

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-CV-459-F

PENTAIR WATER POOL AND SPA, INC.;)
and DANFOSS DRIVES A/S,)
Plaintiffs,)

v.)

HAYWARD INDUSTRIES, INC.; and)
HAYWARD POOL PRODUCTS, INC.,)
Defendants.)


ORDER

This matter is before the court on Pentair's "Rule 54(b) Motion for Reconsideration of Tentative Ruling Denying Preliminary Injunction" [DE-125]. Hayward has responded in opposition [DE-137], and Pentair filed a reply [DE-144].

The court remains convinced that its findings and conclusions set forth in the order of January 23, 2012 [DE-119] were correct when entered. Pentair has pointed to no intervening change in controlling law, additional evidence not previously available, or ground on which this court perceives clear error or manifest injustice. *See Akeva L.L.C. v. Adidas America, Inc.*, 385 F. Supp.2d 559, 565 (M.D.N.C. 2005). Pentair's Motion for Reconsideration [DE-125] is DENIED.

The parties are directed to begin discussing alternative dates after September 2012, for their *Markman* hearing on claim construction. They are DIRECTED to confer and to submit a joint statement of proposed agreed dates for the court's consideration on or before **July 2, 2012**.

SO ORDERED. This the 3^d day of April, 2012.



JAMES C. FOX
Senior United States District Judge