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18 DEMOCRATIC UNDERGROUND, LLC, and
19 Defendant DAVID ALLEN

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE DISTRICT OF NEVADA**

17 RIGHTHAVEN LLC, a Nevada limited liability company,)
18 Plaintiff,)

19 v.)

20 DEMOCRATIC UNDERGROUND, LLC, a District of)
21 Columbia limited-liability company; and DAVID ALLEN,)
22 an individual,)
23 Defendants.)

22 DEMOCRATIC UNDERGROUND, LLC, a District of)
23 Columbia limited-liability company,)
24 Counterclaimant,)

25 v.)

26 RIGHTHAVEN LLC, a Nevada limited liability company,)
27 and STEPHENS MEDIA LLC, a Nevada limited-liability)
28 company,)
Counterdefendants.)

Case No. 2:10-cv-01356-RLH
(RJJ)

**DECLARATION OF KURT
OPSAHL ISO
DEFENDANTS'
CONSOLIDATED BRIEF
IN OPPOSITION TO
PLAINTIFF'S MTN FOR
VOLUNTARY DISMISSAL
TO THE EXTENT IT
SEEKS TO FORECLOSE
AWARD OF ATTORNEYS'
FEES, CROSS-MOTION
FOR SUMMARY
JUDGMENT, AND
OPPOSITION TO
STEPHENS MEDIA'S
MOTION TO DISMISS
AND JOINDER**

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1. I am an attorney licensed to practice law in the State of California and am a Senior Staff Attorney at the Electronic Frontier Foundation, attorney for Defendants in the above-captioned matter.
2. I have knowledge of the facts set forth herein, and would testify to the same if called upon to do so. I make this Declaration in support of Defendants’ Consolidated Brief in Opposition to Plaintiff’s Motion for Voluntary Dismissal to the Extent it Seeks to Foreclose Award of Attorneys’ Fees, and in Support of Cross-Motion for Summary Judgment.
3. I last visited the *Las Vegas Review-Journal* website on December 6, 2010, where I determined that the entire story “U.S. Senate Race: Tea Party Power Fuels Angle” was still publicly available, at no cost, at www.lvrj.com/news/tea-party-power-fuels-angle-93662969.html. Also, as of December 6, 2010, the copyright notice on that page is credited to the *Las Vegas Review-Journal*.
4. The page hosting the article found at www.lvrj.com/news/tea-party-power-fuels-angle-93662969.html, *supra*, encourages users to share articles on at least 18 different third-party Internet resources or to email, save, or print the article at no cost. Attached hereto as **Exhibit A** is a printout of the article on the *Las Vegas Review Journal* web site encouraging the use of these resources. In fact, when a user chooses the “Print This” option, a new window opens containing the text of the full article without advertising.
5. On September 8, 2010, the law firm Bryan Cave hosted a conference call, in which Steve Gibson, CEO of Righthaven LLC and former counsel of record in this case, participated. I listened to that conference call when it took place. A recording of that call can be accessed at <http://bryancavemarketing.com/audio/70284709.mp3>, last accessed by me on December 5, 2010. At about the 6-minute mark, Mr. Gibson stated that: “Righthaven certainly employs technology to find infringements on the Internet. I’m not going to say at what point in the process that we employ that technology—that’s a proprietary business aspect of our

1 model—and, but we certainly do have that technology and, as is evident from the
2 number of lawsuits that have been filed, we certainly acquire copyright interests
3 and pursue resolution of copyright infringement after the acquisition of those
4 copyrights.”

5 6. Later in the Bryan Case conference call, at about the 46-minute mark, Mr. Gibson
6 stated that “We absolutely do a fair use analysis internally ... and we certainly
7 looked at the fair use cases out there ... Before we go forward we get very, very
8 comfortable and very, very confident that there is not even a cognizable fair use
9 defense before we go forward.”

10 7. I attach as **Exhibit B** a true and correct copy of Sherman Frederick, *Copyright*
11 *theft: We're not taking it anymore, Las Vegas Review-Journal*, (May. 28, 2010),
12 last accessed by me at
13 www.lvrj.com/blogs/sherm/Copyright_theft_Were_not_taking_it_anymore.html
14 on December 5, 2010.

15 8. I attach as **Exhibit C** a true and correct copy of Sherman Frederick, *Protecting*
16 *newspaper content -- You either do it, or you don't, Las Vegas Review-Journal*,
17 (Sept. 1, 2010), last accessed by me at
18 [www.lvrj.com/blogs/sherm/Protecting_newspaper_content_--](http://www.lvrj.com/blogs/sherm/Protecting_newspaper_content_--_You_either_do_it_or_you_dont.html)
19 [_You_either_do_it_or_you_dont.html](http://www.lvrj.com/blogs/sherm/Protecting_newspaper_content_--_You_either_do_it_or_you_dont.html) on December 5, 2010.

20 9. I attach as **Exhibit D** a true and correct copy of Steve Green, *Judge questions*
21 *Righthaven over R-J copyright suit costs, Las Vegas Sun*, (August 26, 2010), last
22 accessed by me at [www.lasvegassun.com/news/2010/aug/26/judge-questions-](http://www.lasvegassun.com/news/2010/aug/26/judge-questions-righthaven-over-r-j-copyright-suit/)
23 [righthaven-over-r-j-copyright-suit/](http://www.lasvegassun.com/news/2010/aug/26/judge-questions-righthaven-over-r-j-copyright-suit/) on December 5, 2010.

24 10. I attach as **Exhibit E** a true and correct copy of corporate records for Righthaven,
25 LLC, obtained from the Nevada Secretary of State, which shows Net Sortie
26 Systems, LLC as Righthaven’s Officer and Registered Agent.

27 11. I attach as **Exhibit F** a true and correct copy of corporate records for Net Sortie
28 Systems, LLC, obtained from the Nevada Secretary of State, which shows Mr.

1 Gibson as an Officer and Manager.

2 12. I attach as **Exhibit G** a true and correct copy of Sherman Frederick, *Protecting*
3 *Newspaper Content II: Thieves are thieves*, *Las Vegas Review-Journal* (Sep. 2,
4 2010), last accessed by me at
5 [www.lvrj.com/blogs/sherm/Protecting_Newspaper_Content_II_Thieves_are_thiev](http://www.lvrj.com/blogs/sherm/Protecting_Newspaper_Content_II_Thieves_are_thieves.html)
6 [es.html](http://www.lvrj.com/blogs/sherm/Protecting_Newspaper_Content_II_Thieves_are_thieves.html) on December 7, 2010.

7 13. I attach as **Exhibit H** a true and correct copy of Joe Mullin, *Is This the Birth of the*
8 *Copyright Troll?*, *Corporate Counsel* (Aug. 16, 2010), last accessed by me at
9 www.law.com/jsp/cc/PubArticleCC.jsp?id=1202466627090 on December 7, 2010.

10 14. I attach as **Exhibit I** a true and correct copy of Toby Manthey, *Firm holds*
11 *websites to the law*, *Arkansas Democrat-Gazette* (Aug. 26, 2010), preview
12 available at [www.arkansasonline.com/news/2010/aug/26/firm-holds-websites-law-](http://www.arkansasonline.com/news/2010/aug/26/firm-holds-websites-law-20100826/)
13 [20100826/](http://www.arkansasonline.com/news/2010/aug/26/firm-holds-websites-law-20100826/).

14 15. I attach as **Exhibit J** a true and correct copy of Ron Breeding, *Arkansas*
15 *newspapers get serious about copyright enforcement*, KUAR FM 89.1 (Sep. 29,
16 2010), last accessed by me at
17 [www.publicbroadcasting.net/kuar/news.newsmain/article/6346/0/1707036/KUAR.](http://www.publicbroadcasting.net/kuar/news.newsmain/article/6346/0/1707036/KUAR.Features/Arkansas.newspapers.get.serious.about.copyright.enforcement)
18 [Features/Arkansas.newspapers.get.serious.about.copyright.enforcement](http://www.publicbroadcasting.net/kuar/news.newsmain/article/6346/0/1707036/KUAR.Features/Arkansas.newspapers.get.serious.about.copyright.enforcement) on
19 December 7, 2010.

20 16. I attach as **Exhibit K** a true and correct copy of Steve Green, *Some targets of*
21 *Righthaven lawsuits fighting back*, *Las Vegas Sun* (Aug. 4, 2010), last accessed by
22 me at [http://www.lasvegassun.com/news/2010/aug/04/some-targets-righthaven-](http://www.lasvegassun.com/news/2010/aug/04/some-targets-righthaven-lawsuits-fighting-back/)
23 [lawsuits-fighting-back/](http://www.lasvegassun.com/news/2010/aug/04/some-targets-righthaven-lawsuits-fighting-back/) on December 7, 2010.

24 17. I have reviewed public records available on the Court's electronic filing system
25 and observed that it reflects that Righthaven has filed at least 179 copyright
26 infringement suits similar to this one in this District since March 2010, along with
27 relevant status information reflected in the Court's files. I attach as **Exhibit L** lists
28 of those suits. Due to multiple entries for Righthaven on the Court's electronic

1 filing system, Righthaven's cases are listed in three separate documents.

2 18. I am personally familiar with the dockets of dozens of copyright infringement
3 lawsuits filed in this District by Righthaven. In each of those cases, Righthaven
4 consistently alleges "willful infringement" and seeks statutory damages, which
5 range up to \$150,000 if copyright infringement is found willful under 17 U.S.C.
6 Section 504, regardless of any actual harm; demands to recover its attorneys' fees;
7 and seeks control over the domain name that hosts the alleged infringement.

8 19. I am aware of at least nine cases filed by Righthaven in this Court that involve a
9 copyright infringement claim regarding an excerpt consisting of less than half of
10 the original article, including this case and *Righthaven v. Realty One*, Case 2:10-
11 cv-01036-LRH -PAL. Three of these cases reflect having already been closed in
12 the Court docket.¹

13 20. I further understand that Righthaven advances its efforts to coerce quick and cheap
14 settlements by, among other tactics, proposing discovery terms with burdensome
15 and oppressive document preservation and production regimes. An example of
16 Righthaven's standard proposed discovery order was filed in *Righthaven v. Shezad*
17 *Malik*, Case 2:10-cv-00636-RLH-RJJ, Dkt. No. 16.

18 21. I further understand that many of the defendants in these Righthaven suits settle
19 these cases quickly. At least 80 of the 179 cases filed in this Court to date indicate
20 that they were already dismissed (settled). Most defendants in these cases will
21 find it uneconomic to fund any litigation on these issues, much less in a foreign
22 forum.

23 22. Since Defendants engaged us to represent them in this matter, the EFF and our
24 cooperating counsel, Fenwick & West LLP, have spent substantial time preparing

25
26 ¹ **Open:** *Righthaven v. Goff Assoc.*, 2:10-cv-00742-JCM-RJJ (12 of 31 sentences); *Righthaven v. Ozean Group*,
27 2:10-cv-00798-JCM-RJJ (14 of 31 sentences); *Righthaven v. Futrell*, 2:10-cv-00813-JCM-RJJ (9 of 24
28 paragraphs); *Righthaven v. Nystrom*, 2:10-cv-01490-JCM-RJJ (7 of 17 paragraphs). **Closed:** *Righthaven v.*
Vegas Backstage Access, 2:10-cv-01033-KJD-PAL (14 of 59 paragraphs); *Righthaven v. Brian Lojeck*, 2:10-cv-
00887-PMP-PAL (11 of 23 sentences); *Righthaven v. the Above Network*, 2:10-cv-01159-JCM-LRL (8 of 28
paragraphs).

