

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20361

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MARATHON OIL COMPANY,  
MARATHON INTERNATIONAL OIL COMPANY,  
and  
MARATHON PETROLEUM NORGE A/S,

Plaintiffs-Appellants/  
Cross-Appellees,

VERSUS

A.G. RUHRGAS,

Defendant-Appellee/  
Cross-Appellant.

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Appeals from the United States District Court  
for the Southern District of Texas

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June 25, 1999

ON REMAND FROM  
THE SUPREME COURT OF THE UNITED STATES

Before KING, Chief Judge, POLITZ, JOLLY, HIGGINBOTHAM, DAVIS,  
JONES, SMITH, DUHÉ, WIENER, BARKSDALE, EMILIO M. GARZA, DeMOSS,  
BENAVIDES, STEWART, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:

This court, sitting en banc, reversed and remanded the judgment of the district court. See *Marathon Oil Co. v. A.G. Ruhrgas*, 145 F.3d 211 (5th Cir. 1998) (en banc). The Supreme Court reversed and remanded the judgment of this court. See *Ruhrgas AG*

*v. Marathon Oil Co.*, 119 S. Ct. 1563 (1999).

This matter is REMANDED to the panel that originally decided it. See *Marathon Oil Co. v. Ruhrgas, A.G.*, 115 F.3d 315, 318 (5th Cir. 1997). The motion to recall mandate is DENIED as unnecessary. The motion to expedite appeal is CARRIED WITH THE CASE, for consideration by the panel.