

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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LEGO SYSTEM A/S,

Plaintiff,

v.

Rubicon Communications, LP dba  
SmallWorks, Smallworks, LLC, Rubicon  
Communications, LLC, Jamie L.  
Thompson, and James W. Thompson,

Defendants.

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: Civil Action No. 15-CV-00823-VLB  
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: JURY TRIAL DEMANDED  
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: June 14, 2017

**SECOND AMENDED COMPLAINT**

Plaintiff LEGO System A/S (“LEGO” or “Plaintiff”), for its Complaint against defendants Rubicon Communications, LP dba SmallWorks, Smallworks, LLC, Rubicon Communications, LLC, Jamie Thompson, and James Thompson (referred to together herein as “Defendants”) hereby alleges as follows:

**THE PARTIES**

1. Plaintiff LEGO System A/S is a corporation incorporated under the laws of Denmark with its principal place of business at Aastvej 1, Dk-7190, Billund, Denmark.
2. Upon information and belief, defendant Rubicon Communications, LP dba SmallWorks is or at relevant times has been a Texas limited partnership with its principal place of business at 7212 McNeil Drive, Suite 204, Austin, Texas 78729 and an address at 700 Lavaca Street, Suite 607, Austin, Texas 78701. Upon further information and belief, defendant Smallworks, LLC is a Texas limited liability company with an address at 700 Lavaca Street, Suite 607, Austin, Texas

78701. Upon further information and belief, defendant Rubicon Communications, LLC is a Texas limited liability company with an address at 7212 McNeil Drive, Suite 204, Austin, Texas 78729. Upon further information and belief, defendants Jamie Thompson and James Thompson are Texas residents who own and manage the above defendant corporate entities.

3. Upon information and belief, Defendants transact business in the State of Connecticut and derive substantial revenue from goods used or consumed in the State of Connecticut.

#### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to at least 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over Defendants by virtue of, among other things, their transacting, doing, and soliciting business in this District and committing acts of direct and/or indirect patent infringement in this District.

6. Venue is proper in this District pursuant to at least 28 U.S.C. § 1391(b)(2).

#### **THE ASSERTED PATENTS**

7. LEGO owns U.S. Patent No. 7,731,191 (“the ‘191 Patent”), U.S. Patent No. 8,091,892 (“the ‘892 Patent”), U.S. Patent No. 8,628,085 (“the ‘085 Patent”) and U.S. Patent No. 8,894,066 (“the ‘066 Patent”) (collectively the “Asserted Patents.”) Each of the Asserted Patents remains in full force and effect.

8. The '191 Patent, entitled "Configurable Manual Controller," was issued to IPPASA, LLC on June 8, 2010, from U.S. Patent Application Serial No. 12/278,102 filed Feb. 9, 2007. A copy of the '191 Patent is attached as Exhibit A hereto.

9. The '892 Patent, entitled "Manual Controller Configurable By User Arrangement of Matable Building Elements," was issued to IPPASA, LLC on January 10, 2012, from U.S. Patent Application Serial No. 12/795,540 filed June 7, 2010. A copy of the '892 Patent is attached as Exhibit B hereto.

10. The '085 Patent, entitled "User-Configurable Casing for Manual Controller," was issued to IPPASA, LLC on January 14, 2014, from U.S. Patent Application Serial No. 13/347,414 filed January 10, 2012. A copy of the '085 Patent is attached as Exhibit C hereto.

11. The '066 Patent, entitled "Method of Facilitating User Preference in Creative Design of a Controller," was issued to IPPASA, LLC on November 25, 2014, from U.S. Patent Application Serial No. 14/155,013 filed January 14, 2014. A copy of the '066 Patent is attached as Exhibit D hereto.

12. LEGO became the owner of each of the Asserted Patents by assignment dated December 6, 2014 and recorded on January 2, 2015. A copy of the assignment is attached as Exhibit E hereto.