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the Answer and Counterclaim in this matter, negotiating in an unsuccessful attempt to reach early settlement, and engaging in the other case management efforts required by court rules.

I declare the foregoing under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 7th day of December, 2010, in San Francisco, California.

By: /s/ Kurt Opsahl

KURT OPSAHL

ATTORNEY ATTESTATION

In accordance with the Court’s Special Order No. 109, dated September 30, 2005, I hereby attest that concurrence in the filing of this document has been obtained from the signatories indicated by a “conformed” signature (/s/) within this e-filed document:

 /s/ Laurence Pulgram

Laurence Pulgram

EXHIBIT A

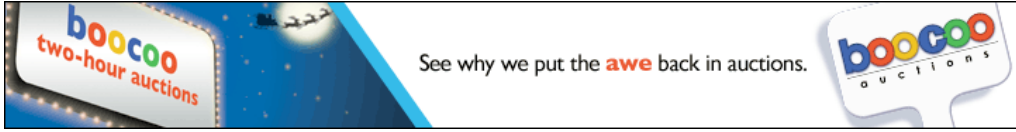
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May. 13, 2010
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U.S. SENATE RACE: Tea Party power fuels Angle


Ex-Reno assemblywoman moves up in crowded GOP primary field

By LAURA MYERS

LAS VEGAS REVIEW-JOURNAL

MORE INFO

- Tea Party
- Elections
- Opinion Polls



R-J POLL: U.S. SENATE
Results of the 2010 Republican primary for Nevada's U.S. Senate seat were held today.

SUE LOWDEN	30%
SHARRON ANGLE	25%
DANNY TARKANIAN	22%

Candidate	Party	Percentage
Sue Lowden	Republican	30%
Sharron Angle	Republican	25%
Danny Tarkanian	Republican	22%



Republican candidate for U.S. Senate Sue Lowden speaks out Wednesday on behalf of local subcontractors. Lowden, a front-runner for the GOP nomination to challenge Democrat Sen. Harry Reid, is losing ground to Republican candidate Sharron Angle, a former assemblywoman. JASON BEAN/LAS VEGAS REVIEW-JOURNAL



Fueled by a burst of support from the Tea Party, Sharron Angle has rocketed into a near dead heat with Sue Lowden in the white-hot U.S. Senate Republican primary, according to a new poll commissioned by the Las Vegas Review-Journal.

Lowden, who had been the Republican front-runner since February, lost support to Angle, the former Reno assemblywoman seen by likely Republican voters as the most conservative candidate in a contest in which three-quarters of Republican voters say they're somewhat or very conservative, the poll showed.

Danny Tarkanian lost ground to Angle, too. She passed him after gaining a bit of political star power and a bunch of financial support from an endorsement by the Tea Party Express, which launched radio and TV ads to help her win the GOP nomination to face U.S. Sen. Harry Reid in the fall.

All three top GOP candidates are capable of beating Reid, according to previous polls that have shown the Democratic Party incumbent in an uphill battle to win a fifth Senate term on Nov. 2.

"I'm confident that we'll be able to win the primary and



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November 2010

sunday	monday	tuesday	wednesday	thursday
	1	2	3	4
7	8	9	10	11
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U.S. Senate candidate Sharron Angle, who seeks the Republican nomination to run against Democratic incumbent Harry Reid, speaks at a November GOP candidates forum. A new poll shows Angle in a near dead heat with GOP candidate Sue Lowden. LAS VEGAS REVIEW-JOURNAL FILE

also to defeat Harry Reid," Angle said Wednesday from rural Fallon, where she campaigned door to door, spoke to a group at the convention center and attended a gun supporters event. "These numbers really confirm what we've been fairly certain of all along: that if people heard my conservative message, they would respond."

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Angle said voters can look at her eight-year record in the Assembly that shows a consistent pattern of opposing taxes and supporting smaller government. Those are two tenets of the Tea Party movement and conservative values in opposition to the Democratic Party's hold on Congress and the White House, government bailouts of industry, and Reid's and President Barack Obama's signature health insurance overhaul.

Lowden said she wasn't worried about the tightening primary race nine days before early voting starts May 22 and three weeks before the June 8 vote.

"We're confident that our lead will hold," Lowden said in an interview in Las Vegas. "We'll have a strong get-out-the-vote effort. You only need one more vote to win, but we'll win by more than that."

According to the Mason-Dixon poll, if the Republican primary were held today: Lowden would win 30 percent of the vote; Angle 25 percent; Tarkanian 22 percent; John Chachas 3 percent; and Chad Christensen 2 percent.

The telephone survey of 500 likely Republican voters in Nevada was taken on Monday and Tuesday and has a margin of error of plus or minus 4.5 percentage points.

In a similar Mason-Dixon survey taken April 5 to 7, Lowden led the crowded field of 12 Republicans with 45 percent support compared with 27 percent for Tarkanian, 5 percent for Angle, 4 percent for Las Vegas Assemblyman Christensen and 3 percent for Chachas, an Ely native and Wall Street investment banker.

"Lowden's loss has been Angle's gain," said Mason-Dixon pollster Brad Coker. "Lowden has been the anointed front-runner for a couple of months, which made her a target for everybody. And Angle got the Tea Party endorsement, and she's the most conservative candidate running."

Angle also has a history "of running strong down the stretch" in close elections, Coker added.

In 2006, Angle was all but counted out in a congressional GOP primary until the last few weeks, and then she narrowly lost to Rep. Dean Heller by fewer than 500 votes. Two years ago, she almost beat state Senate Minority Leader Bill Raggio, R-Reno, one of Nevada's most powerful lawmakers.

"Obviously, Angle still has her homestretch legs," Coker said, although he added that anything can happen in such a competitive race. "I think you have to be conservative and say it's a three-way race. But trend-wise, Angle has jumped out quickly and has the momentum."

The Tea Party Express, the national group that held an anti-Reid protest in the senator's hometown of Searchlight in late March, shook up the race April 15 when it endorsed Angle at a Tax Day news conference in Washington, D.C. The group's political action committee has been raising money for Angle with a goal of \$500,000. It already has spent \$200,000 for her, including on radio and TV ads.

Meantime, Angle has been stacking up endorsements from more than two dozen conservative groups and people, from Gun Owners of America to "Joe the Plumber."

Angle's name recognition has jumped to 85 percent compared with 67 percent about a month ago. Only 4 percent of GOP primary voters do not know Lowden's name, and only 3 percent do not know Tarkanian, a real estate developer and former basketball star for the University of Nevada, Las Vegas, whose dad is well-known ex-basketball coach Jerry Tarkanian.

The Tarkanian campaign expressed skepticism that Angle had risen so high so fast. Jamie Fisfis, consultant to the campaign, said his tracking polls show Angle moving up to 16 percent support, Lowden dropping to 30 percent and Tarkanian gaining to tie the GOP front-runner in his best showing so far.

"In my mind it's still a two-way race because Angle does not have the name recognition to be ahead of either of the two candidates in contention," Fisfis said.

Lowden blamed part of her recent drop in the polls to attacks from both her GOP foes -- especially Tarkanian -- and Reid, whose campaign has focused on her, criticizing her record as a casino executive who with her husband, Paul Lowden, has owned and managed four hotel-casinos.

The Reid campaign has released records that show problems with health and safety

violations at the Lowden properties over the years that resulted in heavy fines and onerous details of angry disputes with the unions over medical benefits for their workers.

Tarkanian has criticized Lowden for voting for fees as a lawmaker in the early 1990s and for telling a reporter recently that she understood why some members of Congress voted for the first government bailout during the Bush administration when lawmakers said it was needed to avoid massive business failures and a depression. She since has said she wouldn't have voted for bailouts then or now.

"It's not unexpected that the race would tighten after Harry Reid has spent \$8 million going after me," Lowden said Wednesday, referring to how much his campaign has spent. "The Reid campaign and Harry Reid do not want me to come out of this primary, and so they have targeted me."

In the past month, Lowden has been dogged by near daily attacks by the Democratic Party for suggesting people could barter with their doctors for cheaper health care.

She defended her remarks made at a town hall meeting in Mesquite by saying that in the old days, people even used chickens to barter, a comment that prompted video spoofs and late-night talk show jokes about her.

The gaffe hasn't had much effect on Republican primary voters, however, according to the new Mason-Dixon poll, which asked what effect her remarks would have on support for her.

Some 70 percent of those polled said Lowden's bartering remarks would have "no effect" on their voting decision, 15 percent said they would be "less likely" to vote for her, and 12 percent said they would be "more likely" to vote for her. Another 3 percent said they weren't sure.

Lowden said that during her campaign stops in rural Nevada, voters have told her that they're still bartering with doctors to get cheaper medical care in some cases.

"I never said this was my health care policy, but bartering is still happening out there in rural Nevada," Lowden said Wednesday. "Harry Reid is the one who's out of touch if he doesn't know that."

Lowden has been running a primary and general campaign at the same time, which has cost her support among staunch conservatives and Tea Party movement supporters.

According to the new poll, 58 percent said they consider themselves "a supporter of the Tea Party movement." Another 27 percent do not, and 15 percent said they don't know or refused to answer.

"I am a member of the Tea Party movement, as well, and many of my supporters and volunteers are members," said Lowden, who spoke at the Tea Party Express event in Searchlight and has attended many local Tea Party group events as candidates compete for that key slice of the 2010 vote.

"It's not unexpected that Sharron would get their support, but they know I'm one of them, too."

Contact Laura Myers at lmyers@reviewjournal.com or 702-387-2919.

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Note: Comments made by reporters and editors of the Las Vegas Review-Journal are presented with a yellow background.

Report abuse

Bob Dobolina wrote on *May 20, 2010 08:59 PM*:

I think Lowden is out of this. Her poll numbers are down 20 points since she suggested that people should pay their doctors with chickens, then denied that she had ever said it. Saying something dumb is one thing. But lying about it later (especially when you said it on camera) is really stupid.

Report abuse

Just_Me wrote on *May 17, 2010 02:30 PM*:

What to do - what do do

Lowden blew the GOP convention - NO
Tarkanian - nothing but daddy's name -NO
Angle - Nice , but dingy -Enough with the California-style property taxes -NO

That leaves ChaChas & Christensen. Chachas' family lives in New York - NO

Chad Christensen gets my vote!

Report abuse

Brigham wrote on *May 16, 2010 12:08 PM*:

Reid is the most corrupt of all of them. We don't need anymore of his back door deals, bribes and name calling. He got more money from Wall St. than any of the republicans yet he pointing a finger just like Obama. Reid wants to make the illegals legal for the votes. Then they can take more of our jobs and services.

Reid is nothing but a disgusting despicable crook.

Vote for anyone but Reid!

Report abuse

Dan Fitzgerald wrote on *May 14, 2010 06:54 PM*:

Sue Lowden was the GOP chair who delayed, then adjourned the state convention when it became apparent that Ron Paul was going to win delegates to the National Convention. She put John McCain above Nevadans, and ignored the rules when they led to a result she didn't like.

Report abuse

Wallbanger wrote on *May 14, 2010 07:10 AM*:

Tea Party Express is made up of RINO's...Republican Party thinks they can co-opt the Tea Party movement to help them elect the same status-quo Oath-Breaking politicians they always have!!

Our military, law enforcement, and ELECTED OFFICIALS need to HONOR THEIR OATH TO THE U.S. CONSTITUTION!!!

