et al. by Mr. Menell, *pro se*.

Briefs of *amici curiae* were filed for the American Intellectual Property Law Association by *Don W. Martens*, *Baila H. Celedonia*, and *Charles L. Gholz*; for Economics Professors and Scholars by *Joshua R. Floum*; for Users Groups by *Rez S. Heinke*; and for *Howard C. Anawalt*, *pro se*.

JUSTICE STEVENS took no part in the consideration or decision of this case.