

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

ERICH SPECHT, et al.	)	
	)	C.A. No. 09-cv-2572
Plaintiffs,	)	
	)	Judge Leinenweber
v.	)	
	)	Magistrate Judge Cole
GOOGLE INC.,	)	
	)	
Defendant.	)	

**GOOGLE’S MOTION TO STRIKE PLAINTIFFS’ THIRD AMENDED COMPLAINT**

Defendant Google Inc. moves to strike Plaintiffs’ purported Third Amended Complaint filed on July 13, 2010 (Dkt. No. 216). Google also opposes Plaintiffs’ Motion for Leave to File Third Amended Complaint filed on July 15, 2010 (Dkt. No. 217). In support of its motion and response, and as addressed in greater detail in the accompanying memorandum, Google states as follows:

1. Plaintiffs’ Third Amended Complaint was filed on July 13, 2010 without leave of Court as required by Fed.R.Civ.P. 15. Accordingly, it is a nullity and has no effect, and should be stricken from the record.
2. Plaintiffs’ Motion for Leave to File Third Amended Complaint is untimely and without merit, and should be denied.
3. Plaintiffs’ last opportunity to add defendants in this case expired in October, 2009. Plaintiffs decided not to add additional defendants at that time.
4. Plaintiffs have not provided an explanation for their failure to seek leave to add the additional defendants sooner, given their admission that they were aware of the alleged infringement by those entities months ago.

5. Plaintiffs' motion is brought in bad faith as it coincides with Plaintiffs' efforts to unilaterally cancel all remaining depositions, including especially the scheduled deposition of Plaintiff Erich Specht.

6. Plaintiffs' motion seriously prejudices Google, as Plaintiffs are attempting to use the Third Amended Complaint to stall discovery which should be completed in a matter of days.

WHEREFORE, Google respectfully requests that this Court strike Plaintiffs' Third Amended Complaint, and deny Plaintiffs' Motion for Leave to File Third Amended Complaint.

Respectfully submitted,

Dated: July 16, 2010

/s Herbert H. Finn  
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