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The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNIGEN PHARMACEUTICALS, INC.,

Plaintiff,

v.

WALGREEN COMPANY,

Defendant.

CASE NO. C07-0471RAJ

ORDER

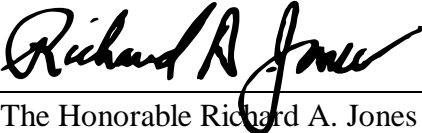
I. INTRODUCTION

This matter comes before the court on Plaintiff’s motion for reconsideration (Dkt. # 60) of the Court’s February 12, 2008 order (Dkt. # 58) directing Plaintiff to submit a preliminary claim construction to permit the court to resolve Defendant’s pending motion for summary judgment. Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the prior ruling, or (b) facts or legal authority which could not have been brought to the attention of the court earlier, through reasonable diligence. Because Plaintiff has not made either showing with regard to this issue, Plaintiff’s motion for reconsideration (Dkt. # 60) is DENIED.

1 The motion for reconsideration indicates that Plaintiff may have misinterpreted the
2 court's order. The court therefore clarifies the order as follows. The court's admonition
3 that Plaintiff should not offer argument in support of its proposed claim construction is
4 not a limitation on Plaintiff's ability to advance its cause. Plaintiff should not offer
5 argument in support of its proposed claim instruction because the court will accept
6 Plaintiff's proposed claim construction for purposes of resolving the summary judgment
7 motion, and thus argument is not necessary. As stated in the prior order, the court
8 encourages Plaintiff to provide an explanation of its proposed claim construction that will
9 permit the court to apply that claim construction in resolving the summary judgment
10 motion. That explanation should be sufficient to permit the court to consider the patent-
11 in-suit through the eyes of a person of ordinary skill in the art.
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13 Plaintiff has also requested an additional seven days to provide its proposed claim
14 construction. The court grants that request. Plaintiff's proposed claim construction is
15 due no later than March 5, 2008. The court directs the clerk to RENOTE Defendant's
16 motion for summary judgment (Dkt. # 36) for March 5, 2008, and to RENOTE
17 Defendant's motion for Rule 11 sanctions (Dkt. # 39) for the same date.
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19 Dated this 21st day of February, 2008.

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22 The Honorable Richard A. Jones
23 United States District Judge
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