

United States District Court  
For the Northern District of California

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

JOHN BERMAN,

Plaintiff,

v.

OPENTV CORP., LIBERTY MEDIA  
CORPORATION, WINK  
COMMUNICATIONS, INC., and DOES 1-30

Defendants.

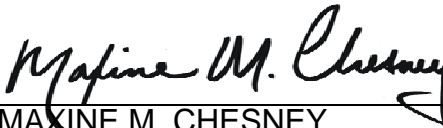
No. C-09-4065 MMC

**ORDER VACATING OCTOBER 8, 2010  
HEARING ON PLAINTIFF'S MOTION TO  
REMAND; PLAINTIFF'S ALTERNATIVE  
MOTION TO CONSIDER FIRST  
AMENDED COMPLAINT FOR  
JURISDICTION DETERMINATION AND  
REMAND; DEFENDANTS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Before the Court are plaintiff's Motion to Remand, plaintiff's Alternative Motion to Consider First Amended Complaint for Jurisdiction Determination and Remand, both filed September 3, 2010, and defendants OpenTV Corp., Liberty Media Corp., and Wink Communications, Inc.'s Motion for Partial Summary Judgment, filed August 30, 2010. Having read and considered the papers filed in support of and in opposition to the motions, the Court deems the matters suitable for decision thereon, and VACATES the hearings scheduled for October 8, 2010.

**IT IS SO ORDERED.**

Dated: October 6, 2010

  
MAXINE M. CHESNEY  
United States District Judge