IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TI GROUP AUTOMOTIVE SYSTEMS, (NORTH AMERICA), INC. Plaintiff,	)	
	)	C.A. No. 00-432-GMS
v.	)	
VDO NORTH AMERICA L.L.C. Defendant.	)	

MEMORANDUM AND ORDER

I. INTRODUCTION

On December 3, 2001, the court issued a *Markman* order construing the disputed claim terms in the above-captioned case. The plaintiff, TI Group Automotive Systems (North America), Inc. ("TI"), filed a motion for reconsideration on December 17, 2001. The court will now deny TI's motion because it has failed to demonstrate that the court erred in reaching its decision.

II. DISCUSSION

As a general rule, motions for reconsideration should be granted only "sparingly." *See Karr v. Castle*, 768 F.Supp. 1087, 1090 (D. Del. 1991). In this district, motions for reconsideration are only granted if it appears that the court has patently misunderstood a party, has made a decision outside the adversarial issues presented by the parties, or has made an error not of reasoning, but of apprehension. *See e.g., Shering Corp. v. Amgen, Inc.*, 25 F.Supp.2d 293, 295 (D. Del. 1998); *Brambles USA, Inc. v. Blocker*, 735 F.Supp. 1239, 1240 (D. Del. 1990). Moreover, even if the court had committed

one of these errors, there is no need to grant a motion for reconsideration if it would not alter the court's initial decision. *See Pirelli Cable Corp. v. Ciena Corp.*, 988 F.Supp. 424, 445 (D. Del. 1998).

Furthermore, motions for reconsideration "should not be used to rehash arguments already briefed." *See Dentsply Int'l. v. Kerr Mfg. Co.*, 42 F.Supp.2d 385, 419 (D. Del. 1999). A guiding principle in applying the limitations on reargument under Local Rule 7.1.5 is that a motion for reargument will only be allowed when it is patently clear the judge has committed error. Any lesser constraint would only serve to encourage "a never ending polemic between litigants and the court." *See Shering Corp*. 25 F.Supp.2d at 295. Thus, "[i]t follows that a motion for reargument should be denied where the proponent simply rehashes material and theories already briefed, argued and decided." *Id*.

A. Claim 2: "Means For Routing"

TI proffers three reasons why it believes reconsideration is necessary with respect to the "means for routing" claim limitation: (1) the claimed function in the "means for routing" clause was not recited verbatim in the court's claim construction order; (2) the court's order ignores the embodiment shown in Figure 1; and (3) the order improperly identified structures unnecessary to perform the claimed function.

Insofar as TI requests that the court modify its order to recite the verbatim function described in the claim, the court will do so. Accordingly, Paragraph 6 of the December 3, 2001 order will be amended to read as follows:

> 6. Claim 2: "means for routing a first portion of the output of the high pressure fuel to the supply port and a second portion of the output of high pressure fuel to the pumping means..."

> This language is construed pursuant to 35 U.S.C. § 112 ¶ 6. The function is to "route a first portion of the output of high pressure fuel to the supply port and a second portion of the output of high pressure fuel to the pumping means." The structure corresponding to the "means for routing" to perform the function encompasses main housing 140, check valve 38, supply nozzle 134 and the associated structure leading to jet pump 30.

TI's second and third arguments merely reiterate arguments the court has already considered and rejected. Therefore, its motion for reargument of this claim term is denied.

B. Claim 2: "Pumping Means"

TI requests reargument with regard to the "pumping means" construction on four grounds: (1) the court's claim construction did not take into account the structure shown in Figure 1; (2) connecting tube 164 is not part of the pumping means; (3) the court's construction improperly includes structures not necessary to perform the recited function; and (4) "pumping means" is not a means-plus-function claim limitation.

None of TI's arguments demonstrate that the court patently misunderstood a party, has made a decision outside the adversarial issues presented by the parties, or has made an error not of reasoning, but of apprehension. *See Shering Corp*., 25 F.Supp.2d at 295. Instead, TI seeks to reargue points the court has already considered and rejected. Accordingly, TI's motion for reconsideration of the court's "pumping means" construction is denied.

C. Claim 2: "Fuel Reservoir"

TI takes exception with the court's construction of the term "fuel reservoir." Again, TI merely attempts to reargue its original position. Thus, the court finds that this argument is not a proper one on which to base a motion for reargument. TI's motion for reconsideration of the court's "fuel reservoir" construction is denied.

D. Claim 2: "Opening is Located At The Bottom Of The Reservoir"

TI's final argument for reconsideration is that the court's construction of "at the bottom of the reservoir" is "directly contrary to the only use of this phrase in the '714 patent specification." In support of its argument, TI simply repeats its argument that "at the bottom" should mean "near the bottom." The court rejected that argument in its December 3, 2001 order. Thus, the court will not grant TI's motion for reargument on this ground.

III. CONCLUSION

TI has simply listed a number of reasons of why it disagrees with the court's order. In all of these instances, it has essentially argued that a second look at the facts would convince the court that it has reached the wrong conclusion. However, this is not a proper argument to raise in a motion for reconsideration. Even if it were, the court did not make its decision lightly. It carefully considered the propriety of its ruling before issuing it. While TI may not be pleased with the conclusion which the court reached, its displeasure is not an appropriate ground for reargument.

For these reasons, IT IS HEREBY ORDERED that:

1. The Motion for Reconsideration (D.I. 98) filed by the Plaintiff, TI Group Automotive Systems (North America), Inc. is DENIED.
2. The court will issue an Amended Order reflecting the modification to Paragraph 6 of its December 3, 2001 Order (D.I. 96).

Date: January 22, 2002

Gregory M. Sleet
UNITED STATES DISTRICT JUDGE