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Report abuse

Brigham Young wrote on *May 14, 2010 07:04 AM*:

Reid, Tark and Lowden have corruption in common, Reid being public enemy #1

Report abuse

Peter.K wrote on *May 14, 2010 06:42 AM*:

There are a great number of 48-year-old men that have a lot better resume than Mr. Tarkanian. The problem they have is that they don't have a famous father and, ergo, a recognizable name. Other than his name, Mr. Tarkanian is an unremarkable person. He offers no qualifications for the office which he seeks other than his name. He has pointed-out Sue Lowden's shortcomings and flip-flops and for that Republicans should be grateful but he has really advanced no reason why he is qualified to represent us and no record by which we can measure his steadfastness to the principles he preaches. Accordingly, it appears that Angle is the candidate who measures up to the job as she has a solid record of upholding the constitutions of Nevada and the USA.

[Report abuse](#)

Tark is a Gun Hater wrote on *May 14, 2010 02:09 AM*:

Danny Tarkanian will take your gun rights.

http://media.washingtontimes.com/media/docs/2009/Dec/16/Nevada_Tarkanian.pdf

<http://media.washingtontimes.com/media/audio/2009/12/17/brady.mp3>

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Hairy Weed wrote on *May 13, 2010 08:45 PM*:

Great News, now people need to wake up and support Montandon for Governor as well. NO MORE RINOs. Kenny Guinn was a disaster for Nevada, now his right hand guy Sandoval is running? - No f-ing way.

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Sue is a JOKE! wrote on *May 13, 2010 08:22 PM*:

Sue LOWden's version of capitalism: Marry a Rich Man!

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Sherman Frederick is a columnist for Stephens Media. His column appears Sunday in the Opinion section of the Review-Journal. In between Sundays, you can find out what's on his mind here.

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Copyright theft: We're not taking it anymore

Posted by **Sherman Frederick**
Friday, May. 28, 2010 at 02:40 PM

What's the essence of a newspaper?

I love that question. As the President and CEO of Stephens Media it gives me a chance to list the attributes of the newspaper business I love.

1. A good newspaper maintains a good local sales force which calls on every business in a given market, forming a relationship that bonds the newspaper to the business community. Few organizations, if any, have that kind of sales muscle. A well-managed newspaper sales force is truly a beautiful thing to behold.
2. Business partnerships with independent distributors that goes to every street every morning in the community. It's a remarkable feat when you consider that within a three-to-six hour window, news goes from computer and camera, to press, to newsprint, to bundles and to doorsteps. Three hundred and sixty five days a year.
3. The production crew that every night works their magical craft to produce a newspaper on deadline and then prepackages it with inserts. No misses. Even when there are mechanical problems, late news, or power outages. No misses. Ever.

And, of course, there are any number of people in various departments -- such as myself -- who help facilitate all of this.

But, if there's one thing that is "the essence" of a newspaper it is content -- the news, information, pictures and opinion that makes any given newspaper worth a reader's time and money.

It is the protection of that journalism that I want to talk about today.

Look at this way. Say I owned a beautiful 1967 Corvette and kept it parked in my front yard.

And you, being a Corvette enthusiast, saw my Vette from the street. You stopped and stood on the sidewalk admiring it. You liked it so much you called friends and gave them my address in case they also wanted to drive over for a gander.

There'd be nothing wrong with that. I like my '67 Vette and I keep in the front yard because I like people to see it.

But then, you entered my front yard, climbed into the front seat and drove it away.

I'm absolutely, 100% not OK with that. In fact, I'm calling the police and reporting that you stole my car.

Every jury in the land would convict you.

Yet, when it comes to copyrighted material -- news that my company spends money to gather and constitutes the essence of what we are as a business -- some people think they can not only look at it, but also steal it. And they do. They essentially step into the front yard and drive that content away.

Well, we at Stephens Media have decided to do something about it. And, I hope other publishers will join me.

We grubstaked and contracted with a company called Righthaven. It's a

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local technology company whose only job is to protect copyrighted content. It is our primary hope that Righthaven will stop people from stealing our stuff. It is our secondary hope, if Righthaven shows continued success, that it will find other clients looking for a solution to the theft of copyrighted material.

We're at the beginning stages of this. About 22 lawsuits have been filed against a variety of websites, ranging from those that report marijuana news to sports betting sites.

As a sidebar, one such site, PLAN, tried to defend itself by saying we picked on them because they are a politically liberal website. One media inquiry asked whether the "right" in "Righthaven" is an indication of a secret motive to pick on only copyright robbers who maintain politically left websites.

We can't fix crazy. Or paranoia. But we can fix pilfering.

If you operate a website (liberal or otherwise) and don't know what "fair use" is in the context of American copyright and Constitutional law, then I suggest you talk to your copyright lawyer and find out. Otherwise, at the risk of overusing this analogy, I'm callin' the police and gettin' my Vette back.

Postscript: If you'd like find out more about working with Righthaven to protect your copyrighted material or you would like to inquire about using any of my company's content, you may do so by contacting our general counsel, Mark Hinueber, at mhinueber@stephensmedia.com.

This entry was posted on Friday, May. 28, 2010 at 02:40 PM and is filed under [The Complete Las Vegas](#). You can follow any responses to this entry through the [RSS 2.0 feed](#). You can [leave a response](#).

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21 Responses to "Copyright theft: We're not taking it anymore"

Nice metaphor but it's off the mark.

This is more like you having a Corvette that you leave the keys in every day, and watch as people come and go as they please driving your Corvette... then picking certain individuals who are driving your 'Vette and saying they stole it.

Not saying what you're doing is wrong, but boy, it'd be a lot more genuine if you charged for your web content.

Written by: Libertarians made me an exile on Friday, May. 28, 2010 at 11:14 PM -- [Report abuse](#)

I agree that's there's a perceived problem. What seems to blur the line in copyrighting is something you, and I, do quite often: Rather than actually Copy (Cut & Paste) another's interesting or timely prose, we simply link to it. A scuttle difference, but it's cost both you and me, and other writers. We're all falling victim to Project Gutenberg, in large form and small. And I don't know what to do about it, either.

Written by: Jerry.Sturdivant on Sunday, May. 30, 2010 at 6:46 AM -- [Report abuse](#)

I agree that's there's a perceived problem. What seems to blur the line in copyrighting is something you, and I, do quite often: Rather than actually Copy (Cut & Paste) another's interesting or timely prose, we simply link to it. A scuttle difference, but it's cost both you and me, and other writers. We're all falling victim to Project Gutenberg, in large form and small. And I don't know what to do about it, either.

Written by: Jerry.Sturdivant on Sunday, May. 30, 2010 at 6:46 AM -- [Report abuse](#)

This is sad. If the LVRJ was interested in protecting copyright theft then the first step would be to publish what your company believes is "fair use" of your website material. Is it 25%? Is it more? The Stanford Fair Use project has stated that this area is changing. So it seems that if the real intent was to provide a standard of use then your company would post the standard for all of the public to see.

Instead of your paper has decided to sue first. Why haven't you made each lawsuit public by publishing each one in your paper.

If you want your paper to maintain its integrity then;

Publish each lawsuit.
Publish "fair use" standard for all to see.
Publish results of each lawsuit

Publish the name of each offending website in your paper BEFORE you file suit so that any and all have an opportunity to remove any item that YOU do not believe meets the "fair use " standard and thus, help the courts not waste time on things that could have been settled without the courts becoming involved.

Never again spend a second complaining about how lawsuits are hurting Las Vegas. You remind me of the NYTimes bashing "union busters" until they got into union busting.

Written by: las.vegas.sun on Sunday, May. 30, 2010 at 2:03 PM -- [Report abuse](#)

I post links to articles I find interesting from your website on facebook. You're not going to sue me are you? I can stop reading the RJ and look for things on the Sun's website instead if that's better.

Written by: Las Vegas Conservative on Sunday, May. 30, 2010 at 8:49 PM -- [Report abuse](#)

I post links to articles I find interesting from your website on facebook. You're not going to sue me are you? I can stop reading the RJ and look for things on the Sun's website instead if that's better.

Written by: Las Vegas Conservative on Sunday, May. 30, 2010 at 8:49 PM -- [Report abuse](#)

A C&D seems more in line if you actually wanted the problem resolved at it's core. Here it appears a quick cash money grab is in order as many people being sued cannot afford to go through with the lawsuits.

A google search nets nearly thousands of web forums, blogs, message boards, who as you put it, steal from the rightful owner. Uphill battle for sure.

Lastly, many of the companies/websites sued copy and pasted articles that would never have otherwise been posted. So how is that a loss? Additional views would be seen even if one person clicked on the source link from that website. It was nothing but a gain for the website. Even if 200 see it on a blog, countless others would go right back to the source for other news if they liked what they read initially.

This move is such a short sighted money grab

Written by: ren.ok on Tuesday, Jun. 01, 2010 at 5:45 AM -- [Report abuse](#)

I think a better car metaphor would be if you charged people a buck (eyeballs on your website) to drive your 'vette (read your website). Anyone could drive it but they had to come to your place (website) to drive it and give you the buck (eyeballs).

But you were seeing the 'vette driven by other folks. One of the guys paying a buck was letting his friends drive the 'vette and then returning it to you.

So you called the police on the guy letting other folks drive your 'vette. Because they weren't paying you the buck (eyeballs).

Written by: cschelin on Friday, Jun. 04, 2010 at 8:10 AM -- [Report abuse](#)

When people start stealing physical newspapers before you can sell them, you get sympathy; posting a public call-to-idiotcy for other publishers gets you ridicule and not much else.

Coming down hard on such cheesy web sites as "localslovelasvegas.com" just makes you look like idiots with no sense of value for money. Righthaven must talk a good game. I won't make the obvious judgement on Old Man Frederick's business acumen.

You've earned my undying disrespect. By all means, continue to make fools of yourselves. This will be fun to watch.

Written by: gb on Friday, Jun. 04, 2010 at 9:14 AM -- [Report abuse](#)

Com'n Sherm, let's cut to the chase. You're not interested in "protecting" your copyright. If that were the case you'd simply issue a takedown notice and be done with it.

But no, you're seeking an alternative revenue stream by abusing copyright protections in order to shore up your failing business model. Maybe if you transformed your paper into something worth reading people would buy it.

Written by: aviaggio on Friday, Jun. 04, 2010 at 9:28 AM -- [Report abuse](#)

Sherman, your analogy is wrong (and not very well thought out).

The analogy works better like this:

You're putting a Corvette in your front yard so that people come by to see it. Around it are a bunch of signs with advertisements. Those advertisers are paying you money.

Someone comes along and takes a picture of your Corvette, sends it to their friends and suggests that they go look at your Corvette in person. Great! All the more people coming to your front lawn to look at the 'vette, and hence the signs, which convinces the advertisers to pay you more.

Except then you sue the guy who took the picture.

Not only is it a complete DICK move, it's also probably hurting you more in the long run. Good luck with that business model.

Written by: Fah.Q on Friday, Jun. 04, 2010 at 12:39 PM -- [Report abuse](#)

Sherm - you are a DICK. To go after little "ma and pa" web sites is nothing more than a desperate way for you to generate revenue. Your analogy using a car is something I might read in a high school news letter, not a daily newspaper. The people of Las Vegas deserve better. I've heard that you didn't even give these web sites a notice to take down the material - you went right for the law suit. All you're doing is making yourself look like a little man and giving more lawyers their deserved reputation.

Lastly, you should really consider the following;

It is better to be thought of as a fool than to speak and remove all doubt.....

