

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: METHOD OF PROCESSING)	
ETHANOL BYPRODUCTS AND)	Master Docket:
RELATED SUBSYSTEMS ('858))	1:10-mI-02181-LJM-DML
PATENT LITIGATION)	

ORDER ON MOTION FOR CLARIFICATION

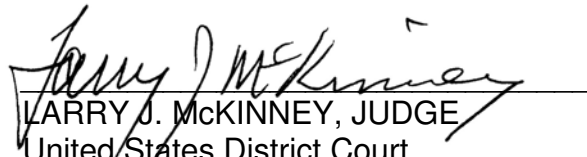
This matter comes before the Court on Defendants', with the exception of Adkins Energy LLC, Request for Clarification of Claim Construction Order [dkt. no. 189]. Plaintiff opposes the request and responds with what appears to be a motion for reconsideration styled as a response to Defendants' request. The Court clarifies its Claim Construction Order below and noting that Plaintiff has presented no new arguments or evidence that was not available prior to the Court's Claim Construction Order in its response, declines to reconsider its *Markman* ruling. See *Moro v. Shell Oil Co.*, 91 F.3d 872, 876 (7th Cir. 1996) (noting that motions for reconsideration do not give parties the opportunity to rehash old arguments or present evidence that could have been presented prior to the ruling at issue).

In its Claim Construction Order, the Court concluded that the syrup stream leaving the oil recovery step is "substantially free of oil" in each of the independent claims. See Dkt. No. 169 at 20. The Court neglected to include this portion of the construction in its claim construction chart, but that does not mean that it did not intend for the "substantially free of oil" language to be part of its final construction. To that end, the Court revises its claim construction chart below in order to accurately reflect its conclusions in its Claim Construction Order.

CLAIM CONSTRUCTION CHART

Claim Term	Construction
“concentrate”/”concentrated byproduct”/”concentrated thin stillage”	“syrup containing water, oil, and solids resulting from the concentrating or evaporating process”
“mechanically processing”	“to subject to a mechanical device (or devices) to effect a particular result”
“heating and mechanically processing the concentrate/concentrated byproduct/concentrated thin stillage to separate the oil from the concentrate/concentrated byproduct/concentrated thin stillage”	“the Concentrate Term (as construed by the Court in this Order) subjected to heat and a mechanical device (or devices) to extract a product that is substantially oil from the Concentrate Term (as construed by the Court in this Order) and the concentrate stream coming out of the mechanical device (or devices) is substantially free of oil”
“centrifuging the concentrate to recover oil”	“processing the concentrate (as defined by the Court in this Order) with a centrifuge to separate the oil from the concentrate so that the oil stream coming out of the centrifuge is substantially oil and the remaining concentrate stream coming out of the centrifuge is substantially free of oil”

IT IS SO ORDERED this 2nd day of December, 2011.


 LARRY J. MCKINNEY, JUDGE
 United States District Court
 Southern District of Indiana

Distribution to all counsel of record.