

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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|-----------------------------|---|---------------|
| MCDAVID, INC., and |) | |
| STIRLING MOULDINGS LIMITED, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 08 C 6584 |
| |) | |
| NIKE USA, INC., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION AND ORDER

JAMES F. HOLDERMAN, Chief Judge:

On September 19, 2012, this court granted defendant Nike’s motion for summary judgment of invalidity of the ‘689 Patent after holding that all asserted claims of the ‘689 Patent are invalid for failure to comply with the written description requirement. (Dkt. No. 524.) Currently pending before the court is Nike’s “Motion for Summary Judgment of Invalidity of U.S. Patent No. RE 43,441” (Dkt. No. 527), in which Nike argues that all asserted claims of the ‘441 Patent also fail to comply with the written description requirement.

Both Nike and plaintiff McDavid agree that the ‘441 Patent is identical to the ‘689 Patent in all respects relevant to the pending motion. (*See* Dkt. No. 528, at 1; Dkt. No. 552, at 1.) Rather than arguing that the ‘441 Patent differs from the ‘689 Patent, McDavid has used its response to Nike’s motion to request that the court reconsider its September 19 order. After considering McDavid’s response, the court determines that McDavid has raised no new arguments that have not been adequately addressed in the court’s September 19 order. Accordingly, the court has no need of a reply from Nike, and the court finds no basis to reconsider its September 19 order. Nike’s motion for summary judgment of invalidity of the ‘441 Patent (Dkt. No. 527) is granted.

ENTER:



JAMES F. HOLDERMAN
Chief Judge, United States District Court

Date: November 9, 2012