Written by: terpdude on Tuesday, Jul. 06, 2010 at 1:27 AM -- [Report abuse](#)

You are a poor excuse for a human being. You obviously are purely interested in money, not in correcting a the problem. Now I know why some newspapers are refered to as "rags".

Written by: Rog on Thursday, Jul. 08, 2010 at 3:22 PM -- [Report abuse](#)

So at what point do you intend to sue schoolchildren? If quoting and linking to an LVRJ article is a criminal act worthy of a lawsuit, then surely quoting the LVRJ in a term paper for school is stealing as well.

Written by: thanx2mj on Friday, Jul. 23, 2010 at 7:44 AM -- [Report abuse](#)

Most people with -legitimate- copyright issues ask that the offending material be taken down or file a C & D, and then file a lawsuit if this fails. I would say that if someone refused to remove your content from their site- Nail'em for whatever you can.

The way you are going about this, however, speaks for itself- Cloaking a desperate attempt to create a new revenue stream (for a dying paper) with a self-righteous war on "pilfering" is disingenuous. Your character is shining through.

Written by: Chuck.Cotton on Friday, Jul. 23, 2010 at 12:39 PM -- [Report abuse](#)

The American People owes it to itself to boycott the Las Vegas Review Journal and every publication that is a client of Righthaven. You only go after people the least able to defend themselves. You people are pansies in the sense you're too chicken to go after big companies. You're not interested in protecting your content, your purpose is to extort money from little people. You rich people have found a way to steal from poor people legally. The laws need to be changed so that your actions would be criminal.

Written by: OrangeCountyCAPerson on Wednesday, Aug. 04, 2010 at 2:56 PM -- [Report abuse](#)

You sue your sources?? Anthony Curtis... What an idiot operation sues the very people they go to for information for articles they print??

Its not copyright protection, its a shakedown for money.

Written by: The.Man on Monday, Aug. 09, 2010 at 10:33 AM -- [Report abuse](#)

And if you were sincere, you'd send the site a notice to cease and give them a chance to remove the article before suing. I'm so glad I don't subscribe to your paper anymore.

Written by: csinger on Monday, Aug. 09, 2010 at 10:38 AM -- [Report abuse](#)

Nice job suing Anthony Curtis who did the research you had a story about for copying your story.

Remind me never to give any data, information, or useful content of any sort to you. If you want anything from anyone in the future; I expect any person paying attention will demand you pay for it.

If you ask for a "man in the street" quote on the weather, you'll have to pay me at least \$500 given that I'll lose the "rights" to my own statement once you publish it.

But this snide insulting comment saying you're a pack of jackals trying to steal the work of others and then sue them for their work? Yeah, you can have this.

Oh, and the insinuation that you can go copulate with yourself once you remove your skull from your hindquarters? Also free... but that's the last one.

Written by: erdfg on Friday, Aug. 20, 2010 at 9:38 AM -- [Report abuse](#)

I wonder if (or, given the outrageousness of this jerk's conduct, when) some bright scriptkiddie is going to generate an automailer to fill the lawyer's email box to the brim with spam.....

Written by: Stephensisani.diot on Saturday, Sep. 11, 2010 at 6:52 PM -- [Report abuse](#)


Good work! Someone is willing to fight for their property rights. Piracy lowers the bar and leads to poor quality content.


In North Africa, where people property rights are not enforced, homes can only be made of poor materials like cardboard. Piracy lowers quality.

Copyright Jeb Beckman ;-)

Written by: Jeb.Beckman on Wednesday, Nov. 24, 2010 at 6:26 PM -- [Report abuse](#)

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Protecting newspaper content -- You either do it, or you don't

Posted by Sherman Frederick Wednesday, Sep. 01, 2010 at 06:20 PM

As with most things, the Las Vegas Review-Journal and the Las Vegas Sun find themselves at opposite ends of how to protect a newspaper's content.

As revealed in this odd and self-serving navel-gazing piece, the Las Vegas Sun's strategy for content protection is for all practical purposes no strategy at all.

In the long run, that business "strategy" will get the Sun and any other newspaper foolish enough to think similarly, exactly what they deserve -- a ticket to irrelevancy in the sea of Internet information and eventually an "Out of Business" sign.

I could add a few comments about the Sun's perfect track record for bad business decisions, but saving journalism is too important to let my point get lost in the usual Sun competitive BS.

That point is this: If newspapers want to control their own destiny they must protect their content from theft. It can't be hit and miss. It must be effective and hard-nosed, using the Constitutional power of copyright law.

In this Internet environment, "please stop" letters don't work. Nor, as this Sun reporter naively argues, does it benefit the news enterprise through a patchwork of friendly links that allegedly enhance traffic and then mysteriously increases revenue to a website.

Since we've gotten tough with content stealers by using a company called Righthaven, which has developed software to effectively identify and sue copyright infringers, we've seen no erosion in revenue or traffic to our website.

So, some newspapers (and I hope it isn't many) will go the way of the Dodo if they continue to deal with this problem by crossing their fingers and hoping that unrestrained stealing of their content will have no bad effect on their long-term viability.

That's a real strategy likely to sustain a news organization. Why? Because no matter what technology may bring to the news business, it's compelling and unique content -- let me repeat that: "compelling and unique content" -- that's the magic ingredient.

My newspaper does this every day, 24-7. We do it in print, audio and video. We do it with breaking news, sports news, prep sports, community news, business, features, etc.

Not for the customers and readers of content thieves. For the customers and readers of the Las Vegas Review-Journal.

So, I'm asking you nicely once again -- don't steal our content. Or, I promise you, you will meet my little friend called Righthaven.

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What is this?

1 Tip for a tiny belly: Cut down a bit of your belly everyday by following this 1 weird old tip. Includes illustration of a person pinching their belly.

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This entry was posted on Wednesday, Sep. 01, 2010 at 06:20 PM and is filed under [The Complete Las Vegas](#). You can follow any responses to this entry through the [RSS 2.0 feed](#). You can leave a response.

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53 Responses to "Protecting newspaper content -- You either do it, or you don't"

I think this is all simply welfare for the poor poverty stricken lawyers.

Nothing makes me sadder than an attorney having to miss a payment on her Lamborghini.

Written by: Jack.Sprat on Wednesday, Sep. 01, 2010 at 6:43 PM -- [Report abuse](#)

It's amazing that you complain about people "stealing" your content but you still have material copied and pasted from another website one LVRJ website.

If this is such abhorrent behavior, why do your employees engage in it themselves?

Written by: Jaeger on Wednesday, Sep. 01, 2010 at 8:15 PM -- [Report abuse](#)

So Sherm, now you LOVE lawyers? Dang man, you trading parties AGAIN? Or are you just as hypocritical about this subject as you are about all other subjects you "write" (or should I say copy) about? Thanks in advance to your anticipated response to this very troubling question!

Written by: steven.alexander on Wednesday, Sep. 01, 2010 at 8:29 PM -- [Report abuse](#)

Sherm forgot the first law o' bidness....

Never go into a partnership with a lawyer.

Written by: Jack.Sprat on Wednesday, Sep. 01, 2010 at 9:53 PM -- [Report abuse](#)

I love how you revel in your own miserliness. I hope you dream of the shekels you'll draw from the cat lady (and dutifully place on the Money Train to the home office in Little Rock) before you go to bed at night.

Written by: Libertarians made me an exile on Wednesday, Sep. 01, 2010 at 11:41 PM -- [Report abuse](#)

What is this? A bunch of mental patients rebelling against their doctor? The left has come unhinged. Knew it had to happen, but watching it leaves no good feeling.



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Written by: Athos on Thursday, Sep. 02, 2010 at 2:18 AM -- [Report abuse](#)

The difference between the Sun and the RJ? The RJ actually has something WORTH stealing. Keep on keeping on Mr. Fredericks. I continue to be a fan of yours and the RJ.

Written by: SweetSue on Thursday, Sep. 02, 2010 at 3:30 AM -- [Report abuse](#)

Did Sharron Angle really say that she wants to abolish the Millennium Scholarship program?

Written by: nypete on Thursday, Sep. 02, 2010 at 4:48 AM -- [Report abuse](#)

I can understand the complexities of the news industry, what with the Internet and cell phone capabilities. Is it stealing to supply a link to your site; or must the thief cut and paste your content to theirs? If the rules are firmly established as to what is stealing and what isn't, drag the thieves into court. More power to you.

Written by: Jerry.Sturdivant on Thursday, Sep. 02, 2010 at 5:35 AM -- [Report abuse](#)

This "newspaper" can not make it based on the caliber of its content, it must resort to frivolous lawsuits to make any revenue.

There is not another newspaper available in Las Vegas to cover the local news. So the LVRJ is our only choice (and a monopoly).

This is an act of desperation of a failing, dying newspaper.

Written by: Diogenes of Sinope on Thursday, Sep. 02, 2010 at 5:45 AM -- [Report abuse](#)

Try to make your thoughts hang together. If the content is so invaluable why to people steal it? You make no sense.

Written by: Sherm on Thursday, Sep. 02, 2010 at 6:09 AM -- [Report abuse](#)

Is the copyright law in the Constitution? "In this Internet environment, "please stop" letters don't work." Is there data to support this statement? I think there was a quote from the editor a Seattle newspaper saying that it did.

Certainly, there's no question that violation of the copyright laws widespread, to understate the problem, but I think the take down letters being sent first would have been a better course of action. I think you stated you "grubstaked" Righthaven to the tune of \$300,000. How much would it have cost to send letters our first and avoid this mess.

Written by: murrayburns on Thursday, Sep. 02, 2010 at 6:41 AM -- [Report abuse](#)

Even Shaq hits a free throw every once in a while, Sherm... you have 10 bylined stories a day and eventually one of them is going to resonate with the cat lady or Joe the Gumbo Man or something.

Still, I'm pretty sure if your lawyer -- and by the way, super classy of him to leave the Bluetooth in his ear for his glamour shot -- made a call (Bluetooth deployed!) to Cat Lady and said "Sweetheart, look, I'm going to sue you for everything you're worth and leave you with a buttload of sleepless nights if you don't pull that blog down," she'd yank it.

Irony is rich, BTW, that you're, yet again, relying on the government to solve your problems for you. Why not just send Vin out with a pica pole and have him teach these thieves a lesson?

Written by: Libertarians made me an exile on Thursday, Sep. 02, 2010 at 7:17 AM -- [Report abuse](#)

We rely on the Constitution. You gotta problem with that?

Written by: Sherm on Thursday, Sep. 02, 2010 at 7:39 AM -- [Report abuse](#)

"We rely on the Constitution. You gotta problem with that?" I'm not trying to argue with you, just understand what that means. Being neither a lawyer or an expert in the Constitution, I have read the latter and not seen anything about copyright in it.

I think it's important that all media protect its content, but at the same, it just seems to me that there's a more reasonable way to do it than jumping right into litigation.

Written by: murrayburns on Thursday, Sep. 02, 2010 at 7:48 AM -- [Report abuse](#)

"We rely on the Constitution"? That's rich Sherm (pardon the pun). Exactly which part of the Constitution are you relying ON? Thanks in advance once again for your anticipated response as always! And since your claiming that you rely on the Constitution, I expect that you have a ready cite for which part of it you are "relying" on; or no?

