

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

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Seventh Circuit



August 22, 2011

Before

William J. Bauer, Circuit Judge
Michael S. Kanne, Circuit Judge
Diane P. Wood, Circuit Judge

ERICH SPECHT, et al.,]	Appeal from the United
Plaintiffs-Appellants,]	States District Court for
]	the Northern District of
No. 11-1689	v.]
]
GOOGLE INC.,]	No. 1:09-cv-02572
Defendant-Appellee.]]
]	Harry D. Leinenweber,
]	Judge.

O R D E R

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.

The district court dismissed a portion of defendant Google's counterclaim (specifically Counts II, IV, V, VI and VII) without prejudice, at the request of defendant Google. Defendant Google is able, if it chooses to do so, to reinstate those claims after this appeal is resolved; it reportedly declined plaintiffs-appellants' invitation to dismiss these claims with prejudice. This appeal, therefore, is premature. See, e.g. India Breweries, Inc. v. Miller Brewing Co., 612 F.3d 651 (7th Cir. 2010).