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Attorneys for Plaintiffs
NEO4J, INC. and NEO4J SWEDEN AB

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

AND RELATED COUNTERCLAIM.

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

JOINT STIPULATION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

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

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

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

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

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

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

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

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

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

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

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

Dated: September 25, 2020

HOPKINS & CARLEY
A Law Corporation

By: */s/ Jeffrey M. Ratinoff*
John V. Picone III
Jeffrey M. Ratinoff
Attorneys for Plaintiffs
NEO4J, INC. AND NEO4J SWEDEN AB

Dated: September 25, 2020

By: */s/ Adron W. Beene*
Adron W. Beene
Adron G. Beene
Attorneys for Defendants and
Counterclaimants PURETHINK LLC,
IGOV INC., and JOHN MARK SUHY

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 28, 2020

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