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8	UNITED STATES DISTRICT COURT	
9	DISTRICT OF NEVADA	
10		
11	RIGHTHAVEN LLC, a Nevada limited- liability company,	Case No.: 2:10-cv-01356-RLH-GWF
12		
13	Plaintiff,	
14	v.	
15	DEMOCRATIC UNDERGROUND, LLC, a District of Columbia limited-liability	COUNTER-DEFENDANT STEPHENS
16	company; and DAVID ALLEN, an individual,	MEDIA LLC'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
17	and results	MOTION FOR RECONSIDERATION OF THE COURT'S JUNE 14, 2011 ORDER
18	Defendants.	[Dkt No. 116]
19	DEMOCRATIC UNDERGROUND, LLC, a	
20	District of Columbia limited-liability company,	
21	Counterclaimant,	
22	v.	
23	RIGHTHAVEN LLC, a Nevada limited-	
24	liability company; and STEPHENS MEDIA LLC, a Nevada limited-liability company,	
25	Counterdefendants.	
26		
27		

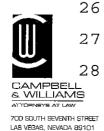


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On June 28, 2011, Counter-Defendant Stephens Media LLC ("Stephens Media") moved to reconsider the Court's June 14, 2011 Order in which His Honor denied Stephens Media's motion to dismiss the counterclaim filed by Defendant Democratic Underground, LLC ("DU"). [Dkt. No. 126]. The basis for Stephens Media's request for reconsideration is that it does not own the copyright at issue in this action (the "Work") and has only a non-exclusive license to use the copyright, as set forth in the Clarification and Amendment to Strategic Alliance Agreement ("Amendment") executed with Righthaven, LLC ("Righthaven") on May 9, 2011. [Id. at 4; 10-14]. As a non-exclusive licensee, Stephens Media lacks standing to pursue an infringement claim against Defendants. Id. at 7-9. Stephens Media, therefore, contends that DU's counterclaim seeking a declaration of non-infringement should be dismissed as to Stephens Media since no genuine case or controversy exists between these parties. [Id].

While Stephens Media maintains that the Amendment was sufficient to confer standing on Righthaven to pursue the instant action, Stephens Media and Righthaven recently amended the Strategic Alliance Agreement once more to address concerns raised in *Righthaven LLC v. Hoehn*, where the Court found that Righthaven lacked standing to sue under the Amendment. [Dkt. No. 28, Case No. 2:11-cv-00050-PMP-RJJ (D.Nev.) (Pro, J.)]. A true and correct copy of the Amended and Restated Strategic Alliance Agreement ("Amended and Restated SAA") executed by Stephens Media and Righthaven on July 7, 2011 is attached hereto as Exhibit 1. Because Stephens Media does not gain any ownership interest in the subject copyrights and remains a non-exclusive licensee under the Amended and Restated SAA, the arguments set forth in the motion for reconsideration remain unaltered.

Nevertheless, Stephens Media wishes to make the Court aware of the Amended and Restated SAA so that it has the most current information regarding the contractual relationship between the parties. As explained in the supplemental memorandum [Dkt. No. 134] filed by



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Righthaven on July 11, 2011 in support of its application to intervene, Righthaven provided Defendants with a copy of the Amended and Restated SAA shortly after it was executed. Defendants have indicated that they wish to address the Amended and Restated SAA in their respective responses to Righthaven's application to intervene and Stephens Media's motion for reconsideration. The parties have submitted a stipulated briefing schedule for the foregoing motions to address this development. [Dkt. No. 135].

Dated this 13th day of July, 2011.

Respectfully submitted,

CAMPBELL & WILLIAMS

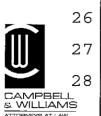
By /s/ J. Colby Williams

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing was served on the 13th day of July, 2011 via the Court's CM/ECF electronic filing system addressed to all parties on the eservice list.

/s/ J. Colby Williams

An employee of Campbell & Williams