



1 Plaintiffs filed a motion to join Defendants IDSI. (Dkt. No. 116.)

2 On April 15, 2013, this Court issued an Order granting Plaintiffs' motion to  
3 join IDSI and motion to amend infringement contentions. (Dkt. No. 202, "Order.")

4 The Court made three key conclusions in granting Plaintiffs' motion to amend  
5 infringement contentions: (1) Plaintiffs had shown due diligence in seeking to  
6 amend the infringement contentions; (2) Defendants would not suffer undue  
7 prejudice as a result of the amended contentions; and (3) Plaintiffs proposed  
8 amended infringement contentions stated each claim with sufficient particularity to  
9 satisfy Patent Local Rule 3.1. (Order at 7-9.)

10 On May 15, 2013, Defendants moved for reconsideration of this Court's April  
11 15 Order granting Plaintiffs' motion to amend infringement contentions. (Dkt. No.  
12 216, "Def. Mtn.") Defendants contend the Court committed clear error in granting  
13 the motion because the amended infringement contentions fail to comply with  
14 Patent Local Rule 3.1. (Def. Mtn. at 5.) Defendants further argue the Court's  
15 decision results in manifest injustice because the amended contentions do not  
16 provide notice regarding the Plaintiffs' theory of infringement regarding the GPS  
17 internal connection. (Def. Mtn. At 11.)

18 On July 3, 2013, Plaintiffs filed a response in opposition to Defendants'  
19 motion for reconsideration. (Dkt. No. 234, "Pl. Response.") Plaintiffs assert  
20 Defendants' motion for reconsideration must be denied because Defendants fail to  
21 show any new facts, circumstances, evidence or law as required by Local Rule 7.1.i.  
22 and Defendants have not shown the Court committed clear error or the Court's  
23 Order is manifestly unjust. (Pl. Response at 5-10.)

#### 24 **LEGAL STANDARD**

25 A district court may reconsider an order under either Federal Rule of Civil  
26 Procedure 59 (e) (motion to alter or amend a judgment) or Rule 60(b)(relief from  
27 judgment). Under the local rules, a party that files a motion for reconsideration of  
28 an order must set forth the material facts and circumstances surrounding the motion,

1 including any new or different facts and circumstances that are claimed to exist  
2 which did not exist, or were not shown, upon such prior application. L. Civ. R. 7.1.i.  
3 Motions for reconsideration offer an “extraordinary remedy, to be used sparingly in  
4 the interests of finality and conservation of judicial resources.” Carroll v. Nakatani,  
5 342 F.3d 934, 945 (9th Cir.2003). Reconsideration is appropriate if the district  
6 court (1) is presented with newly discovered evidence, (2) committed clear error or  
7 the initial decision was manifestly unjust, or (3) if there is an intervening change in  
8 controlling law. Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc., 5 F.3d  
9 1255, 1263 (9th Cir. 1993).

### 10 DISCUSSION

11 As explained below, the Court finds Defendants’ motion for reconsideration  
12 does not show the Court committed clear error or the initial decision was manifestly  
13 unjust. Moreover, Defendants rely on previous arguments already considered by  
14 this Court and fail to offer any newly discovered evidence or change in  
15 circumstances.

16 Defendants contend the Court committed clear error because Plaintiffs have  
17 failed to comply with Local Patent Rule 3.1(c). (Def. Mtn. at 5.) Defendants assert  
18 the Plaintiffs have not been specific enough in their allegations regarding the new  
19 GPS internal connection and failed to explain precisely where each element is  
20 located. (Def. Mtn. at 6.) Plaintiffs respond the Court has previously considered  
21 this same argument by Defendants’, and correctly found Plaintiffs met the  
22 specificity requirement of the Patent Local Rule. (Pl. Mtn at 7-8.) Additionally,  
23 Plaintiffs assert they have provided Defendants charts and diagrams with  
24 information detailing the location and specifications for the GPS internal abutment.  
25 (Id. at 9.)

26 As a preliminary matter, the Court refuses to reconsider the same arguments  
27 Defendants previously submitted in opposing Plaintiffs’ motion to amend. The  
28 Court has already considered and rejected the argument that Plaintiffs’ proposed

1 amended contentions lacked specificity pursuant to the Patent Rules. (Order at 9.)  
2 Defendants slightly modify their old arguments and focus instead on the GPS  
3 internal connection as a separate issue requiring specificity in the amended  
4 infringement claims. Upon review of the infringement claims, however, the  
5 Defendant's focus on the internal connection does not change the Court's previous  
6 analysis or findings. Nor do the Defendants offer any new evidence, change in  
7 circumstances, or legal authority to warrant a change in this Court's decision. The  
8 cases cited by Defendants merely point to precedent relied upon by this Court in its  
9 Order. For these reasons, the Court concludes Defendants have failed to show the  
10 Court committed clear error.

11 Moreover, Defendants have not shown the decision is manifestly unjust.  
12 Defendants claim they "have no way to know why Plaintiffs contend the GPS  
13 internal connection infringes their patents." (Def. Mtn. 12.) The Court finds this  
14 assertion is contradicted by the record. During the hearing before this Court on  
15 Plaintiffs' motion to amend infringement contentions, Plaintiffs provided a  
16 thorough explanation replete with charts and samples of their claim regarding the  
17 GPS internal connection. (See Dkt. No. 184, "Transcript of Motion Hearing.")  
18 Furthermore, Plaintiffs have produced in their supplemental responses to  
19 interrogatories additional information regarding the internal connection. (Pl. Mtn,  
20 Exhibits 1-2.) In addition to the infringement contentions, the record clearly shows  
21 Defendants are on sufficient notice regarding the internal connection. Accordingly,  
22 Defendants have failed to show the decision is manifestly unjust.

23 Nor have Defendants met the requirement of the local rules. Under these  
24 rules, Defendants must offer the court new or different facts and circumstances that  
25 are claimed to exist which did not exist, or were not shown, upon such prior  
26 application. L. Civ. R. 7.1.i. Defendants have not complied with this requirement.

27 Accordingly, Defendants have not met their burden to warrant reversal of this  
28 Court's previous decision.


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**CONCLUSION**

The Court hereby **DENIES** Defendants' motion for reconsideration. (Dkt. No. 216.)

**IT IS SO ORDERED.**

DATED: July 17, 2013

  
HON. GONZALO P. CURIEL  
United States District Judge