

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

LEGO SYSTEM A/S,

Plaintiff/Counterclaim-Defendant,

V.

RUBICON COMMUNICATIONS, LP DBA
SMALLWORKS AND SMALLWORKS,
LLC,

Defendants/Counterclaim Plaintiffs.

CIVIL ACTION NO. 15-CV-00823-VLB

JURY TRIAL DEMANDED

FEBRUARY 24, 2017

**DEFENDANTS' RESPONSE TO PLAINTIFF'S SECOND MOTION FOR
LEAVE TO AMEND ITS COMPLAINT TO ADD ADDITIONAL DEFENDANTS.**

Pursuant to Federal Rule of Civil Procedure Rule 12 and 15, Defendants Rubicon Communications, LP DBA SmallWorks and SmallWorks, LLC ("Defendants") hereby respond to Plaintiff's Second Motion for Leave to Amend its Complaint to Add Additional Defendants ("Motion to Amend"). Attached are Defendants' Memorandum of Law in support of this Response (Ex. A), excerpts from the Deposition of James Thompson (Ex. B – filed under seal), the Certificate of Formation of SmallWorks, LLC (Ex. C), the Declaration of James Thompson (Ex. D), excerpts from the Deposition of Jamie Thompson (Ex. E – filed under seal), and the Declaration of Jamie Thompson (Ex. F). Defendants believe that it is not necessary to add Rubicon Communications LLC as a party defendant, but in light of recent discovery, Defendants will not object to Plaintiff's Motion to Amend as it pertains to adding Rubicon Communications, LLC as an additional defendant. For the reasons stated in the accompanying Memorandum of Law, however, Defendants respectfully request that Plaintiff's Motion to Amend be denied as it pertains to adding Jamie and James Thompson as individual defendants.

DATED: February 24, 2017

Respectfully Submitted,

By: /s/ Ryan T. Beard

Eric B. Meyertons
emeyertons@intprop.com

Dwayne Goetzel
dgoetzel@intprop.com

Ryan T. Beard
rbeard@intprop.com

MEYERTONS, HOOD, KIVLIN,
KOWERT & GOETZEL, P.C.
1120 South Capital of Texas Hwy.
Building 2, Suite 300
Austin, Texas 78746
(512) 853-8800 (telephone)
(512) 853-8801 (facsimile)

Stephen P. McNamara
smcnamara@ssjr.com
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, Connecticut 06905-5619
Telephone: (203) 541-4508

Attorneys for Defendant/Counterclaim-Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2017, I electronically filed the foregoing pleading with the clerk of Court using the electronic case filing system of the Court.

/s/ Ryan T. Beard
Ryan T. Beard