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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10 RIGHTHAVEN, LLC, a Nevada limited-)
liability company,)
11)
Plaintiff,)
12)
vs.)
13)
REALTY ONE GROUP, INC., a Nevada)
14 corporation; DAVID TINA, an individual,)
and MICHAEL J. NELSON, an individual,)
15)
Defendants.)
16)

Civil Action No. 2:10-CV-01036 LRH-PAL

17 **DEFENDANT, MICHAEL J. NELSON'S REPLY IN SUPPORT OF**
18 **MOTION TO DISMISS**

19 **POINTS AND AUTHORITIES**

20 **I. INTRODUCTION**

21 As this Court is well aware, Righthaven, LLC (hereinafter "Righthaven") has sued
22 Michael Nelson for copyright infringement. The alleged infringement involves five paragraphs
23 of an 18 paragraph news article entitled "Program May Level Housing Sale Odds" (hereinafter
24 the "Program Article"). Mr. Nelson has requested that this Court dismiss the Complaint for
25 failure to state a claim under F.R.C.P. 12(b)(6).

26 It is axiomatic that in challenging the sufficiency of the pleadings, through the vehicle of
27 a motion to dismiss, the parties and the Court must assume that Righthaven's claim of
ownership of the copyright in the Program Article is true. Righthaven did not need to attach