Written by: steven.alexander on Thursday, Sep. 02, 2010 at 8:12 AM -- [Report abuse](#)

The constitution protects intellectual property - Article I authorizes Congress to "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

That doesn't mean that the current "no warning shot needed" version of the copyright act is a good idea, or that Mr. Sherman's obvious resort use of heavy-handed litigation as a profit center is not blame-worthy.

but I really have not problem if people limit their use of other people's copyrighted work to fair use standards. It would be even better if the fair use standards broadened slightly.

Written by: nypete on Thursday, Sep. 02, 2010 at 8:14 AM -- [Report abuse](#)

The Constitution contains a Copyright Clause, which allows the granting of copyright and patents. The first federal copyright act came in 1790. It's a well established law for which the advent of the Internet does not mitigate.

Written by: Sherm on Thursday, Sep. 02, 2010 at 8:14 AM -- [Report abuse](#)

Thank you. Though I've read it and it's been a long time, I didn't know that. Again, I'm not a lawyer, but I think this will be a fascinating case to watch from an intellectual or academic standpoint in terms of the First Amendment. To repeat, my view is not from one side or the other, but one of interest.

Written by: murrayburns on Thursday, Sep. 02, 2010 at 8:35 AM -- [Report abuse](#)

Mr. Frederick: How come Sharon Angle doesn't appear to fall under your threat of lawsuits? She has multiple RJ columns on her web site. We know your attack dogs were sicked on the NV Democratic party.

Nobody is fooled. the (pultzer winning) Sun nailed it yesterday. This is a business plan to generate revenue, despite sherman's preaching as if he is a freedom fighter. He's financially raping the middle class of their money for personal gain. Period. These actions do nothing but take money out of the pockets of middle class citizens, non profit organizations, and small business'. This is why the Boston Globe calls the Righthaven lawyers "sharks". The smoking gun is that there is no prior notice to people running RJ articles. This is the proof of a scam-for-cash. There is no other reason for the sneak attack style lawsuit shakedowns. Stephen Bates at UNLV's Hank Greenspun School of Journalism was right when he called the Righthaven suits "lawful but preposterous" and a "waste of judicial resources."

This is the RJ's contribution to our community and country. Shoddy, 3rd rate "journalism" on the part of it's publisher, who clearly slept through journalism 101, a shakedown of working families and non-profit groups.

Written by: Scout on Thursday, Sep. 02, 2010 at 9:15 AM -- [Report abuse](#)

You can certainly see how well the business plan of the insert paper is working. Think god the family is also in the casino business or they probably wouldn't even be an insert. Keep up the great effort Sherman.

Written by: Nomad84 on Thursday, Sep. 02, 2010 at 9:44 AM -- [Report abuse](#)

Scout -- You're ignorance is showing again.

Written by: Sherm on Thursday, Sep. 02, 2010 at 9:45 AM -- [Report abuse](#)

Sherman - Your staggering, willful ignorance shows every. single. day. I notice you have nothing, as usual, but a little childish jab at me, as opposed to anything to back up your statements. Zero zilch. Nada. A usual, zero sum content from a zero sum pretend "journalist".

Why don't you answer the question about Angle's website running RJ columns? I wonder.

Written by: Scout on Thursday, Sep. 02, 2010 at 10:18 AM -- [Report abuse](#)

Not to mention...if my opinion on this is in the company of Stephen Bates at UNLV, along with many other respected professors of journalism, the Boston Globe, and the one newspaper in town that won a Pulitzer (obviously, not this rag), I think I'll stick with that team that can shoot straight. People that, you know, actually have the first clue about journalism.

In the last week or so alone, you've feigned disgust about a reporter not checking his sources before opening his mouth, while being guilty of the very same during the NAACP mess. You write on the topic of green energy and global warming without disclosing your ties to big oil. Your standards for so-called "journalism" are completely laughable. Yes, I think a comment on my ignorance from you of all people, on a subject like this, is a compliment. I'll stand with the people who have at least a clue about the basics of journalistic integrity. You are not one of them.

Written by: Scout on Thursday, Sep. 02, 2010 at 10:28 AM -- [Report abuse](#)

Sherm: You indicated it was less expensive to work with Righthaven on this issue and you put \$300,000 into Righthaven. I'd like to know about the financial analysis that took you in this direction: Did you ever consider the cost of warnings first versus immediate lawsuits or the possible impact in terms of how the public will view the LVRJ relative to the suits or the possibility that your reporters might find themselves losing sources because of these suits. You've already sued at least a couple of sources, according to the Sun. I wonder if the time ever came that an RJ reporter was sued to give up confidential sources whether or not the RJ could be trusted to stand behind the reporter, to say nothing of protecting the confidential source.

Written by: murrayburns on Thursday, Sep. 02, 2010 at 10:28 AM -- [Report abuse](#)

The financial analysis, or "scam" as I prefer it called, is that in most cases it's cheaper for the defendants to pay the RJ's shakedown money than it is to mount a defense in court. It's the other smoking gun, the first being the lack of warning of these lawsuits being filed, that expose this racket.

It's why John Paton, CEO of the Journal Register Co. newspaper chain and Editor & Publisher magazine's publisher of the year called this practice "Such a bad idea for newspapers." It's why Wired magazine called this practice a "business plan".

Written by: Scout on Thursday, Sep. 02, 2010 at 11:08 AM -- [Report abuse](#)

Sherm,

Sherm, you still haven't answered my question so I'll ask it again. Why do your employees copy and paste from other websites into yours if the practice is illegal and suit-worthy?

Or is the truth of the matter that you don't take issue when your employees steal from others?

Written by: Jaeger on Thursday, Sep. 02, 2010 at 11:10 AM -- [Report abuse](#)

When a newspaper, or any company for that matter, starts to sue its customers, and without warning, that is a sure sign that that company, and this newspaper, is quickly going down and is headed for bankruptcy. Suing your customers, and all the negative publicity and scorn it is bringing, will only accelerate the process. How much longer will the R-J be able to hold out before it has to fold?

Also, take a good look at the R-J's Web site and the LV Sun's Web site. It is like night and day, the Sun's site is professional looking, well organized, and easy to read, while the R-J's site looks like it was put together by a 5th grader late on a Friday night.

It must really gall you, Sherm, that your rival newspaper, the LV Sun, has a Pulitzer Prize and your wannabe paper does not. And I too must ask why has not Sharron Angle been sued for use of R-J articles on her Web site?

Written by: ionfield on Thursday, Sep. 02, 2010 at 11:15 AM -- [Report abuse](#)

Here is the truth:

The lawsuits are a shakedown of the people and an attempt to marginalize honest debate in our nation. They are bogus to the extent that they never ask through an administrative process with the website owner for the alleged content to be removed. It appears the only sucker in this matter is going to be the Las Vegas Review-Journal who will spend an ungodly amount of money just like the RIAA (Recording industry) with very little results other than tossing any bit of lasting leverage out the door and the court of public opinion will judge them accordingly. Once the alleged website owners request for proof of claim and the fact that none can be given, these lawsuits will be thrown out.

People must visit the following website and read the intelligence being

gathered about the law firm. It appears they have direct ties to the White House as the lead attorney worked with Mrs. Obama.

<http://dailypaul.com/node/143700#comments>

Written by: God.IsTruth on Thursday, Sep. 02, 2010 at 11:33 AM -- [Report abuse](#)

This is what happens when people have never run a business and are of the "collective" mindset. They can't even understand the noble reasoning of allowing the Sun to "piggyback" on a self-sustaining product.

Some people can't even fathom the idea of someone asking permission and/or buying a right to copy and publish articles with the proper acknowledgment of the copyrighted material.

What the heck are they teaching in schools for this degree of ignorance?

Written by: spike on Thursday, Sep. 02, 2010 at 12:19 PM -- [Report abuse](#)

Mr. Frederick, you are horribly, horribly confused and are performing business seppuku, apparently without the vaguest notion of what you're doing.

The practice of suing first and asking questions later will ultimately not only tarnish your paper's brand, it will ensure that you help drive your newspaper out of business.

"In this Internet environment, "please stop" letters don't work."

How would you know? Righthaven does not ask infringing websites to take down infringing content (the normal DMCA request process), they immediately file lawsuits, many of them against tiny operations or individuals, as part of a scorched earth effort to drum up immediate cash and bully individuals and websites that cannot afford protracted court battles.

"Since we've gotten tough with content stealers by using a company called Righthaven, which has developed software to effectively identify and sue copyright infringers, we've seen no erosion in revenue or traffic to our website."

This has only just begun. Few currently know who Righthaven is or what they're up to. That's clearly changing. Wait, watch, and learn.

As your paper's name is (deservedly) dragged through the mud for thinking that myopic bullying helps your brand, you're ensuring that an entire ocean of bloggers and reporters stop linking to you -- either out of fear or justifiable disgust.

That's not a particularly intelligent move as the world of journalism shifts toward a more participatory culture, and inbound traffic becomes increasingly important.

Written by: Baird.Costello on Thursday, Sep. 02, 2010 at 12:37 PM -- [Report abuse](#)

Don Reynolds, the man who studied under the "Father of Journalism" Walter Williams and founded the company that would eventually become Stephens Media Group is without a doubt turning in his grave at what a sham his life's work has become.

Sherm, I realize the communications dept at NAU may not have taught you "The Journalist's Creed." That's why I've urged you to read it on multiple occasions. You have to understand, they don't print it on conservative blogs and weekly tabloids where you get your news...a little research into journalistic integrity will lead you the source, but that obviously isn't on your to-do list. Therefore, I will post it here every time you violate the ethics of journalism. Maybe you will peruse it in between posting snarky responses to thoughtful comments.

Written by: Mizzougypsy on Thursday, Sep. 02, 2010 at 12:40 PM -- [Report abuse](#)

The Journalist's Creed

I believe in the profession of Journalism.

I believe that the public journal is a public trust; that all connected with it are, to the full measure of responsibility, trustees for the public; that acceptance of lesser service than the public service is a betrayal of this trust.

I believe that clear thinking, clear statement, accuracy and fairness are fundamental to good journalism.

I believe that a journalist should write only what he holds in his heart to be true. I believe that suppression of the news, for any consideration other than the welfare of society, is indefensible.

I believe that no one should write as a journalist what he would not say as a gentleman; that bribery by one's own pocket book is as much to be avoided as bribery by the pocketbook of another; that individual responsibility may not be escaped by pleading another's instructions or

another's dividends.

I believe that advertising, news and editorial columns should alike serve the best interests of readers; that a single standard of helpful truth and cleanness should prevail for all; that supreme test of good journalism is the measure of its public service.

I believe that the journalism which succeeds the best-and best deserves success-fears God and honors man; is stoutly independent; unmoved by pride of opinion or greed of power; constructive, tolerant but never careless, self-controlled, patient, always respectful of its readers but always unafraid, is quickly indignant at injustice; is unswayed by the appeal of the privilege or the clamor of the mob; seeks to give every man a chance, and as far as law, an honest wage and recognition of human brotherhood can make it so, an equal chance; is profoundly patriotic while sincerely promoting international good will and cementing world-comradeship, is a journalism of humanity, of and for today's world.

- Walter Williams, 1906

Written by: Mizzougypsy on Thursday, Sep. 02, 2010 at 12:43 PM -- [Report abuse](#)

Mizzougypsy: That's some quote. Along that line, I think it was Ken Auletta who said "Perhaps the biggest problem in journalism is the cult divide between journalists and corporate owners." And A.J. Liebling must have been thinking of the RJ when he wrote, "People everywhere confuse what they read in newspapers with news."

