

# United States Court of Appeals

**For the Seventh Circuit  
Chicago, Illinois 60604**

Submitted May 29, 2019\*

Decided June 4, 2019

**Before**

DIANE P. WOOD, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 18-3317

ABS GLOBAL, INC.,  
*Plaintiff/Counterclaim Defendant -  
Appellee,*

and

GENUS PLC  
*Counterclaim Defendant - Appellee*

*v.*

Appeal from the United States District  
Court for the Western District of  
Wisconsin.

No. 3:14-cv-00503-wmc

William M. Conley,  
*Judge.*

INGURAN, LLC, doing business as  
SEXING TECHNOLOGIES,

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\* After examining the briefs and record, we have concluded that oral argument is unnecessary. The appeal is thus submitted on the briefs and record. See FED. R. APP. P. 34(a)(2).

*Defendant/Counterclaim  
Plaintiff - Appellant*

and

XY, LLC,  
*Intervening  
Defendant/Counterclaim Plaintiff –  
Appellant.*

## ORDER

This appeal concerns the award of attorneys' fees to ABS Global, Inc., and Genus for their partially successful federal antitrust claim against Inguran, LLC (known as Sexing Technologies). The antitrust claim did not stand alone, however; the case also involved counterclaims brought by Sexing Technologies against ABS and Genus for patent infringement and breach of a contract that protected ST's trade secrets. In *ABS Global, Inc. v. Inguran, LLC*, 914 F.3d 1054, 1059 (7th Cir. 2019), *reh'g denied* (Feb. 28, 2019), we addressed the patent and contract claims; the antitrust claim was not part of the appeal. We concluded that the jury's verdict with respect to two of the patent claims had to be set aside, and so we remanded for further proceedings on that aspect of the case.

While the appeal was underway, the district court awarded substantial attorneys' fees to ABS and Genus on the antitrust claims; it also awarded costs to Sexing Technologies. The antitrust fee award is the subject of the current appeal. Because the antitrust and patent aspects of this case are closely interlinked, however, we conclude that it would be premature to rule on the fees each side should bear. We therefore **VACATE** the district court's decision regarding attorney's fees and costs, dkt. 873, and **REMAND** this matter to the district court for further proceedings. We express no opinion on the way in which the district court ultimately must balance each party's success or failure on different parts of the case.