#### **DEFENDANTS' INFRINGING ACTS**

13. Defendants have manufactured, sold, offered to sell and imported and/or currently manufacture, sell, offer to sell, and import, in the United States, a

family of LEGO® brick-compatible cases for iPhone, iPod, iPad, and similar devices. Such products are denoted the “SmallWorks BrickCase” products.

14. One or all of the Defendants has operated and/or currently operates an Internet website at <[www.smallworks.com](http://www.smallworks.com)> which is accessible throughout the United States.

15. SmallWorks BrickCase products offered by Defendants include cases for the iPhone 4/4S, the iPhone 5/5S, iPod Touch, and iPad mini.

16. Recognizing that “everyone loves a good LEGO product,” whether made by LEGO or others, the SmallWorks website notes that its “BrickCase products can be found across the web on Facebook, Pinterest, Flickr, Tumblr and a hundred other sites.” (See <http://www.smallworks.com/pages/about>.)

17. Indeed, Defendants have promoted and/or currently promote their BrickCase products on various social media sites, as well as on the SmallWorks website.

18. The SmallWorks BrickCase products are also available worldwide in various retail locations and online outlets including Amazon.com. (See <http://www.smallworks.com/pages/about>.)

19. Defendants have manufactured, sold, offered to sell and imported and/or currently manufacture, sell, offer to sell, and import, in and throughout the United States, products that practice one or more claims of each of the Asserted Patents, namely, the SmallWorks BrickCase products, including those for use with the iPhone 4/4S, the iPhone 5/5S, iPod Touch, and iPad mini.

20. Upon information and belief, Defendants had and/or have knowledge of the Asserted Patents, because at least two of those patents, the '191 and '892 patents, were the subject of a Disclosure Statement submitted to the U.S. Patent & Trademark Office by the principals of SmallWorks in prosecuting a U.S. patent application that they had filed.

21. Upon information and belief, Jamie and James Thompson are, or at relevant times have been, exclusive owners and officers of Rubicon Communications, LP, Rubicon Communications, LLC, and SmallWorks, LLC. They have directed and managed the three corporate entities' conduct.

**COUNT I**  
(Infringement of the '191 Patent)

22. Paragraphs 1-21 are hereby incorporated by reference as if fully set forth herein.

23. Defendants have manufactured, used, sold, offered to sell and imported and/or currently make, use, sell, offer to sell and/or import into the United States, products that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '191 Patent. Such products include the SmallWorks BrickCase products for use with the iPhone 4/4S, the iPhone 5/5S, iPod Touch, and iPad mini.

24. Upon information and belief, Defendants actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce, infringement of the '191 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the '191 Patent and its claims. Upon further information and belief, Defendants had

and/or have knowledge that their customers will use the SmallWorks BrickCase products to infringe the claims of the '191 Patent, with specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

25. Upon information and belief, Defendants' infringement of the '191 Patent is and has been willful.

26. Plaintiff has suffered and will continue to suffer damage from Defendants' infringing acts.

27. Plaintiff is entitled to recover damages adequate to compensate it for Defendants' infringement.

28. Plaintiff further has suffered and will continue to suffer irreparable harm from Defendants' infringing acts, unless Defendants' infringement of the '191 Patent is enjoined.

**COUNT II**  
(Infringement of the '892 Patent)

29. Paragraphs 1-21 are hereby incorporated by reference as if fully set forth herein.

30. Defendants have manufactured, used, sold, offered to sell and imported and/or currently make, use, sell, offer to sell and/or import into the United States, products that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '892 Patent. Such products include the SmallWorks BrickCase products for use with the iPhone 4/4S, the iPhone 5/5S, iPod Touch, and iPad mini.

31. Upon information and belief, Defendants actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the '892 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the '892 Patent and its claims. Upon further information and belief, Defendants had and/or have knowledge that their customers will use the SmallWorks BrickCase products to infringe the claims of the '892 Patent, with specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

32. Upon information and belief, Defendants' infringement of the '892 Patent is and has been willful.

33. Plaintiff has suffered and will continue to suffer damage from Defendants' infringing acts.

34. Plaintiff is entitled to recover damages adequate to compensate it for Defendants' infringement.

35. Plaintiff further has suffered and will continue to suffer irreparable harm from Defendants' infringing acts, unless Defendants' infringement of the '892 Patent is enjoined.

