

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OPENTV, INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 24-1301-CFC
v.	)	
	)	JURY TRIAL DEMANDED
PINTEREST, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF OPENTV, INC.’S RESPONSE IN
OPPOSITION TO DEFENDANT’S MOTION TO DISMISS**

Defendants’ Motion to Dismiss (D.I. 11) (“Motion”) is moot. Since the filing of the Motion, OpenTV, Inc. (“OpenTV”) has filed its Amended Complaint for Patent Infringement (“Amended Complaint”) as of right pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). D.I. 16. OpenTV’s Amended Complaint supersedes the Complaint on which the Motion is based (D.I. 1). *Calloway v. Green Tree Servicing, LLC*, 599 F. Supp. 2d 543, 546 (D. Del. 2009) (“As the amended complaint has superseded the original, defendant’s motion to dismiss has become moot. Accordingly, the court dismisses defendant’s motion.”); *Mowafy v. Noramco of Del., Inc.*, C.A. No. 05-733-MPT, 2007 WL 2828013, at *2 n.31 (D. Del. Sept. 27, 2007) (citing *Crysen/Montenay Energy Co. v. Shell Oil Co.*, 226 F.3d 160, 162 (2d Cir. 2000) (noting that “[a]n amended pleading ordinarily supersedes the original and renders it of no legal effect”). Therefore, OpenTV respectfully requests that the Court deny the Motion as moot.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 18, 2025, a copy of the foregoing document was served on the counsel listed below in the manner indicated:

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