

Haynes and Boone Team Cites Poet Rudyard Kipling in Counter-Motion

September 5, 2017 Russ Emerson, Stephanie Sivinski

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Haynes Boone lawyers for BlueStone Natural Resources II LLC quoted a Rudyard Kipling poem about paying Vikings a ransom as they argued against sanctions in a Texas patent dispute, saying their opponent was merely irritated that their client had turned down a settlement offer, [Law360 reported](#).

Oil and gas developer BlueStone is fending off a patent infringement case brought by Effective Exploration LLC, a patent holder that has taken on several oil and gas industry companies in court, according to filings in the case.

BlueStone said in an opposition filing dated Aug. 25 that Effective, which had lodged a motion for sanctions and a motion for attorneys' fees right around the time BlueStone rejected a settlement offer, was trying to force BlueStone into a deal instead of facing BlueStone's defense in court.

In a footnote, BlueStone quoted Kipling's entire "Dane-Geld (A.D. 980-1016)," the writer's contribution to a book about the history of England in which he tells the tale of a warning to villages that pay Vikings their demanded ransom. The poem says that, once the ransom is paid, the raiders will continue to return for more gold because they know the village is unwilling to fight.

"The fact that BlueStone is the only defendant sued in the current tranche of litigation to decline settlement thus far is also not a sanctionable offense," the company said in the filing. "It simply means that, unlike its codefendants, BlueStone thus far has taken Rudyard Kipling's advice and refused to pay a nuisance-value settlement to make Effective Exploration go away."

Effective had filed its suit against BlueStone and a handful of other similar companies, including Enervest Operating LLC, Vantage Fort Worth Energy LLC, Trinity River Operating LLC and others, most of whom reached settlements in the patent dispute over the summer, court records show. ...

The Kipling poem quoted by BlueStone in its filing explains the political cost of paying the "Dane-geld," the ransom to invaders. And the poem ends with a vow that matches BlueStone's promise to continue defending the patent suit on the merits:

"We never pay anyone Dane-geld, No matter how trifling the cost; For the end of that game is oppression and shame, And the nation that plays it is lost!"

BlueStone is represented by Haynes Boone Partner [Russ Emerson](#) and Associates Matthew Chiarizio and [Stephanie Sivinski](#).

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