Written by: murrayburns on Thursday, Sep. 02, 2010 at 1:18 PM -- [Report abuse](#)

The LVRJ stole a story that was up on Drudge today and it did not give proper credit. Can you say hypocrite? I am sorry, but the LVRJ looks horrible in doing this. First, suing mostly out of state, out of town people, so it makes it almost impossible for them to defend. Then you sell the copywrite after the article was posted and before Righthaven bought it. That cannot be legal. Then using the courts to do your business for you? Pathetic. And here I thought you were a conservative.

Written by: Dan on Thursday, Sep. 02, 2010 at 1:59 PM -- [Report abuse](#)

Anybody that believe going to court is considered a business plan; hasn't read the prospectus. The suggestion that you should always get a second chance; or turn the other cheek; simply hasn't been in law enforcement. Those that steal others' works had better know what they're doing. You don't just tell the police officer that, "I've never speed before and didn't know I couldn't." Ignorance of the law is no excuse. You are responsible for your own actions. (Just as we covered in medical insurance, when discussion Healthcare Reform).

Written by: Jerry.Sturdivant on Thursday, Sep. 02, 2010 at 2:47 PM -- [Report abuse](#)

I worked in journalism for years. It's standard practice to notify anyone lifting intellectual property in writing before legal action is taken. Does it feel good to know you are financially squeezing people who may not be able to afford legal representation? Give them an honest chance to correct their mistake before you bully them all the way to the courtroom.

Written by: billythekid on Thursday, Sep. 02, 2010 at 4:22 PM -- [Report abuse](#)

The copyright clause Sherm? Seriously Sherm, the copyright clause? Correct me if I'm wrong here, but exactly HOW are you relying on the copyright clause when ALL the clause does is GRANT the FEDERAL GOVERNMENT THE RIGHT TO PERMIT COPYRIGHTS. Are you out there fighting FOR the right of big brother AGAIN Sherm? Geez man, be serious for once in your life.

Written by: steven.alexander on Thursday, Sep. 02, 2010 at 4:39 PM -- [Report abuse](#)

No one debates that the copyright laws were violated and no one debates your "right" to sue. What's being questioned is your incredible lack of judgement in suing not only without warning, but also suing your newspapers sources.

This is just an observation, but you may be the angriest person I've seen in ages and anger obscures judgement. It's inconceivable that those you are suing can pony up the "statutory" damages or that the Federal Court system will even allow them.

What is conceivable is a rash of countersuits that could be thought of as "nuisance" suits and lose before they even get to court, but still cost money.

Maybe you ought to think about focusing on making your newspaper a better newspaper that advertisers want to advertise in and people want to read, rather than offending what seems to be a sizeable segment of the local population.

You can knock the Sun all you want, but the fact remains that it DID win a

Pulitzer and that it seems to regularly scoop the RJ. You can fall back on the fact that the RJ encloses it, but that's not going to help you much as your business relies increasingly on the Internet.

And, if your principles were really what you say they are, why would hire Gibson, who's been disqualified in front of the Federal court at least once, went to a third tier law school (at the time he attended) and has rarely tried a case.

You picked an issue that's going to become national and I wonder what you're going to do when you're up against major league national attorneys. Right or not, it's what you recover in court and so far your law firm, settling for fractions of the statutory damages, just doesn't seem that confident of a Federal Judge being at all sympathetic in terms of "rewarding" these suits.

Written by: murrayburns on Thursday, Sep. 02, 2010 at 6:39 PM -- [Report abuse](#)

Mr. Frederick. I admire you for being able to keep a print newspaper going in this town but all your statements are not fact.

C & D emails work more then 90% of the time. I have been using them for over ten years and have had very little problems. Only had to go to court once in that time.

Also your statement about loss of income. That is not true.

Four of my clients have stopped all advertising with any of your publications.

You may have not seen a gross drop due to new advertisers but you have lost some that have been with you for years.

Written by: vegaslee on Thursday, Sep. 02, 2010 at 8:21 PM -- [Report abuse](#)

Vegaslee: First, I think I'm on your side. Second, are you saying that cease and desist letters work 90% of the time for you or your firm, or is that a general newspaper figure? If it's a newspaper percentage, I'd really like to have a reference to it. My assumption is that the letters probably do work that percentage of the time only because of the lack of general awareness of the the law.

Written by: murrayburns on Thursday, Sep. 02, 2010 at 9:36 PM -- [Report abuse](#)

Hey RJ -

I'm in my 20s, married, lean-right, Vegas native, and business owner. I SHOULD want to read your paper (I can't stand the loco-lib Sun). But, these lawsuits are the wrong thing to do (debating appropriateness, not legal rights). So I'm boycotting your web site, paper, sister papers (just cxi'd my LVBP subscript), and advertising until you & Righthaven stop. Sure, you have the right to sue any content "infringers." Just like I have the right to boycott such a shortsighted organization.

You're acting like 2nd-grade bullies. Start acting like adults; there are better ways to get what you want. Until that happens, I will be getting my news from & advertising in (wince) the Sun & IBLV.

Written by: JennyD on Friday, Sep. 03, 2010 at 7:51 AM -- [Report abuse](#)

Please give us the name of your business so that we can come steal from you once or twice without consequence.

Written by: Sherm on Friday, Sep. 03, 2010 at 9:06 AM -- [Report abuse](#)

I'm so glad that was your retort, Sherm. If this really were about "journalistic integrity," then LVRJ & Righthaven wouldn't be willing to settle one suit. You'd rest on your mighty laurels that a judge would award your request of \$75K + infringing domain. But you don't. You settle like little weasels against mom-and-pops, independents, vegas-grown firms, and the like, struggling in this economy (much like the print news outlets, ahem). Your true journalistic integrity shows crystal clear in that you refuse to make one measly (not to mention cheap, easy, and polite since most offenders don't know they're doing anything wrong) attempt to correct the illegal behavior before filing suit. Next excuse?

BTW, I don't steal from the RJ, or any other news or media outlet. If I did, "your little friend" would be suing me, I'm certain.

Written by: JennyD on Friday, Sep. 03, 2010 at 10:03 AM -- [Report abuse](#)

You didn't give us your business. Why not?

Written by: Sherm on Friday, Sep. 03, 2010 at 6:26 PM -- [Report abuse](#)

I only know about this paper because of the negative publicity nationwide you are getting for your overbearing enforcement policy for your copyrights.

I totally agree that people should not be quoting entire articles from a paper without permission. As a columnist myself, I have worked to get permission for other sites to copy my articles, and my paper has always granted those rights, because in the end providing information is the true mission of news organizations, not making money.

If you think the primary job of a newspaper is to keep others from repeating the information you have provided, thus educating more people, because making money is more important than informing the people, you will become irrelevant -- and given the hatred I am seeing for your paper in postings around the country, I'm guessing sooner rather than later.

Eventually, someone with money will stand up to your lawyers, and the DMCA notification process will be upheld, making many of your lawsuits moot. I only hope that when that happens, some judge will award enough counter-damages to bankrupt your lawsuit firm and discourage any other so-called news organizations from trying this gambit.

Again, I think it is very important for papers to protect their information, and for others to respect copyright -- but this is a wrong-headed way to go about it, especially regarding large-scale websites which allow users to post.

I think it would be supremely funny if some random commenter to your site slipped in a copy of something written elsewhere, and some law firm came after you without warning for having stolen work.

BTW, I like the idea of highlighting the reporter/editor information. I'd suggest that to my paper, except I'm afraid you'd find out and sue them for stealing your idea.

Written by: CharlesWayne on Friday, Sep. 03, 2010 at 9:26 PM -- [Report abuse](#)

Oh Sherm...

I'm still waiting for your answer.

Written by: Jaeger on Saturday, Sep. 04, 2010 at 4:14 PM -- [Report abuse](#)

You lie.

Written by: Sherm on Saturday, Sep. 04, 2010 at 5:20 PM -- [Report abuse](#)

Really Sherm? You can't even think up a 2nd lame excuse for me to shut down?

I guess my dad was right when he told me that I should never overestimate the intelligence of others.

Written by: JennyD on Saturday, Sep. 04, 2010 at 6:36 PM -- [Report abuse](#)

I have to agree with Sherman. It is stealing. I am a conservative and I am appalled that some of my fellow conservatives who rail against wealth redistribution seem to have no problem with content redistribution. Quite the double standard. I constantly remind my kids about "free" music downloads because that is stealing too.

It seems clear that Sherman is asking for very little. Make sure you post a link to the LVRJ and make sure you don't post the whole article, only a paragraph or so, at most. Simple rules, right Sherman?

Written by: sam.spade on Sunday, Sep. 05, 2010 at 8:55 AM -- [Report abuse](#)

JennyD -- You said you were a business owner. You say you have no problem with people stealing from my business. So, I asked you to name your business so people could steal from you without consequence.

You didn't name your business. Twice. How about, JennyD -- put your own business where your mouth is.

Written by: Sherm on Sunday, Sep. 05, 2010 at 4:45 PM -- [Report abuse](#)


I love it. Today's editorial cartoon shows "freedom from greed". Your pathetic little paper hires trial lawyers, almost as execrably devoid of morality as ADA hounds. You are just greedy, Sherman. Hope your karma catches up with you.


Written by: James.King on Monday, Sep. 06, 2010 at 9:47 AM -- [Report abuse](#)

Sad, Sherm, that you wouldn't approve my last comment on this issue. I'm not surprised, though...just more bully tactics.

Written by: JennyD on Monday, Sep. 13, 2010 at 9:39 PM -- Report abuse

- Contact the R-J
- Report a news tip/press release
- Privacy Statement

- Subscribe
- Send a letter to the editor
-  RSS

- Report a delivery problem
- Print announcement forms
-  Twitter

- Put the paper on hold
- Jobs at the R-J
-  Facebook

- Advertise with us
- Stephens Media, LLC
- How to link to the RJ

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[Feedback](#)

EXHIBIT D

Las Vegas Sun

Courts:

Judge questions Righthaven over R-J copyright suit costs

Hearing in federal court brings first public comments from judge

By [Steve Green](#) ([contact](#))

Thursday, Aug. 26, 2010 | 4:30 p.m.

A federal judge on Thursday questioned Las Vegas copyright enforcement company Righthaven LLC about the litigation costs it's expecting defendants to pay.

Righthaven since March has retroactively sued at least 103 website owners around North America after determining copyrights to Las Vegas Review-Journal stories were infringed on, and then obtaining the copyrights to those stories from the Review-Journal's owner Stephens Media LLC.

Righthaven is owned by two limited liability companies, each with 50 percent stakes. One of the LLCs is owned by Las Vegas attorney Steven Gibson, the other by members of Arkansas investment banking billionaire Warren Stephens' family. The Stephens family investments include Stephens Media and the Review-Journal.

Righthaven's lawsuits are typically filed against website operators and bloggers without Righthaven first trying to resolve the infringement issues out of court.

Righthaven says the suits are necessary to earn revenue for itself and to deter widespread online copyright infringement of newspaper stories.

But critics say the lawsuit campaign involves frivolous lawsuits and a shakedown campaign aimed at coercing settlements since Righthaven's settlement offers typically are less than the legal costs to fight the suits.

These charges -- denied by Righthaven -- have been made by defense attorneys as well as the freedom of speech advocacy group Electronic Frontier Foundation, which entered the fray Wednesday against Righthaven and which observers say is well staffed with expert copyright law attorneys.

A hearing Thursday in federal court in Las Vegas apparently was the first time one of the Nevada judges assigned to the Righthaven cases has commented publicly on them. None of the cases has reached a point where they've gone to trial or a judge has ruled on motions to dismiss.

