

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

COURTESY PRODUCTS, L.L.C.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 13-2012-SLR
	)	
HAMILTON BEACH BRANDS, INC.	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

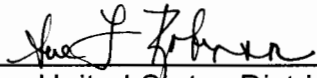
At Wilmington this ~~30<sup>th</sup>~~ day of January, 2016, having reviewed plaintiff's motion for reconsideration and defendant's response thereto;

IT IS ORDERED that said motion (D.I. 87) is granted. Although neither party identified the need for expert testimony in connection with the claim construction exercise, nonetheless, it is my responsibility to construe the claim limitations from the perspective of a person of ordinary skill in the art. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc). Given the procedural posture of the case, that is, the claim limitations at issue<sup>1</sup> apparently are dispositive, and the fact that I have a singular responsibility to make sure that the issued constructions are consistent with the intrinsic evidence viewed from the perspective of one of ordinary skill, I conclude that the better course (in terms of process) is to withdraw my determination of indefiniteness

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<sup>1</sup> "Sufficiently large to hold one of the filter packs and the heated water while brewing without a level of the heated water rising above and overflowing the open top," found in claim 16 of the '884 patent, and "sufficiently large to hold at least one of the filter packs and the heated water while brewing without a level of the heated water while brewing without a level of the heated water rising above and overflowing the open top," found in claims 1, 27, 28, and 29 of the '037 patent, and claim 28 of the '512 patent.

(and any construction of the limitations at issue) pending completion of expert discovery.<sup>2</sup> In connection with the anticipated summary judgment motion exercise, the court will again undertake construction of these limitations, at which point defendant may renew its argument that the limitations are indefinite.

  
United States District Judge

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<sup>2</sup> One of the purposes of a motion for reconsideration is to correct errors of law. See *Max's Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). I conclude that the circumstances warrant reconsideration of my indefiniteness determination.