

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
Lumen View Technology, LLC,	:
	:
Plaintiff,	: 13cv3599 (DLC)
	:
-v-	: <u>ORDER</u>
	:
Findthebest.com, Inc.	:
	:
Defendant.	: <u>MENT</u>
	: <u>CRONICALLY</u>
	:
-----X	

11/12/2014

DENISE COTE, District Judge:

On December 10, 2013, defendant Findthebest.com, Inc. moved for attorneys' fees and costs on the ground that this case is exceptional under 35 U.S.C. § 285. That motion was granted on May 30, 2014. On June 6, an Order was issued referring the action to Magistrate Judge Cott for settlement on the issue of attorneys' fees and costs and setting a schedule for submissions as to the amount of attorneys' fees. On October 23, an Opinion granting attorneys' fees and costs, as well as an enhancement, was issued. On November 6, plaintiff Lumen View Technology, LLC moved to reconsider the May 30 Opinion finding that this was an exceptional case, the June 6 Order, and the October 23 Opinion. Local Rule 6.3 requires that a motion for reconsideration be filed within 14 days of the determination of the original motion.

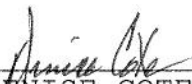
Generally, a motion for reconsideration should not raise new arguments. "The standard for granting such a motion is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked -- matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255, 255-57 (2d Cir. 1995).

Plaintiff's motion seeks primarily to raise new legal arguments rather than identifying controlling decisions that have been overlooked. Furthermore, much of plaintiff's argument -- while described as directed at the October 23 decision -- actually addresses the underlying May 30 Opinion. These arguments are clearly untimely under Local Rule 6.3.

Given the 14 day deadline and having reviewed the plaintiff's submission regarding the October 23 Opinion, it is hereby

ORDERED that the plaintiff's November 6 motion for reconsideration is denied.

Dated: New York, New York
November 12, 2014



DENISE COTE
United States District Judge