

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ACTIVISION TV, INC.,

Plaintiff,

and

MPHJ TECHNOLOGY INVESTMENTS,  
LLC,

Intervenor-Plaintiff,

vs.

JON BRUNING, DAVID COOKSON, and  
DAVID LOPEZ,

Defendants.

**8:13CV215**

**ORDER**

This matter is before the court sua sponte. The initial suit in this case included plaintiff Activision TV, Inc. and defendant Pinnacle Bank. The case involves a patent or patents, and as a result, the court scheduled a *Markman* hearing for August 14, 2014. Thereafter, the Nebraska State Attorney General's office and its employees were added as defendants, and MPHJ Technology joined as an intervenor. Subsequently, Activision and Pinnacle Bank settled their patent lawsuit. Activision and intervenor MPHJ have filed summary judgment motions against the remaining defendants. Those motions are currently under advisement. Because of the settlement between Activision and Pinnacle Bank, there is no need for a *Markman* hearing at this time. However, once the court rules on the pending summary judgment motions, it will reschedule a *Markman* hearing as to the remaining parties, if it is necessary to do so.

THEREFORE, IT IS ORDERED that the *Markman* hearing scheduled for August 14, 2014, is canceled until further notice.

Dated this 12th day of August, 2014.

BY THE COURT:

s/ Joseph F. Bataillon  
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United States District Judge