

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ACTIVISION TV, INC.,

Plaintiff,

and

MPHJ TECHNOLOGY
INVESTMENTS, LLC,

Plaintiff-Intervenor,

v.

PINNACLE BANCORP, INC.,

and

JON BRUNING, Attorney General of
Nebraska (in his official capacity);
DAVID D. COOKSON, Chief Deputy
Attorney General of Nebraska (in his
official capacity); DAVID A. LOPEZ,
Assistant Attorney General of
Nebraska (in his official capacity),

Defendants.

Case No. 8:13CV00215

RESPONSE TO PLAINTIFF-
INTERVENOR MPHJ'S SECOND
MOTION FOR PRELIMINARY
INJUNCTION TO ENJOIN
ENFORCEMENT OF DEFENDANTS'
JULY 18 CEASE AND DESIST ORDER

Plaintiff-Intervenor MPHJ Technology Investments, LLC (“MPHJ”) has moved the Court for a preliminary injunction enjoining State Defendants “from taking any steps to enforce the Cease and Desist Order issued to Farney Daniels PC on July 18, 2013 in any manner that would prevent or impede the Farney Daniels firm from representing MPHJ or its exclusive licensee subsidiaries in connection with the preparation and transmission of patent inquiry, licensing and notice correspondence regarding patents owned by MPHJ to companies based in, or having operations in, Nebraska.” Filing 85 at 1-2 (emphasis added).

State Defendants have formally withdrawn the Order in its entirety, effective immediately and have notified as much to the Court. Filing 90; *See* Filing 95-1. Consequently, there is no order for MPHJ to ask this Court to preliminarily enjoin State Defendants from enforcing. Accordingly, MPHJ's second motion for preliminary injunction at Filing 85 has been rendered moot.

Submitted December 6, 2013.

**JON BRUNING, DAVID D. COOKSON,
DAVID A. LOPEZ, Defendants.**

By: JON BRUNING, NE #20351
Attorney General of Nebraska

By: s/ Ryan S. Post
Ryan S. Post, NE #24714
Assistant Attorney General

Katherine J. Spohn, NE #22979
Deputy Attorney General

Dale A. Comer, NE #15365
Gregory J. Walklin, NE #24210
Assistant Attorneys General

2115 State Capitol
Lincoln, Nebraska 68509
(402) 471-2682
Dale.Comer@nebraska.gov
Katie.Spohn@nebraska.gov
Greg.Walklin@nebraska.gov
Ryan.Post@nebraska.gov

Attorneys for Defendants Jon Bruning,
David D. Cookson, and David A. Lopez.

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2013, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, using the CM/ECF system, causing notice of such filing to be served upon all parties' counsel of record.

By: s/ Ryan S. Post
Assistant Attorney General