

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLVOICE DEVELOPMENTS US,
LLC,

Plaintiff,

v.

MICROSOFT CORP.,

Defendant.

CASE NO. C10-2102 RAJ

ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION

This matter comes before the court on Plaintiff Allvoice Developments US, LLC's motion for reconsideration. Dkt. # 169. Plaintiff argues that reconsideration is necessary "to correct a manifest error in the Court's construction of 'audio identifiers.'" Plaintiff argues that the court's construction of "audio identifiers" is irreconcilable with the court's separate construction of "storage means." The court construed "audio identifiers" to mean "Identifiers that indicate, for each recognized word, (1) the file containing the corresponding audio component and (2) the position of the corresponding audio component within that file." Dkt. # 166 at 15. The court construed "storage means" to mean "software instructions that store the audio data in memory." *Id.* at 23.

1 Motions for reconsideration are disfavored and will be granted only upon a
2 “showing of manifest error in the prior ruling” or “new facts or legal authority which
3 could not have been brought to [the court’s] attention earlier with reasonable diligence.”
4 Local Civ. R. 7(h)(1).

5 Plaintiff has failed to meet this burden. Plaintiff fails to point to any evidence in
6 the intrinsic record to support its argument that the court should modify its construction
7 of “audio identifiers” to substitute “storage location” for “file.” Nothing in the intrinsic
8 evidence supports such a construction, and this is the first time plaintiff has raised this
9 argument. Rather, the intrinsic evidence supports the construction provided by the court.
10 The fact that the court’s construction of “storage means” may cover different types of
11 memory does not make the court’s construction of “audio identifier” manifest error.

12 For all the foregoing reasons, the court DENIES plaintiff’s motion for
13 reconsideration.

14 DATED this 23rd day of January, 2012.

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18 The Honorable Richard A. Jones
19 United States District Judge
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