United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BOT M8 LLC,

Plaintiff,

v.

SONY CORPORATION OF AMERICA, et al.,

Defendants.

No. C 19-07027 WHA

ORDER DENYING LEAVE TO MOVE FOR RECONSIDERATION

Patent owner seeks leave to move for reconsideration of an April 2 order denying leave to reassert several patents previously dismissed. Both parties having been heard (Dkt. Nos. 139, 140), the request is **DENIED**.

"A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *Marylyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). A clear error involves "[a] manifest failure by the Court to consider material facts or dispositive legal arguments . . . ." Civ. L.R. 7-9(b)(3). Patent owner's proffered theory of the Digital Millennium Copyright Act crossing paths with patent rights remains unsupported by caselaw, and it offers no binding decision directing a different pleading or amendment standard. And, despite patent owner's reading of the record, the Court still directed *reverse engineering* of the Sony PlayStation 4 at the November 21, 2019, case management conference. Patent owner's disagreements are understandable, but they do not warrant extraordinary relief.

IT IS SO ORDERED.

Dated: April 16, 2020.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE