

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF CONNECTICUT
3 LEGO SYSTEMS A/S :
4 :
5 Plaintiff/Counterclaim- :
6 Defendant, :
7 :
8 v. : Civil Action No.
9 : 3:15-CV-00823-VLB
10 RUBICON COMMUNICATIONS, LP :
11 DBA SMALLWORKS AND :
12 SMALLWORKS, LLC :
13 :
14 Defendant/Counterclaim- :
15 Plaintiff. :
16

17 *****

18 RULE 30(b)(6) DEPOSITION OF

19 JAMES W. THOMPSON

20 DECEMBER 5, 2016

21 *****

22 ORAL DEPOSITION OF JAMES W. THOMPSON, produced
23 as a witness at the instance of the
24 Plaintiff/Counterclaim Defendant, and duly sworn, was
25 taken in the above-styled and numbered cause on the 5th
of December, 2016, from 9:50 a.m. to 7:13 p.m., before
Shelly M. Tucker, CSR in and for the State of Texas,
reported by machine shorthand at the offices of Jackson
Walker L.L.P., 100 Congress Avenue, Suite 1100, Austin,
Texas, pursuant to the Federal Rules of Civil Procedure
and/or the provisions stated on the record.

APPEARANCES

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1 JAMES W. THOMPSON,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MS. ALQUIST:

09:50:50 5 Q. Good morning, Mr. Thompson.

6 A. Morning.

7 Q. My name is Beth Alquist. I represent LEGO in
8 this matter. And I'm going to have a series of
9 questions for you today so I thought we should lay out
09:51:03 10 some ground rules. Have you ever been deposed before,
11 sir?

12 A. Yes.

13 Q. How many times?

14 A. Between four and eight. Four or five.

09:51:17 15 Q. Four or five, did you say?

16 A. Yeah.

17 Q. In what types of matters?

18 A. Most recently it was a trademark dispute with
19 AT&T. There have been other trademark disputes with
09:51:33 20 other companies. When I worked for Wayport, there was
21 a lawsuit between us and Laptop Lane. Further back, I
22 was called to -- I was deposed a couple of times when I
23 worked at Sun Microsystems over tasks that I'd been
24 asked to do there pertaining to getting things off of
09:52:04 25 employee computers

1 Communications LP?

2 A. I believe it was mostly management services.

3 Q. Anything else?

4 A. Not that I recall.

10:43:53 5 Q. Did Rubicon Communications Management Group

6 have any employees?

7 A. No.

8 Q. Ever?

9 A. I don't believe so, no.

10:44:02 10 Q. So the management services that were provided

11 were provided by the co-owners of Rubicon

12 Communications Management Group?

13 A. I think so.

14 Q. Does Rubicon Communications Management Group

10:44:19 15 still exist?

16 A. No.

17 Q. When did it cease to exist?

18 A. We got audited in -- I don't remember the

19 exact year. 2013? Gosh, I'm sorry. I don't remember

10:44:49 20 the exact year. 2013 is my best estimate. And the IRS

21 disallowed something to do with that structure, and so

22 we moved things around and it was just the LP after

23 that.

24 Q. When you say it was just the LP after that,

10:45:20 25 sometime after the IRS audit, whatever year that was

1 it's your understanding that Rubicon Communications
2 Management Group ceased to exist and your only existing
3 corporation owned by you and your wife at that time was
4 Rubicon Communications LP?

10:45:42 5 A. And either BSD Perimeter or Electric Sheep
6 Fencing. I --

7 Q. Depending on the time frame?

8 A. A cloud of dates.

9 Q. Right. Okay. Thank you for that.

10:46:00 10 So sticking with the same time frame,
11 Rubicon Communications LP did business as Netgate
12 doing what? What business did the Netgate name do?

13 A. The same as it had been doing since 2004;
14 firewalls, network security.

10:46:33 15 Q. And when -- I know the dates are hard, but do
16 your best, approximately. When did Rubicon
17 Communications LP start doing business as SmallWorks?

18 A. 2011.

19 Q. And what business did it do as SmallWorks?

10:46:59 20 A. We sold the iPhone and iPod cases.

21 Q. The products that are at dispute in this
22 lawsuit?

23 A. Yes.

24 Q. Did Netgate ever engage in that business, the
10:47:22 25 selling of the cases for iPhones and iPods?

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