

1 John V. Picone III, Bar No. 187226  
2 jpicon@hopkinscarley.com  
3 Jeffrey M. Ratinoff, Bar No. 197241  
4 jratinoff@hopkinscarley.com  
5 HOPKINS & CARLEY  
A Law Corporation  
The Letitia Building  
70 South First Street  
San Jose, CA 95113-2406

6 | *mailing address:*

7 P.O. Box 1469  
8 San Jose, CA 95109-1469  
Telephone: (408) 286-9800  
Facsimile: (408) 998-4790

9 Attorneys for Plaintiffs  
NEO4J, INC. and NEO4J SWEDEN AB

13 NEO4J, INC., a Delaware corporation, and  
14 NEO4J SWEDEN AB, a Swedish  
corporation,

15 Plaintiffs,

16 | v.

17 PURETHINK LLC, a Delaware limited  
18 liability company, IGOV INC., a Virginia  
corporation, and JOHN MARK SUHY, an  
individual,

## Defendants.

CASE NO. 5:18-cv-07182-EJD

**JOINT STIPULATION FOR LEAVE TO  
FILE THIRD AMENDED COMPLAINT**

## 21 || AND RELATED COUNTERCLAIM.

1 Plaintiffs Neo4j, Inc. (“Neo4j USA”) and Neo4j Sweden AB (collectively “Plaintiffs”)  
 2 and Defendants PureThink LLC, iGov Inc., and John Mark Suhy (collectively “Defendants”)  
 3 submit the following stipulation and request that the Court grant Neo4j USA leave to file the  
 4 Third Amended Complaint (“TAC”) attached hereto as **Exhibit A** pursuant to Rule 15(a) of the  
 5 Federal Rules of Civil Procedure:

6 WHEREAS Plaintiffs seek to file the TAC that, *inter alia*, (a) sets forth additional factual  
 7 allegations supporting its claims asserted under the Lanham Act and California’s Unfair  
 8 Competition Law; and (b) adds a new claim alleging that between January 2020 and August  
 9 2020, Defendants have defamed Plaintiffs both on social media and to Plaintiffs’ customers,  
 10 which is based on events and evidence discovered after the filing of the Second Amended  
 11 Complaint (Dkt. No. 50) in this action on November 25, 2019 and bear a common nucleus of  
 12 operative facts with Plaintiffs’ existing federal and state claims asserted against Defendants;

13 WHEREAS, the Court’s operative Case Management Order (Dkt. No. 68) and the most  
 14 recent modification thereto (Dkt. No. 87), does not contain a deadline for the parties to seek leave  
 15 to amend to add new claims.

16 WHEREAS, the TAC maintains the same Lanham Act claims subject to Phase 1 as the  
 17 prior pleadings, and does not materially expand the scope of those claims subject to the Phase 1  
 18 proceedings.

19 WHEREAS, because the scope and theory of Plaintiffs’ Lanham Act claims against  
 20 Defendants are not materially expanded by Plaintiffs’ proposed amendments, Defendants  
 21 acknowledge they would need to seek leave to amend their operative Counterclaim if they intend  
 22 to assert additional counterclaims.

23 WHEREAS, a copy of Plaintiffs’ proposed Third Amended Complaint is attached hereto  
 24 as Exhibit A;

25 WHEREAS, Defendants shall have twenty-one (21) days to file the Third Amended  
 26 Complaint from the date of the order granting leave to file the Third Amended Complaint; and

27       ///

28       ///

1           WHEREAS, the order granting this stipulation constitutes notice and service of the Third  
2 Amended Complaint on Defendants who shall have twenty-one (21) days to respond thereto from  
3 the date of the order granting leave to file the Third Amended Complaint .

4           NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto  
5 through their respective attorneys of record that:

6           1.       Plaintiffs may, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, file  
7 an amended complaint in the form of the Third Amended Complaint attached hereto as Exhibit A;  
8 and

9           2.       Defendants shall have twenty-one (21) days to respond to Plaintiff's Third  
10 Amended Complaint from the date of the order granting leave to file the Third Amended  
11 Complaint .

12 Dated: September 25, 2020

HOPKINS & CARLEY  
A Law Corporation

15 By: /s/ Jeffrey M. Ratinoff

16           John V. Picone III  
17           Jeffrey M. Ratinoff  
18           Attorneys for Plaintiffs  
19           NEO4J, INC. AND NEO4J SWEDEN AB

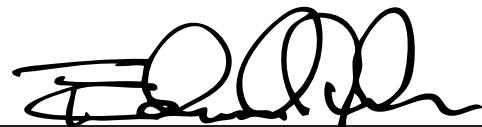
20 Dated: September 25, 2020

21 By: /s/ Adron W. Beene

22           Adron W. Beene  
23           Adron G. Beene  
24           Attorneys for Defendants and  
25           Counterclaimants PURETHINK LLC,  
26           IGOV INC., and JOHN MARK SUHY

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 Dated: September 28, 2020

  
Hon. Edward J. Davila  
U.S. DISTRICT COURT JUDGE