

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

METHODE ELECTRONICS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 13 C 4812
	)	
WENSHENG WENG,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Methode Electronics, Inc. ("Methode") has noticed up a motion for September 9, 2013 in which it seeks leave to amend its Complaint here, in which it challenges the entitlement of its former employee Wensheng Weng ("Weng") to the ownership of a patent. That motion appears to this Court to be unnecessary, because the original Complaint has not been answered nor has Weng filed a motion under Fed. R. Civ. P. ("Rule") 12(b), 12(e) or 12(f).

That being the case, Rule 15(a)(1)(B) gives Methode the right to amend its pleading "as a matter of course" (a sort of one-free-bite rule akin to what the old Illinois common law cases used to apply to a dog bite claim). There would thus be no need to call on the generous principle on pleading amendments announced in Foman v. Davis, 371 U.S. 178, 182 (1962)--one of the few half-century-old opinions authored by this Court's former partner Justice Arthur Goldberg that remain alive and well and living in Washington and throughout the country.

Accordingly Method's motion seeking leave to amend seems to be superfluous, and Methode is free to file its contemplated Amended Complaint. There will of course be no need to appear on the designated September 9 presentment date for the motion.



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Milton I. Shadur  
Senior United States District Judge

Date: September 3, 2013