

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

STRIKEFORCE TECHNOLOGIES, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. A. No. 13-490-RGA-MPT
	:	
PHONEFACTOR, INC., and FIRST	:	
MIDWEST BANCORP, INC.	:	
	:	
Defendants.	:	

**MEMORANDUM ORDER**

At Wilmington this 9<sup>th</sup> day of **November, 2015**.

Before the court is a joint letter of the parties dated October 27, 2015, submitted in response to the Order of June 10, 2015, which stayed the matter as of June 5, 2015.<sup>1</sup> In that letter, plaintiff is requesting interpretation of two words used to construe certain claim terms.<sup>2</sup> Despite plaintiff's arguments to the contrary, the District Judge did not overrule the claim construction in my Report and Recommendation of January 29, 2015.<sup>3</sup> Rather the District Judge overruled plaintiff's objections and adopted my Report and Recommendation.<sup>4</sup> Plaintiff's arguments are akin to a motion for reargument which, under our local rules, must be filed within 14 days after the court issues its opinion or

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<sup>1</sup> See D.I. 216, 222.

<sup>2</sup> D.I. 222 at 2. The two words are "isolation" and "facilities."

<sup>3</sup> See D.I. 168, 219.

<sup>4</sup> The District Judge modified the structure for "biometric analyzer," "voice recognition means," and "voice sampling means" in response to *defendant* PhoneFactor's objections. No modification occurred to any of the terms raised in plaintiff's objections. See D.I. 219 at 6. In fact, the District Judge found "[t]herefore, Plaintiff's objections (D.I. 180) are OVERRULED." *Id.*

decision.<sup>5</sup> As noted before, the Report and Recommendation was issued on January 29, 2015. Plaintiff chose to seek review of this recommendation disposition as pursuant to FED. R. CIV. P. 72. Having filed its objections, plaintiff is barred from “reargument before either the Magistrate Judge or the District Court Judge pursuant to D. Del. LR 7.1.5(a).”<sup>6</sup> Therefore,

IT IS ORDERED that

1. Plaintiff’s request for interpretation of the words “isolation” and “facilities” is DENIED.

2. The stay as ordered on June 10, 2015 is lifted. The parties shall provide a proposed Scheduling Order on or before November 30, 2015.

3. The due date for any objections to the Report and Recommendation dated May 26, 2015 denying plaintiff’s motion to amend/correct shall be filed on or before November 30, 2015.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE

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<sup>5</sup> See D. Del. LR 7.1.5(a).

<sup>6</sup> D. Del. LR 7.1.5(b).