**COUNT III**  
(Infringement of the '085 Patent)

36. Paragraphs 1-21 are hereby incorporated by reference as if fully set forth herein.

37. Defendants have manufactured, used, sold, offered to sell and imported and/or currently make, use, sell, offer to sell and/or import into the

United States, products that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '085 Patent. Such products include the SmallWorks BrickCase products for use with the iPhone 4/4S, the iPhone 5/5S, iPod Touch, and iPad mini.

38. Upon information and belief, Defendants actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce, infringement of the '085 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the '085 Patent and its claims. Upon further information and belief, Defendants had and/or have knowledge that their customers will use the SmallWorks Brickcase products to infringe the claims of the '085 Patent, with specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

39. Upon information and belief, Defendants' infringement of the '085 Patent is and has been willful.

40. Plaintiff has suffered and will continue to suffer damage from Defendants' infringing acts.

41. Plaintiff is entitled to recover damages adequate to compensate it for Defendants' infringement.

42. Plaintiff further has suffered and will continue to suffer irreparable harm from Defendants' infringing acts, unless Defendants' infringement of the '085 Patent is enjoined.

**COUNT IV**  
**(Infringement of the '066 Patent)**

43. Paragraphs 1-21 are hereby incorporated by reference as if fully set forth herein.

44. Defendants have manufactured, used, sold, offered to sell and imported and/or currently make, use, sell, offer to sell and/or import into the United States, products that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '066 Patent. Such products include the SmallWorks BrickCase products for use with the iPhone 4/4S, the iPhone 5/5S, iPod Touch, and iPad mini.

45. Upon information and belief, Defendants actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce, infringement of the '066 Patent by making, using, offering for sale, importing, and/or selling infringing products, all with knowledge of the '066 Patent and its claims. Upon further information and belief, Defendants had and/or have knowledge that their customers will use the SmallWorks BrickCase products to infringe the claims of the '066 Patent, with specific intent to encourage those infringing uses through, for example, creation and dissemination of promotional and marketing materials relating to such uses.

46. Upon information and belief, Defendants' infringement of the '066 Patent is and has been willful.

47. Plaintiff has suffered and will continue to suffer damage from Defendants' infringing acts.

48. Plaintiff is entitled to recover damages adequate to compensate it for Defendants' infringement.

49. Plaintiff further has suffered and will continue to suffer irreparable harm from Defendants' infringing acts, unless Defendants' infringement of the '066 Patent is enjoined.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests the following relief:

- A. A judgment that Defendants have infringed and are infringing the '191 Patent;
- B. A judgment that Defendants have infringed and are infringing the '892 Patent;
- C. A judgment that Defendants have infringed and are infringing the '085 Patent;
- D. A judgment that Defendants have infringed and are infringing the '066 Patent;
- E. An award of all appropriate damages under 35 U.S.C. § 284 for Defendants' past infringement and any continuing or future infringement of the Asserted Patents, including compensatory damages and enhanced damages for willful infringement;
- F. An order, pursuant to 35 U.S.C. § 283, enjoining Defendants and all persons in active concert or participation with Defendants from any further infringement of the Asserted Patents;
- G. An award of interest and costs;

- H. A declaration that this case is exceptional within the meaning of 35 U.S.C. § 285 and an award of Plaintiff's reasonable attorneys' fees in prosecuting this action; and**
- I. Such other and further relief as the Court may deem just and proper.**

**JURY DEMAND**

**The Plaintiff demands a trial by jury of all issues so triable.**

**Respectfully submitted,**

**Plaintiff,**

**LEGO SYSTEM A/S**

**By its attorneys,**

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**Attorneys for Plaintiff  
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