

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TAMA PLASTIC INDUSTRY,)	
)	
Plaintiff,)	8:12CV324
)	
v.)	
)	
PRITCHETT TWINE & NET WRAP,)	MEMORANDUM AND ORDER
LLC, and JOSEPH JERALD)	
PRITCHETT,)	
)	
Defendants.)	
_____)	

This matter is before the Court on plaintiff's motion (Filing No. [311](#)) that the Court partially reconsider its *Markman* order (Filing No. [308](#)). The plaintiff objects to the Court's adoption of the defendants' construction of the claim term "knitted with."

In the Eighth Circuit, motions for reconsideration "serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence.'" *Arnold v. ADT Sec. Servs., Inc.*, 627 F.3d 716, 721 (8th Cir. 2010) (quoting *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988)). Accordingly, a motion for reconsideration should be denied absent "(1) a showing of manifest error in the prior ruling; or (2) a showing of new facts or legal authority, neither of which could have been brought to the court's attention earlier

with reasonable diligence.” *Activision TV, Inc. v. Bruning*,
8:13CV215, 2014 WL 1350278, at *1 (D. Neb. Apr. 4, 2014)

The plaintiff argues manifest error in the Court’s
analysis of claim construction. The plaintiff relies upon
arguments involving intrinsic evidence which the Court has
already considered in its *Markman* order. The Court has reviewed
these arguments and finds them without merit. Accordingly,

IT IS ORDERED that the plaintiff’s motion (Filing No.
[311](#)) is denied.

DATED this 15th day of July, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court