Thursday's hearing, a telephone conference, was for one of Righthaven's earliest and most controversial cases: A suit against Allegra Wong of Boston, who published a noncommercial blog about cats, written from the point of view of cats. Her mistake was to post on her blog a Review-Journal story about a fire that killed some birds in Las Vegas -- it apparently was posted out of concern for the animals.

Critics, including a Los Angeles Times media writer, have suggested Righthaven went overboard in that case, given the nature of Wong's blog and the lack of any profit she could have earned by posting the Review-

Journal story.

Wong, who isn't represented by an attorney, told the court in a letter that she gave the Review-Journal full credit and a link to the Review-Journal website, and that the story was removed from her blog after she learned she was being sued.

U.S. Magistrate Judge Robert Johnston asked Gibson and Wong on Thursday what could be done to settle the case.

Gibson noted media attention about the case and said he would be interested in settling with Wong immediately and in doing so would show "leniency" and "humaneness."

Gibson said Righthaven's costs in the case would likely total up to \$1,800 including the court filing fee, an expedited copyright registration, costs to serve Wong, legal work and office overhead.

"That would be a low settlement for us," said Gibson, who typically demands damages of \$75,000 and forfeiture of website names but has been known to settle for \$5,000 or less and lets settling defendants keep their website names.

"It's a lot for me," Wong, 57, said of the \$1,800, adding she's unemployed and receives financial support from a companion.

Upon learning of her situation, and despite "what we feel is clearly copyright infringement," Gibson said he would settle for less, but didn't name an amount. He did amend his statement about Righthaven's costs as likely coming in at \$1,300 to \$1,500 rather than the \$1,800.

Johnston then asked about provisions in the copyright law allowing him to order damages of just \$200 for unwillful infringement and for him to use discretion in awarding costs and fees.

"It sounds like this can be a lot less than four figures," Johnston said. But the judge didn't elaborate on whether the "less than four figures" comment referred to potential damages, or costs, or both.

Gibson, though, said he wouldn't concede that Wong's infringement was not willful.

"We don't believe the \$200 number is applicable in these circumstances," he said.

Johnston then asked about the costs incurred by Righthaven, wondering if Righthaven could have avoided the \$150 costs of service by a Boston constable by simply mailing the suit to Wong and asking her to voluntarily accept service that way.

Gibson acknowledged mailing lawsuits to defendants and asking them to accept service by mail is an option, but said efforts to locate Wong and her co-defendant, her son Emerson Wong, were unsuccessful prior to the filing of the suit.

Wong said she first learned she was being sued when someone from the media tried to communicate with her by placing a comment on her blog. That's how the Las Vegas Sun tried to contact her for comment after she was sued.

Since then, Wong said she has taken the blog down because of unwanted media attention including inquiries from the Los Angeles Times, the Boston Herald and a radio station in New Hampshire.

"I took the blog down several weeks ago because it is not worth it, to be contacted for interviews," she said.

"I received no letters and no phone calls from Righthaven," Wong said.

The judge also asked Gibson about the legal costs for Wong's suit, wondering what the rate per hour is for Righthaven's in-house attorneys.

Noting 103 suits have been filed in five months, Johnston said: "I would think it's pretty standardized by now" and later saying "they all look about the same to me."

Gibson noted circumstances are different in each case. Some of the cases involve jurisdictional issues for defendants not living in Nevada, and some involve direct postings by website operators like Wong while others involve third-party posters and these include different legal arguments.

Wong said she alone ran the blog, which her son had registered for her, causing Johnston to ask Gibson why her son was also named in the suit.

"So someone didn't research that one very well," Johnston said.

Gibson, though, said Emerson Wong is a valid defendant since he was the registrant, administrative contact, technical contact and billing contact of the Internet domain name allegrawong.com.

The judge asked Gibson about the hourly legal rate he would use in determining costs and Gibson said that's still being determined.

Johnston asked about the hourly rate for one of the Righthaven attorneys, whom the judge said is a 2007 UNLV law school graduate.

Gibson said the hourly rate for such an attorney at a private law firm would be \$160 to \$190, though in Righthaven's case that would be discounted because the attorney serves as in-house counsel.

In the end, the judge said he would schedule a confidential settlement conference by telephone in hopes that Righthaven can reach an agreement with Wong.

Separately, Righthaven has picked up a new client: WEHCO Media, a privately-owned company in Little Rock, Ark., that has 15 daily newspapers, 13 weekly newspapers and 13 cable television companies in Arkansas, Texas, Oklahoma, Missouri, Mississippi and Tennessee.

Its biggest papers include the Arkansas Democrat-Gazette in Little Rock and the Chattanooga Times Free Press in Tennessee.

Paul Smith, president of WEHCO Newspapers Inc., said in a Democrat-Gazette story Thursday: "It's a pretty serious matter when someone takes your copy, information you've spent a lot of money to produce."

He added, according to the story: "I think you'll find many newspapers that [will] use [Righthaven] and other firms like this to try to stop people from pirating their information."

WEHCO says on its website that it has a partnership with Stephens Media in which the operations of their Northwest Arkansas publications were combined last November.

Also, Righthaven filed at least its 103rd copyright infringement lawsuit on Wednesday in federal court in Las Vegas.

The latest defendant is Josephine Franklin, whom Righthaven says has a blog called therightwingwarriors.wordpress.com. That site allegedly displayed without authorization a June 13 column by

Review-Journal columnist Vin Suprynowicz called "Ask the tyrants why they're opposed." The Review-Journal and its columnist were credited for the information, court records show.

Franklin, whose Twitter account indicates she lives somewhere in California, couldn't immediately be reached for comment on the allegations.

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EXHIBIT E

RIGHTHAVEN LLC

Business Entity Information

Status:	Active	File Date:	1/14/2010
Type:	Domestic Limited-Liability Company	Entity Number:	E0014492010-9
Qualifying State:	NV	List of Officers Due:	1/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20101035451	Business License Exp:	1/31/2011

Registered Agent Information

Name:	NET SORTIE SYSTEMS, LLC C/O MANAGER	Address 1:	9506 WEST FLAMINGO ROAD
Address 2:	SUITE 101	City:	LAS VEGAS
State:	NV	Zip Code:	89147
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers

 Include Inactive Officers

Manager - NET SORTIE SYSTEMS, LLC			
Address 1:	9506 WEST FLAMINGO ROAD SUITE 101	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89147	Country:	
Status:	Active	Email:	

Actions\Amendments

Action Type:	Articles of Organization		
Document Number:	20100019957-84	# of Pages:	2
File Date:	1/14/2010	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20100046917-70	# of Pages:	1
File Date:	1/27/2010	Effective Date:	
2010-2011			

EXHIBIT F

NET SORTIE SYSTEMS, LLC

Business Entity Information			
Status:	Active	File Date:	11/12/2002
Type:	Domestic Limited-Liability Company	Entity Number:	LLC13899-2002
Qualifying State:	NV	List of Officers Due:	11/30/2010
Managed By:	Managers	Expiration Date:	11/12/2502
NV Business ID:	NV20021140576	Business License Exp:	11/30/2010

Registered Agent Information			
Name:	NET SORTIE SYSTEMS, LLC C/O MANAGER	Address 1:	9506 WEST FLAMINGO ROAD
Address 2:	SUITE 101	City:	LAS VEGAS
State:	NV	Zip Code:	89147
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers <input type="checkbox"/> Include Inactive Officers			
Manager - STEVEN A GIBSON			
Address 1:	9506 WEST FLAMINGO ROAD	Address 2:	SUITE 101
City:	LAS VEGAS	State:	NV
Zip Code:	89147	Country:	
Status:	Active	Email:	

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC13899-2002-001	# of Pages:	4
File Date:	11/12/2002	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC13899-2002-005	# of Pages:	1
File Date:	4/28/2003	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	LLC13899-2002-003	# of Pages:	2

File Date:	8/21/2003	Effective Date:	
(1)PG FRA			
NET SORTIE, LLC FRABK6? 00001			
Action Type:	Annual List		
Document Number:	LLC13899-2002-006	# of Pages:	3
File Date:	11/21/2003	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC13899-2002-002	# of Pages:	1
File Date:	11/16/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	LLC13899-2002-004	# of Pages:	1
File Date:	12/08/2004	Effective Date:	
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Action Type:	Annual List		
Document Number:	20050487766-75	# of Pages:	1
File Date:	10/17/2005	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20060147730-70	# of Pages:	1
File Date:	3/08/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060782669-76	# of Pages:	1
File Date:	12/04/2006	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Name Change		
Document Number:	20080155728-48	# of Pages:	32
File Date:	3/03/2008	Effective Date:	
(No notes for this action)			
Action Type:	Acceptance of Registered Agent		
Document Number:	20090791562-41	# of Pages:	1
File Date:	11/12/2009	Effective Date:	
(No notes for this action)			
Action Type:	Reinstatement		
Document Number:	20090791563-52	# of Pages:	1
File Date:	11/12/2009	Effective Date:	
REINSTATED/REVOKED 12-1-2008			

EXHIBIT G



The Complete Las Vegas



SAVE THIS EMAIL THIS PRINT THIS MOST POPULAR RSS FEEDS

Protecting Newspaper Content II: Thieves are thieves

Share & Save

What is this?

Posted by **Sherman Frederick**
Thursday, Sep. 02, 2010 at 04:39 PM

A reader wrote the following letter to Review-Journal columnist Vin Suprynowicz.

"Dear Mr. Suprynowicz:

"Throughout the years I have enjoyed your columns and have been privileged to hear you speak on more than one occasion. You might call me a "fan" of your work; so please know it will pain me to issue a call to boycott the RJ.

"Unfortunately, given the misguided "greenmail" approach taken by Righthaven to supposed "infringement," I am no longer willing to visit the RJ site and/or to open any email with a link to an RJ piece.

"Further, I will be sharing my opinion of the Review Journal/Righthaven with advertisers, activist groups, and my own close circle in the hopes that we can eventually demonstrate that we no longer wish to follow links to or read the RJ. "With regard and affection for your work -- C. Carter".

To which Vin replied:

"Hi, Mr. Carter --

"CEO Sherm Frederick replies "We will miss him."

"I believe the copyright laws -- authorized in the Constitution -- are still on the books. Although I'm not an attorney, and I have no role in crafting my employer's copyright defense policies, I don't believe that anyone who quotes a few sentences, properly attributed, or "splashes" the first few paragraphs of a copyrighted Review-Journal column and story, and then links back to the R-J Web site, has faced legal action, or would.

"To the best of my knowledge, anyone who believes he's falsely charged with a copyright violation can seek a summary dismissal, asking the court to demand that the complainant present prima facie evidence of theft before a case proceeds. I understand they can even seek attorneys' fees and costs if they can show the action was frivolous. Copyright laws are not obscure; those lifting others' content know full well they need advance permission in writing. In preparing my own books for publication, I allow WEEKS to laboriously seek "permissions" to quote even two lines from a song lyric, and scrupulously delete such material if proper permission cannot be obtained.

"The fact that those so charged, here, instead resort to urging letter-writing campaigns is interesting.

"Perhaps you believe that a news organization that spends millions of dollars per year generating its unique news content has no ownership right to that content, despite the copyright laws, and is legally required to just continue as a money-losing philanthropic venture for another year or two before closing its doors in bankruptcy. If so, your opinions about property rights differ from mine. It's not clear to me whether you are then volunteering to make good said closing newspapers' losses out of your own pocket, or whether you simply believe the country would be better off if we had no more credible professional news gathering companies, allowing the "bloggers" to simply parrot each other's rumors



Sherman Frederick is a columnist for Stephens Media. His column appears Sunday in the Opinion section of the Review-Journal. In between Sundays, you can find out what's on his mind here.

