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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEREK ANDREW, INC.,
Plaintiff,
v.
VITAL PHARMACEUTICALS, INC.,
Defendant.

CASE NO. C07-1364JLR
ORDER DENYING MOTION
FOR RECONSIDERATION

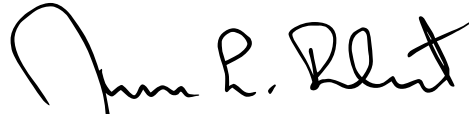
The court has reviewed Plaintiff’s motion for reconsideration (Dkt. # 41). Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the prior ruling, or (b) facts or legal authority which could not have been brought to the attention of the court earlier, through reasonable diligence. Here, Plaintiff argues that because the parties’ earlier briefing did not focus on the added slogan “The ultimate energy rush,” Plaintiff did not adequately address the likelihood of confusion between RED LINE and “REDLINE, The ultimate energy rush.” The court is not persuaded that Plaintiff’s failure to address this issue during briefing is a sufficient basis for the court to reconsider its prior order. Whether adding the slogan would alleviate consumer confusion was discussed at length during the hearing on Plaintiff’s motion. The court declines to further clarify its order on preliminary injunction regarding the font size of the slogan. The court is satisfied that its order enjoining Defendant from using “the

ORDER

1 REDLINE trademark, by itself, on any form of clothing and related products, such as t-
2 shirts, shirts, pants, tops, tank tops, sweatshirts, sweat pants, hats, caps, shoes, and
3 slippers,” sufficiently informs Defendant of the type of clothing it may not distribute.

4 Because Plaintiff has not shown a manifest error in the prior ruling, or facts or
5 legal authority which could not have been brought to the attention of the court earlier,
6 Plaintiff’s motion for reconsideration (Dkt. # 41) is DENIED.

7 Dated this 22nd day of February, 2008.

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10 JAMES L. ROBART
11 United States District Judge
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ORDER