

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

WINET LABS LLC,
Plaintiff-Appellant

v.

MOTOROLA MOBILITY LLC,
Defendant-Appellee

2022-1081

Appeal from the United States District Court for the Northern District of Illinois in No. 1:20-cv-01094, Senior Judge Harry D. Leinenweber.

Decided: September 12, 2022

MATTHEW MICHAEL WAWRZYN, Wawrzyn LLC, Chicago, IL, argued for plaintiff-appellant.

STEPHEN MAXWELL HANKINS, Riley Safer Holmes & Cancila LLP, San Francisco, CA, argued for defendant-appellee. Also represented by LOUIS A. KLAPP, MICHAEL HARRINGTON FLECK, Chicago, IL.

Before DYK, TARANTO, and STOLL, *Circuit Judges*.

PER CURIAM.

The district court dismissed this case for lack of standing without specifying whether the dismissal was with or without prejudice. The parties agree that the dismissal must be without prejudice. This court understands the district court's dismissal of this case to have been without prejudice. On this basis, we *affirm* the district court's decision to dismiss this case for lack of standing.

Appellant also challenges the district court's decision to award attorney fees, a decision that is not final and appealable until the award has been quantified. Because the award has not been quantified, we lack jurisdiction. *Falana v. Kent State Univ.*, 669 F.3d 1349, 1360–61 (Fed. Cir. 2012). We therefore *dismiss* this portion of the appeal.

AFFIRMED IN PART, DISMISSED IN PART