

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

Civil Action No.: 1:11-cv-00830-JLK

RIGHTHAVEN, LLC,

Plaintiff,

v.

LELAND WOLF, an individual, and
IT MAKES SENSE BLOG, an entity of unknown origin and nature,

Defendants.

**STIPULATION FOR BRIEFING SCHEDULE FOR *AMICUS CURIAE* BRIEF BY
ELECTRONIC FRONTIER FOUNDATION IN SUPPORT OF DEFENDANT’S
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

COMES NOW, Plaintiff Righthaven LLC (“Righthaven” or “Plaintiff”), Defendant Leland Wolf (“Defendant”), *amicus curiae* Citizens Against Lawsuit Abuse (“CALA”) and *amicus curiae* the Electronic Frontier Foundation (“EFF”) hereby file the following stipulation with the Court concerning Defendant’s pending Motion to Dismiss for Lack of Subject Matter Jurisdiction:

1. Pursuant to D.C.Colo.LCivR 7.1(a), all parties have conferred regarding the optimal manner to conduct this litigation, so as to best inform the court of the relevant issues and quickly reach a conclusion while conserving party and Court resources.
2. On March 31, 2011, Righthaven filed this copyright infringement lawsuit.
3. On May 17, 2011, Defendant filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction. Dkt. 11.

4. On June 3, 2011, Plaintiff and Defendant stipulated to limited jurisdictional discovery. Dkt. 16. The Court approved this stipulation and stayed resolution of Defendant's Motion to Dismiss pending discovery. Dkt. 17.

5. After conducting discovery, on July 8, 2011, Defendant filed a Supplemental Memorandum in support of its Motion to Dismiss. Dkt. 20. Righthaven's response to the Supplemental Memorandum is due on or before July 29, 2011.

6. On July 19, 2011, CALA filed a Motion for Leave to File *Amicus Curiae* Brief, Dkt. 21, along with the corresponding brief. Dkt. 21-2.

7. EFF would like the opportunity to file an *Amicus Curiae* Brief to offer its perspective on the copyright ownership and standing issues raised in Defendant's Motion to Dismiss. Therefore, the undersigned parties agree to, and respectfully request, a briefing schedule as follows:

- EFF will file an *amicus curiae* brief in support of Defendant's Motion to Dismiss ***on or before August 2, 2011.***
- Within 21 days (and in accordance with the standard briefing schedule set forth in D.C.Colo.LCivR 7.1(c)), Righthaven will file an omnibus response to both EFF's *amicus* brief and the *amicus* brief of CALA. Accordingly, Righthaven will file its response ***on or before August 23, 2011.***
- Within 14 days (and in accordance with the standard briefing schedule set forth in D.C.Colo.LCivR 7.1(c)), EFF and CALA may each file a reply to Righthaven's Response. Accordingly, such replies will be filed ***on or before September 6, 2011.***
- Each brief will be 25 pages or less.

8. Undersigned counsel respectfully submit that good cause can be shown for this stipulation, agree that no party will be prejudiced by this stipulation, and request that this Honorable Court adopt the briefing schedule contained herein.

Dated: July 29, 2011

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CERTIFICATE OF SERVICE

Undersigned hereby certifies that a true and accurate copy of the foregoing STIPULATION FOR BRIEFING SCHEDULE FOR AMICUS CURIAE BRIEF BY ELECTRONIC FRONTIER FOUNDATION IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION was sent through the Court's CM/ECF system on this 29th day of July 2011 to the following interested parties:

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