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**UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

No. 09-3569

**GOOGLE INC.**

*Appellee and Plaintiff,*

v.

**CENTRAL MFG. INC. A/K/A CENTRAL MFG. CO.  
A/K/A CENTRAL MFG. CO. (INC.), A/K/A CENTRAL MANUFACTURING COMPANY,  
INC. AND A/K/A CENTRAL MFG. CO. OF ILLINOIS; AND STEALTH INDUSTRIES,  
INC. A/K/A RENTAMARK AND A/K/A RENTAMARK.COM,**

*Defendants.*

**LEO STOLLER,**

*Appellant and Applicant In Intervention.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
CASE No. 07 C 385

THE HONORABLE VIRGINIA M. KENDALL, UNITED STATES DISTRICT JUDGE

**MOTION OF GOOGLE INC. TO DISMISS APPEAL**

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U.S.C.A. – 7th Circuit  
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GINO J. AGNELLO  
CLERK


U.S.C.A. – 7th Circuit  
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DEC 6 - 2009 GJD  
GINO J. AGNELLO  
CLERK

Google Inc. respectfully moves to dismiss the instant appeal of appellant Leo Stoller ("Stoller"), filed October 20, 2009.

By Order dated December 4, 2009, the Court reinstated the *Mack* bar against Stoller. *In re Leo D. Stoller*, No. 08-4240, Document 35-1. Where a litigant subject to a *Mack* order cannot comply with civil litigation deadlines, the appropriate -- and inevitable -- result is dismissal for lack of prosecution. *In re City of Chicago*, 500 F.3d 582, 585 (7th Cir. 2007). Because the reinstated *Mack* bar necessarily precludes Stoller from pursuing this appeal, it should be dismissed.

DATED: December 8, 2009

Respectfully submitted,

  
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Michael T. Zeller (ARDC No. 6226433)  
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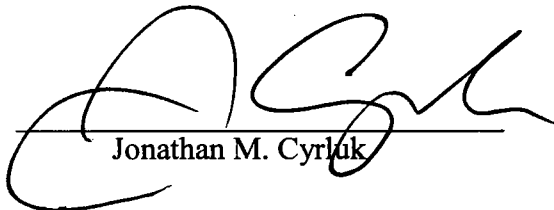
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*Attorneys for Appellee Google Inc.*

**CERTIFICATE OF SERVICE**

I, Jonathan Cyrluk, an attorney, certify that I caused copies of the foregoing **Motion of Google Inc. to Dismiss Appeal** to be served on the persons listed below via first class mail, postage prepaid, originating from 11 S. LaSalle Street, Chicago, Illinois, this 8<sup>th</sup> day of December, 2009.

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