

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE TICKETRESERVE, INC., etc.,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 5202
)	
VIAGOGO, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER¹

The TicketRESERVE, Inc. d/b/a FirstDIBZ, Inc. ("FirstDIBZ") has submitted a Motion for Leave To Join Additional Defendant, scheduled for presentment tomorrow (November 20, 2008). But there is no need for such presentment, because under the circumstances of this case Fed. R. Civ. P. 15(a)(1)(A) confers the absolute right to file such an amended pleading without having to obtain prior leave of court. Although one codefendant--Yoonew, Inc. ("Yoonew")--has answered FirstDIBZ's patent infringement complaint, the other--Viagogo, Inc.--has not (it has moved instead to dismiss the Complaint). That being so, the nature of the amended pleading--one that seeks to add Viagogo, Ltd. as a defendant--permits its filing without seeking leave of court (see, e.g., Williams v. Bd. of Regents of Univ. Sys. of Ga., 477 F.3d 1282, 1291-92 (11th Cir. 2007)).

Accordingly FirstDIBZ's First Amended Complaint is treated

¹ This action is assigned to the calendar of Honorable James Moran, but Judge Milton Shadur is handling matters for Judge Moran in his absence.

as having been filed without the need for appearance by any counsel in the case. All existing pleadings as between FirstDIBZ and Yoonew shall remain in effect, without any need for amendment.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large initial "M".

Milton I. Shadur
Senior United States District Judge

Date: November 19, 2008