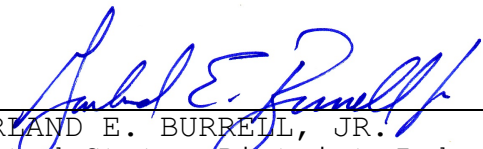


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IconFind, Inc.,)	
)	2:11-cv-00319-GEB-JFM
Plaintiff,)	
)	
v.)	<u>ORDER DENYING MOTION FOR</u>
)	<u>JUDGMENT ON THE PLEADINGS AS</u>
Google, Inc.,)	<u>PREMATURE</u>
)	
Defendant.)	
_____)	

Defendant moves under Federal Rule of Civil Procedure ("Rule") 12(c) for judgment on the pleadings. Plaintiff opposes this motion arguing, *inter alia*, that this motion is premature. A Rule 12(c) motion should not be filed until "[a]fter the pleadings are closed" Fed. R. Civ. P. 12(c). Where, as here, "in addition to an answer, a counterclaim is pleaded, the pleadings are closed only when the plaintiff serves his reply." See Flora v. Home Fed. Sav. & Loan Ass'n, 685 F.2d 209, 211 n.4 (7th Cir. 1982). Plaintiff has not yet replied to Defendant's Second Counterclaim for Declaratory Judgment of Patent Invalidity. Therefore, Defendant's Motion for Judgment on the Pleadings is DENIED as premature.

Dated: June 3, 2011



 GARLAND E. BURRELL, JR.
 United States District Judge