

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

COSTAR REALTY INFORMATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 12 C 4968
)	
CIVIX-DDI, LLC,)	Consolidated with:
)	No. 12 C 7091
Defendant.)	No. 12 C 8632
)	
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This order pertains to:)	
)	
CIVIX-DDI, LLC,)	
)	
Plaintiff,)	
)	No. 12 C 7091
v.)	
)	
LOOPNET, INC.,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

JAMES F. HOLDERMAN, Chief Judge:

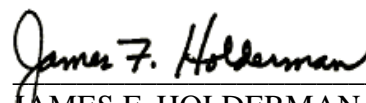
Patent holder CIVIX-DDI, LLC (“CIVIX”) has sued defendant Loopnet, Inc. (“Loopnet”) for patent infringement. In its answer and counterclaim, Loopnet asserted as a defense that its alleged infringement is covered by a license, and sought a declaratory judgment that it is licensed. (Case No. 12 C 7091, Dkt. No. 8.) Following the transfer of the case that has become Case No. 12 C 7091 to the Northern District of Illinois from the Eastern District of Virginia, Loopnet filed a motion to amend its answer and counterclaims, seeking to add a claim for breach of contract alleging that CIVIX breached the license when it sued Loopnet for infringement. (Case No. 12 C 7091, Dkt. No. 107.) That motion is now pending before this court.

Under Fed. R. Civ. P. 15(a)(2), the court “should freely give leave when justice so requires.” Here, the court entered a new scheduling order on January 29, 2013. (Dkt. No. 83.) Under that new schedule, CIVIX has ample time to conduct discovery on the new claim, and will thus suffer no prejudice from the amendment. CIVIX challenges the amendment by asserting that Loopnet has refused to provide it any information about the basis of its license defense and counterclaim, despite CIVIX’s discovery request for that information. CIVIX has ample time to acquire that information, because discovery is ongoing until July 5, 2013. (Dkt. No. 83.) In addition, if necessary, following a L.R. 37.2 conference, CIVIX may file a motion to compel Loopnet to produce the information it requests. Loopnet’s delay in responding provides no reason to deny the motion to amend.

CONCLUSION

For the reasons stated above, the court grants Loopnet’s “Motion for Leave to File First Amended Answer and Counterclaim.” (Case No. 12 C 7091, Dkt. No. 106.) Loopnet shall file its amended answer and counterclaim on or before 2/13/13.

ENTER:



JAMES F. HOLDERMAN
Chief Judge, United States District Court

Date: February 6, 2013