

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

LEGO SYSTEM A/S,

Plaintiff/Counterclaim-  
Defendant,

V.

RUBICON COMMUNICATIONS, LP  
DBA SMALLWORKS,

Defendant/Counterclaim  
Plaintiff.

CIVIL ACTION NO.  
15-CV-00823-VLB

JURY TRIAL DEMANDED

OCTOBER 14, 2015

**MOTION FOR LEAVE TO AMEND COMPLAINT  
TO ADD ADDITIONAL PARTY DEFENDANT AND TO EXTEND  
THE TIME FOR PLAINTIFF TO FURTHER AMEND AND JOIN PARTIES**

Pursuant to Rules 15(a)(2) and 20(a)(2) of the Federal Rules of Civil Procedure, Plaintiff LEGO System A/S (“Plaintiff” or “LEGO”), hereby moves to amend its Complaint to add SmallWorks, LLC as a defendant to this action for the reasons that follow.

1. This lawsuit was filed on May 29, 2015, against Rubicon Communications, LP DBA SmallWorks alleging infringement of the U.S. Patent Nos. 7,731,191, 8,091,892, 8,628,085, and 8,894,066 (“the Asserted Patents.”)

2. In its First Amended Answer, Defenses, and Counterclaims,

LEGO A/S

Dated September 11, 2015, Defendant asserts that Rubicon Communications, LP dba SmallWorks no longer exists and further that there are now two separate companies: Rubicon Communications, LLC and SmallWorks, LLC. (See First Amended Answer, Defenses, and Counterclaims, Dkt. #25, ¶ 2).

3. Defendant states that “Rubicon no longer engages in any of the alleged infringing activities. Rubicon also no longer does business as SmallWorks. Current manufacturing, offering for sale, and sales of the accused products are done solely by SmallWorks. . . .” (*Id.* ¶ 2.)

4. These facts raise significant questions about the potential dissolution of the named defendant, Rubicon Communications, LP dba SmallWorks, and transfer of assets after the filing of this lawsuit. LEGO has requested documents relating to any such actions taken in response to this lawsuit, but to date has not yet received any such documents. Such documents, and follow up discovery that may need to be taken in response to information contained in them, may reveal additional claims and parties that should be joined in this action.

5. Pursuant to the Court’s scheduling Order, LEGO has until

October 14, 2015 to file motions to join additional parties and to amend the pleadings. LEGO cannot fully assess the need to do so until it receives the information requested from Defendant regarding the formation of new entities and potential transfer of assets, and takes necessary follow up discovery, including depositions of the individuals involved in such transactions.<sup>1</sup>

6. In view of the above, at this time, LEGO moves to (a) amend its Complaint to add SmallWorks, LLC as a defendant in this action and (b) extend the deadline for LEGO to file motions to join parties and amend the pleadings until 60 (sixty) days after it has received full discovery on the corporate transactions referred to in Paragraph 2 of Defendant's Answer.

Accompanying this motion are LEGO's Memorandum of Law and Proposed Amended Complaint.

The undersigned has conferred with counsel for Defendant, who stated that Defendant consents to the relief requested by LEGO in this motion, but disagrees with the allegations made in this motion and accompanying memorandum.

---

<sup>1</sup> This includes discovery from James and Jamie Thompson who, according to Defendant's Interrogatory Responses and public records, own one or more of these entities and have served in managerial roles in each entity.


WHEREFORE, in the interests of justice and given the absence of undue prejudice to Defendant, Plaintiff requests that this Court grant its Motion to amend the complaint to name an additional defendant, and to extend the time to further amend and join parties.

Respectfully submitted,

Plaintiff,

LEGO SYSTEM A/S

By its attorneys,



By: \_\_\_\_\_

Elizabeth A. Alquist (ct15643)  
Catherine Dugan O'Connor (ct17316)  
Sunita Paknikar (ct436328)  
242 Trumbull Street  
Hartford, CT 06103-1212  
Tel: (860) 275-0100  
Fax: (860) 275-0343  
Email: [eaalquist@daypitney.com](mailto:eaalquist@daypitney.com)  
[cdoconnor@daypitney.com](mailto:cdoconnor@daypitney.com)  
[spaknikar@daypitney.com](mailto:spaknikar@daypitney.com)

*Attorneys for Plaintiff*

**CERTIFICATION**

I hereby certify that on this 14th day of October, 2015 the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.



---

Catherine Dugan O'Connor  
(ct17316)