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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAP AMERICA, INC.,
Plaintiff,
v.
LAKSHMI ARUNACHALAM,
Defendant.

Case No. 13-cv-1248-PJH

**ORDER DENYING MOTION FOR
RECONSIDERATION; ORDER
DENYING REQUEST FOR RECUSAL**

On April 22, 2016, the court issued an order denying the motion of plaintiff Dr. Lakshmi Arunachalam for an order lifting the stay in this action and for an order allowing the filing of an amended counterclaim. Now before the court is plaintiff's "first" motion for reconsideration and motion for recusal.

The motion for reconsideration is DENIED. Under Civil Local Rule 7-9, "[n]o party may notice a motion for reconsideration without first obtaining leave of Court to file the motion." Civ. L.R. 7-9(a). Plaintiff did not seek leave to file a motion for reconsideration, and further, her motion does not address the factors set forth in Rule 7-9(b).

The motion for recusal is also DENIED. Plaintiff contends that the undersigned should recuse herself because of a purported financial interest in Microsoft Corporation, which previously sought inter-partes reexamination of U.S. Patent No. 7,340,506 ('506 patent) with the U.S. Patent and Trademark Office. However, the '506 patent is not presently at issue in this case. Plaintiff wishes to put the '506 patent at issue by means of an amended counterclaim, but, because the case is stayed, the court denied the prior

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motion for leave to amend the counterclaim without addressing the merits. If plaintiff wants to assert infringement of the '506 patent, she cannot do it in this lawsuit while the stay is pending, but rather must file a separate lawsuit. Under these circumstances, the court need not consider whether recusal is appropriate.

IT IS SO ORDERED.

Dated: April 27, 2016



PHYLLIS J. HAMILTON
United States District Judge