

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

SIPCO, LLC, and IP CO, LLC  
(d/b/a INTUS IQ),

Plaintiffs,

v.

Civil Action No. 6:15-cv-907

EMERSON ELECTRIC CO., EMERSON  
PROCESS MANAGEMENT LLLP, FISHER-  
ROSEMOUNT SYSTEMS, INC.,  
ROSEMOUNT INC., BP, p.l.c., BP  
AMERICA, INC., and BP AMERICA  
PRODUCTION COMPANY,

Defendants.

**PLAINTIFFS' RESPONSE TO DEFENDANTS' NOTICE REGARDING RELATED  
LITIGATION FILED FEBRUARY 18, 2016**

SIPCO, LLC and IP CO, LLC (d/b/a INTUS IQ) (“Plaintiffs” or “SIPCO”) submit this response to Defendants’ Notice Regarding Related Litigation (“Notice”) filed by Emerson Electric Co., Emerson Process Management LLLP, Fisher-Rosemount Systems, Inc., and Rosemount Inc. (collectively, “Defendants” or “Emerson”) on February 18, 2016. (Dkt. 44.) In their Notice, Emerson informed this Court that it is now asking the court in *Emerson Electric Co., et al. v. SIPCO, LLC, et al.*, Civil Action No. 1:15-cv-00319-AT, pending in the United States District Court for the Northern District of Georgia, (“the Georgia action”), to decide the first-to-file issue and to enjoin the above-captioned action.

For this Court’s information and consideration, SIPCO attaches as Exhibit A its memorandum in opposition to Emerson’s motion to enjoin filed in the Georgia Action. Included in Exhibit A are the supporting exhibits attached to SIPCO’s memorandum in opposition.

Dated: March 8, 2016

Respectfully Submitted,

/s/ Paul J. Cronin by permission Claire A. Henry

Paul J. Cronin, Admitted July 16, 2012

LEAD ATTORNEY

(MA Bar No. 641230)

James C. Hall, Admitted April 9, 2012

(MA Bar No. 656019)

NUTTER MCCLENNEN & FISH LLP

155 Seaport Boulevard

Boston, Massachusetts 02210

Telephone: (617) 439-2000

Facsimile: (617) 310-9000

Email: pcronin@nutter.com

Email: jhall@nutter.com

T. John Ward, Jr.

Texas State Bar No. 00794818

Email: jw@wsfirm.com

Claire Abernathy Henry

Texas State Bar No. 24053063

Email: claire@wsfirm.com

WARD & SMITH LAW FIRM

P.O. Box 1231

1127 Judson Road, Ste. 220

Longview, Texas 75606-1231

Telephone: (903) 757-6400

Facsimile: (903) 757-2323

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 8<sup>th</sup> day of March, 2016.

/s/ Claire Abernathy Henry