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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 RIGHTHAVEN LLC, a Nevada limited-
liability company,

12
13 Plaintiff,

14 v.

15 DEMOCRATIC UNDERGROUND, LLC, a
16 District of Columbia limited-liability
company; and DAVID ALLEN, an individual,

17
18 Defendants.

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20 DEMOCRATIC UNDERGROUND, LLC, a
District of Columbia limited-liability
company,

21
22 Counterclaimant,

23 v.

24 RIGHTHAVEN LLC, a Nevada limited-
25 liability company; and STEPHENS MEDIA
LLC, a Nevada limited-liability company,

26
27 Counterdefendants.
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Case No.: 2:10-cv-01356-RLH-GWF

**RIGHTHAVEN LLC’S ERRATUM AND
CLARIFICATION TO RESPONSE TO
DEFENDANTS’ SUPPLEMENTAL
MEMORANDUM ADDRESSING
RECENTLY PRODUCED EVIDENCE
RELATING TO PENDING MOTIONS**

1 Plaintiff/Counterdefendant Righthaven LLC (“Righthaven”) hereby files this erratum and
2 clarification concerning its earlier filed Response to Defendants Democratic Underground,
3 LLC’s (“Democratic Underground”) and David Allen’s (“Allen” and collectively referred to
4 herein with Democratic Underground as “Defendants”) Supplemental Memorandum Addressing
5 Recently Produced Evidence Relating to Pending Motions (the “Response”, Doc. # 100) as set
6 forth herein.

7 First, Righthaven hereby advises the Court that its counsel mistakenly failed to omit
8 footnote 1 in the final, PDF version of submitted the Response. (Doc. # 100 at 5 n. 1.) The
9 argument advanced in footnote 1 does not accurately reflect a request by either Righthaven or
10 Stephens Media LLC (“Stephens Media”) for leave of Court to join or otherwise substitute
11 Stephens Media as Plaintiff in this action, or any other pending actions, as a procedural
12 mechanism for curing any alleged defect in standing. (*Id.*) Indeed, Stephens Media had
13 specifically requested on May 9, 2011 that the subject footnote be removed from Righthaven’s
14 draft Response prior to filing in light of the positions that Stephens Media has asserted
15 throughout this action. Accordingly, Righthaven expressly withdraws footnote 1, and all content
16 contained therein, on the grounds that it was erroneously submitted in the final PDF filed version
17 of its Response. (Doc. # 100 at 5 n. 1.) Righthaven and its counsel apologize to the Court and to
18 the parties for any misunderstanding caused by the failure to omit footnote 1 in its submitted
19 version of the Response

20 As a secondary matter, Righthaven wishes to clarify the discrepancies existing between
21 the execution dates for the Assignment submitted in support of the Response (Doc. # 100) and
22 the later execution date for another assignment of the Work produced or otherwise filed by the
23 parties in this action. The Assignment was executed and relied upon for registration of the Work
24 with the United States Copyright Office (“USCO”), as set forth in the supporting declarations
25 submitted by Righthaven (Doc. ## 101, 102.) A second, redundant, assignment for the Work
26 was subsequently executed, and which was produced and/or filed in this action, that reflected a
27 later execution date. This second assignment was completely unnecessary and was not required
28 to obtain registration of the Work from the USCO. In fact, Righthaven’s undersigned counsel

1 previously disclosed this discrepancy to at least one attorney, Kurt Opshal, Esq. of the Electronic
2 Frontier Foundation, prior to meet and confer efforts in another action. Accordingly, Righthaven
3 submits this filing in order to clarify the record with regard to the existence of these two
4 assignments.

5 Dated this 24th day of May, 2011.

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9 By: /s/ Shawn A. Mangano
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I on this 24th day of May, 2011, I caused the foregoing document to be served by the Court's CM/ECF system.

SHAWN A. MANGANO, LTD.

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