UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

WIREMOLD CO.,	:	
Plaintiffs,	:	
	:	**No. 3:16-CV-2133 (VLB)**
v.	:	
	:	
THOMAS & BETTS CORP.,	:	**June 28, 2019**
Defendants.	:	
	:	
	:	
	:	
	:	

MEMORANDUM OF DECISION ON PLAINTIFF'S MOTION TO AMEND COMPLAINT [DKT. 92]

Before the Court is Plaintiff Wiremold Co.'s Motion to Amend the [Dkt. 55] Amended Complaint. [Dkt. 92]. Wiremold seeks to amend its complaint to include an allegation that Thomas & Betts' "RPT6 poke-through" indirectly infringes on Wiremold patents No. 7,183,503 and 8,063,317. [Dkt. 92-1, at 1].

Plaintiffs may amend a complaint only once as a matter of course, within 15 days of serving the original complaint. Fed. R. Civ. P. 15(a)(1). Further amendment requires the opposing party's written consent or the Court's leave. *Id.* at Rule 15(a)(2). Leave to amend may be denied if it would cause undue delay. *See Foman v. Davis*, 371 U.S. 178, 182 (1962).

Allowing Plaintiff to amend the complaint would cause undo delay. Plaintiff has not shown why it could not include the allegations of direct infringement in its original complaint, stating only that it did not discover the indirect infringement until viewing Defendant's interrogatory responses. [Dkt. 92-1, at 4]. However, Plaintiff had access to the "RPT6 poke-through" well before filing the first

complaint, yet waited to assert the claim of indirect infringement until seven months after claim construction briefing had concluded. *See* [Dkts. 73-76, 82-85] Plaintiff acknowledges that the proposed amendment will create some additional discovery expense and delay. [Dkt. 92-1, at 2] (stating that such delay would not be "significant"). In light of the age of this case and the extensions already granted, the Court cannot allow Wiremold to further amend its complaint. Therefore, Plaintiff's [Dkt. 92] Motion to Amend is DENIED.

IT IS SO ORDERED

/s/

Hon. Vanessa L. Bryant
United States District Judge

Dated at Hartford, Connecticut: June 28, 2019