

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SARAH ANDERSEN, et al.,
Plaintiffs,
v.
STABILITY AI LTD., et al.,
Defendants.

Case No. [23-cv-00201-WHO](#)

**ORDER DENYING MOTION FOR
CLARIFICATION OR
RECONSIDERATION**

Re: Dkt. No. 225, 227

Defendant Midjourney, Inc. filed an administrative motion for clarification or in the alternative seeking leave to file a limited motion for reconsideration of my denial of its motion to dismiss plaintiffs' trade dress claim. *See* Dkt. Nos. 223, 225. Midjourney objects to my conclusion that plaintiffs had adequately identified the elements of their protected trade dress sufficient to survive the motion to dismiss.

That is not an appropriate ground to seek "clarification." It is, as plaintiffs point out, a request to reconsider my ruling. Under this Court's Civil Local Rules, a motion for leave to file a motion for reconsideration is not an administrative motion, and Midjourney instead should have complied with Civil Local Rule 7-9.¹ Midjourney's motion does not satisfy the requirements of that rule. Midjourney does not identify a *dispositive* legal argument that was ignored, it simply dislikes my conclusion. To the extent Midjourney believes it does not have sufficient notice of the

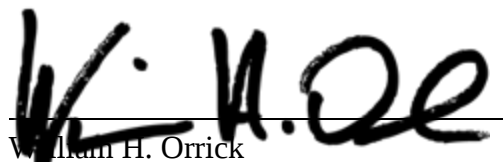
¹ Under Civil Local Rule 7-9, Midjourney was required to identify a "manifest failure by the Court to consider . . . dispositive legal arguments" and could not repeat arguments made in the underlying motion. *See* Civ. L. R. 7-9(b) & (c). The rule also does contemplate the filing of a reply, as Midjourney did here. *See* Civ. L. R. 7-9(d) & Dkt. Nos. 227 & 228 (Plaintiffs' Motion to Strike improper reply).

1 “concrete elements” comprising each plaintiff’s trade dress, that can be readily secured through
2 interrogatories or other targeted discovery. Midjourney will then be in a position to test the claim
3 at summary judgment.

4 Midjourney’s request for clarification or reconsideration is DENIED. Plaintiffs’ motion to
5 strike Midjourney’s reply is DENIED as moot.

6 **IT IS SO ORDERED.**

7 Dated: September 30, 2024

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11 William H. Orrick
12 United States District Judge
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