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13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
16

17
18
19 RIGHTHAVEN LLC, a Nevada limited-
liability company,

20 Plaintiff,

21 v.

22
23 CENTER FOR INTERCULTURAL
ORGANIZING, a not-for-profit Oregon entity;
and KAYSE JAMA, an individual,

24 Defendants.
25

Case No.: 2:10-cv-01322-JCM-LRL

**DECLARATION OF SHAWN A.
MANGANO, ESQ. IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
PROFESSOR JASON SCHULTZ'S
MOTION TO FILE *AMICUS CURIAE*
BRIEF AND TO APPEAR AT HEARING
ON ORDER TO SHOW CAUSE**

1 Shawn A. Mangano, being duly sworn, deposes and says:

2 1. I am counsel of record for Righthaven LLC (“Righthaven”) in the above-
3 referenced matter, and I have personal knowledge of the facts set forth herein and I am
4 competent to testify thereto and could and would so testify under oath if called to do so.

5 2. This declaration is made in support of Plaintiff’s Opposition to Professor Jason
6 Schultz’s Motion to File *Amicus Curiae* Brief And to Appear at Hearing on Order to Show
7 Cause.

8 3. Attached hereto as Exhibit “1” is a true and correct copy of Jason Schultz’s
9 professional biography as found at the University of California, Berkeley Boalt Hall School of
10 Law’s webpage found generally at [http:// www.law.berkeley.edu](http://www.law.berkeley.edu).

11 4. The Electronic Frontier Foundation is defense counsel in two pending Righthaven
12 copyright infringement actions pending in this judicial district: (1) *Righthaven LLC v.*
13 *Democratic Underground, LLC, et al.*, case no.: 2:10-cv-01356-RLH-RJJ; and (2) *Righthaven v.*
14 *Thomas A. DiBiase*, case no.: 2:10-cv-01343-RLH-PAL. Chad Bowers, Esq. serves as local
15 counsel on behalf of EFF in these two actions. Mr. Bowers is acting as counsel for Schultz in
16 this matter. EFF has aggressively litigated both pending actions by enlisting the services of
17 several high profile Northern California-based law firms to assist its efforts. EFF’s litigation
18 tactics have included opposing Righthaven’s efforts to voluntarily dismiss claims with prejudice,
19 while concurrently driving up litigation costs through extensive motion practice and discovery
20 efforts despite Righthaven’s pending motion for voluntary dismissal.

21 I declare under penalty of perjury that the foregoing is true and correct to the best of my
22 knowledge.

23 Dated this 27th day of December, 2010.

24
25 By: /s/ Shawn A. Mangano
SHAWN A. MANGANO, ESQ.

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of Righthaven LLC and that on this 27th day of December, 2010, I caused a copy of the foregoing document to be served by the Court's CM/ECF system.

SHAWN A. MANGANO, LTD.

By: /s/ Shawn A. Mangano
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EXHIBIT "1"

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Jason M. Schultz

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Jason M. Schultz is an Assistant Clinical Professor of Law and Director of the Samuelson Law, Technology & Public Policy Clinic at the UC Berkeley School of Law (Boalt Hall). Before joining Boalt Hall as a faculty member in the Samuelson Clinic, he was a Senior Staff Attorney at the Electronic Frontier Foundation (EFF), one of the leading digital rights groups in the world. Prior to EFF, he practiced intellectual property law at the firm of Fish & Richardson, P.C. and served as a clerk to the Honorable D. Lowell Jensen of the Northern District of California. While a student at Boalt Hall, he managed the Berkeley Technology Law Journal and interned for the Honorable Ronald M. Whyte of the Northern District of California.

At EFF, Schultz handled numerous high-profile intellectual property and technology matters affecting the public's interests in free expression, fair use, and innovation with an emphasis on issues of copyright law, reverse engineering, digital rights management, and patent law reform. Representative cases include *DirectTV v. Huynh*, 503 F.3d 847 (9th Cir. 2007), *Jib Jab v. Ludlow Music*, *Lenz v. Universal Music*, and *Chicago Auto Show v. Autoshowshutdown.org*. Schultz was also responsible for numerous amicus briefs filed on behalf of EFF and its clients at the Supreme Court and various Federal Courts of Appeal. He also founded EFF's Patent Busting Project, an effort to protect innovation and the public domain by filing reexamination requests at the U.S. Patent Office on overly-broad software and Internet patents. In addition to litigation and counseling, Schultz worked with educators, policy-makers, and industry associations to preserve the proper balance between intellectual property protection and the public interest. He also taught courses in cyberlaw and intellectual property at U.C. Berkeley School of Law and School of Information.

Schultz has presented at dozens of legal and academic conferences and is a regular contributor to news reports on intellectual property and technology matters, including articles in the *New York Times*, *Wall Street Journal*, *Los Angeles Times*, *Washington Post*, *Forbes*, *Fox News*, *ABC's Good Morning America*, *National Public Radio*, and other major media outlets. His writing primarily focuses on the ongoing struggle to balance intellectual property regimes with the public interest in free expression, access to knowledge, and innovation in light of new technologies and the challenges they pose. Recent publications include: "Clues' for Determining Whether Business and Service Innovations are Unpatentable Abstract Ideas" with Pamela Samuelson, 15 *Lewis & Clark L. Rev.* ___(2010) (forthcoming), "Digital Exhaustion" with Aaron Perzanowski, 58 *UCLA L. Rev.* ___ (2010) (forthcoming), "Should Copyright Owners Have to Give Notice about Their Use of Technical Protection Measures?" with Pamela Samuelson, 6 *J. on Telecomm. & High Tech. L.* 41 (2007), "Protecting Traditional Knowledge and Expanding Access to Scientific Data: Juxtaposing Intellectual Property Agendas via a 'Some Rights Reserved' Model" with Eric Kansa and Ahrash Bissel, 12 *Int'l J. of Cultural Property* 285 (2005), "The False Origins of the Induce Act", 32 *N. Kentucky L. Rev.* 527 (2005), and "Neglecting the National Memory: How Copyright Terms Extensions Compromise the Development of Digital Archives" with Deirdre K. Mulligan, 4 *J. App. Prac. & Process* 451 (2002).

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