Read the columns

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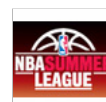
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and inventions.

"How about storekeepers who wrestle thieves to the floor, hold them till the police arrive, and then show up in court to "press charges"? You urge that they all be boycotted, too? I'll bet you'd go further. I'll bet you'd favor the thief being encouraged to sue the storekeeper for "roughing him up."

"With all due respect, I don't know that I agree with Mr. Frederick, above. I don't think I will miss you. I have a far lower opinion of thieves than you appear to have. In fact, watching them copy my columns while interpolating their own content and pretending it's mine, watching them throw small merchants on the verge of bankruptcy by switching price tags and otherwise stealing merchandise below cost, I hate them with a passion. Lawsuits? They should have their goddamned hands cut off and nailed to the wall of City Hall.

"In my very personal, non-corporate, not-cleared-with-anyone opinion -- Vin Suprynowicz "

Vin gets it. Why more reporters and editors and even news executives don't is frankly hard to understand. It is their jobs and their profession is protected. You can read more of my thoughts on the topic [here](#).

This entry was posted on Thursday, Sep. 02, 2010 at 04:39 PM and is filed under The Complete Las Vegas. You can follow any responses to this entry through the RSS 2.0 feed. You can leave a response.

Comments (18)

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Some comments may not display immediately due to an automatic filter. These comments will be reviewed within 24 hours. **Please do not submit a comment more than once.**

Note: Comments made by reporters and editors of the Las Vegas Review-Journal are presented with a yellow background.

18 Responses to "Protecting Newspaper Content II: Thieves are thieves"

I think it's pretty telling that Mr. Suprynowicz refers to Sherm Fredrick as "CEO" and not "Publisher." I'm sure it was intentional, as the whole of his response made it clear the R-J prefers to think of itself as a business first, journalistic endeavour second (perhaps third, behind PAC.)

Written by: Mizzougypsy on Thursday, Sep. 02, 2010 at 4:59 PM -- Report abuse

Someone who works for you agrees with your policy? Now I see the error of my ways. You are absolutly right. Please continue filing frivolous lawsuits against non profit's and working families. By all means.

Puh-lease....

Written by: Scout on Thursday, Sep. 02, 2010 at 7:19 PM -- Report abuse

I am normally very supportive of Mr. Suprynowicz' writings, and the R-J in general.

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BY DICO

However high opinion I might have had of him in the past, I think he has stepped over the bounds of decency. He hardly qualifies for dictating to God, as to who is to be damned. In a word, "That isn't your call, Sup."

In my humble opinion, his arrogance is unquestioned; it is his apparent lack of command of the English language that I am very suspicious of. Resorting to blasphemous and other types of potty-mouth language is a sure sign of ignorance.

Shame on him.

Written by: Union Dude on Thursday, Sep. 02, 2010 at 11:05 PM -- [Report abuse](#)

It seems you go running to the constitution when it fits you and to the courts when it suits you. When you refer to tort reform; or justify Bush torturing prisoners; well, it seem you change colors. The constitution and laws aren't a buffet, where you pick and choose what you like and ignore the rest.

Written by: Jerry.Sturdivant on Friday, Sep. 03, 2010 at 5:14 AM -- [Report abuse](#)

Kudos to you Vin and Sherm;

No entity, corporate or individual, should go uncompensated for original content. To do otherwise is theft.

Although the line between quoting and theft may sometimes be obscured, the thief knows when it has been crossed.

To be clear, when legitimate, credible, content providers are not paid for their work, that is theft.

Written by: sailinginthedesert on Friday, Sep. 03, 2010 at 7:04 AM -- [Report abuse](#)

gee, I wonder if these partisan hacks whining for the sake of whining would say the same thing if Brian Greenspan wrote this. Ok, Greenspan doesn't have the intellectual firepower to make a strong argument for anything, really, but if he did? The usual gang of idiots would be silent. Partisanship uber alles for those too dim to realize both parties suck.

Written by: bothpartiesuck on Friday, Sep. 03, 2010 at 8:54 AM -- [Report abuse](#)

So Vyn wants to cut off people's hands now? Is that how they handle thieves on Vyn's planet?

BTW who shook Vyn's coffin and woke him up anyway?

Written by: Jack.Sprat on Friday, Sep. 03, 2010 at 3:55 PM -- [Report abuse](#)

Maybe I don't understand. I type in a search topic in Google, and up comes a paragraph of information, with a link I can follow if I am interested. Or I can hit a "cache" button, and see the web page as Google saw it.

Somehow, this "denies the newspaper" money. How? I was never going to buy a copy of the newspaper. The paper has no mechanism for me to purchase anything it has written online.

And if I click the link, I get to see the content online, without cost.

But if some blogger finds something interesting in the paper, and quotes it, and provides a link to the paper so people who are interested can read the entire article, you sue them?

And if someone who doesn't know any better posts the entire article, and gives a link and a citation, you sue the place where the person put the article, when that place doesn't control who posts what, and furthermore asks that anybody who sees anything unauthorized can just contact them and they'll remove it?

One thing is certain. I will never quote anything written by this paper, or provide any links to it. Why touch the content, when any inadvertent action could lead to me being attacked by deep-pocket lawyers?

Written by: CharlesWayne on Friday, Sep. 03, 2010 at 9:35 PM -- [Report abuse](#)

In lieu of not understanding the concepts of asking to use copyrighted material or fair use, I suggest you stick to producing your own unique material.

Written by: Sherm on Saturday, Sep. 04, 2010 at 9:12 AM -- [Report abuse](#)

Sherm,

You shouldn't be taking anyone to task. After all, your own employees copy and paste other people's work and you refuse explain why it's not suit worthy when they do so.

Step up to the plate and share your justification. That is, assuming you

actually have one.

Written by: Jaeger on Saturday, Sep. 04, 2010 at 4:19 PM -- Report abuse

You lie.

Written by: Sherm on Saturday, Sep. 04, 2010 at 5:19 PM -- Report abuse

Guess I'll have to buy the copyright to the work and we'll just see then won't we?

Written by: Jaeger on Saturday, Sep. 04, 2010 at 6:19 PM -- Report abuse

You still lie.

Written by: Sherm on Saturday, Sep. 04, 2010 at 6:23 PM -- Report abuse

If stopping the use of an entire article is the point, why wouldn't you send a letter or email advising first? The webmasters doing the coding are sometimes the ones building the sites. The policy people are not always aware of the process and rules. A warning would clear that up quickly, and make for less ill will from the public when protecting your legitimate concerns. Most processes involve some stage between a transgression and direct action.

Thanks.

Written by: Alvinjh on Tuesday, Sep. 07, 2010 at 3:11 AM -- Report abuse

The "problem" at hand is the ease of copying everything. Didn't used to be this way ~ and that "used to be" time was just a handful of years ago.

Current copyright law assumes something that's no longer possible ~ that you can print or press stuff and control the output, or that alternative means of copying (scanners, computers, etc.) are simply too expensive for the average person.

Seems to me the way you want to PROTECT your work is to vend it in a manner that cannot be readily copied. For example, you might create an electronic watermark system that would obliterate the coherence of the image as copying proceeded. I'm sure Treasury Department would like something like that ~ or maybe they already had it but it was still secret. Hmm. Do tell eh.

Once you have an electronic watermark system that works under all regimes, then there would no longer be a need to even bother with copyright law ~ and certainly no need to pay lawyers to hep'

That right there is a good reason to only elect non-lawyers to Congress.

At the same time, a system like that would be a way to maintain good relations with your customers, so instead of suing people for copying your text, while simultaneously praying they'll copy and reproduce freely your advertisements (Righthaven hasn't sued anybody for an advertisement have they? They're so stupid bet they do that) you'd just tag what you wanted to NOT be copyable with your watermark system.

Written by: Muawiyah on Tuesday, Sep. 07, 2010 at 11:33 AM -- Report abuse

Hmm ~ you say this guy is telling a lie about webmeister types building sites ~ which is very true ~ more than you can imagine. Once an organization gets the site up and going they hand it over to someone who is pretty much ignored until they want a change.

So if there's a "lie" in that statement please point it out (exactly) ~ else I'm forced to believe you don't know bananas about nothing and are just a cheap fraud in a cheaper suit.

Written by: Muawiyah on Wednesday, Sep. 08, 2010 at 2:27 PM -- Report abuse

is this why you sue your own sources for your stories? can we say money grab? for having 'compelling and unique content' in your newspapers, you sure seem happy to sue the sources that created that 'compelling and unique content'. Why not start suing some of the bigger guys? oh wait, because it is a money grab! by suing smaller websites and bloggers, which have no deep pockets to actually fight back, you are not fighting to protect your journalism. get real. but i don't think any of us can expect you to admit that, considering your conflict of interest in writing these fair and balanced 'editorials'.

Written by: i.freaking.love.bacon on Friday, Sep. 10, 2010 at 10:37 AM -- Report abuse

Go figure. LVRJ being counter-sued for copying and pasting content they


don't own.

Sherm, according to you (as you said twice), I "lie".


When this one goes to court I hope you've got your apology ready because, you can rest assured, I will collect it from you.

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Written by: Jaeger on Wednesday, Oct. 06, 2010 at 9:02 PM -- [Report abuse](#)

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Is This the Birth of the Copyright Troll?

Joe Mullin

Corporate Counsel | August 16, 2010

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Steve Gibson

Steve Gibson is a bit taken aback by the attention his new business, copyright holding company Righthaven LLC, has begun to attract. He probably shouldn't be.

After all, when you file more than 100 infringement suits in just a few months—using a batch of newspaper copyrights to target, among others, political discussion boards, a major political party, and several of the newspaper's own sources—it's the sort of thing people tend to notice, and not always in a good way.

"It's unbelievable," says Gibson. "There appears to be a groundswell of interest in our business model." The business in question is based on an unusual shoot-first, ask-questions-later approach to IP litigation that appears to have little, if any, precedent.

Gibson founded Righthaven to file suits based on newspaper copyrights he has acquired. So far, nearly all of Righthaven's suits are based on copyrights originally owned by the Las Vegas Review-Journal, Nevada's largest newspaper. Armed with those copyrights—and using a proprietary technology that he won't discuss—Gibson searches the Web to find examples of infringement. When he finds what he's looking for, he sues. As far as he's concerned, he's doing something that copyright holders should have started doing a long time ago.

"Since the advent of the Internet, there has been an ocean of infringements of copyright that have gone unaddressed," Gibson says. "I've also seen that many media companies have been facing financial difficulties. I was inspired to pursue technological solutions and marry them with the available legal machinery."

Of course, there is other legal machinery available to do what Gibson is doing, and those named in Righthaven suits and their allies wonder why the company doesn't send Digital Millennium Copyright Act takedown notices or cease-and-desist letters before filing suit.

Gibson says those he sues haven't followed the DMCA's safe harbor provisions closely enough to gain the immunity from copyright suits that those provisions offer.

Many targets of the Righthaven lawsuits are political blogs and discussion boards, both liberal and conservative, which have posted content—nearly always entire articles—written by Review-Journal reporters.

In at least two cases, Righthaven has sued Review-Journal sources. For instance, the company sued Anthony Curtis—a Las Vegas gaming promoter whose website bills him as offering "the best information about Las Vegas and gambling"—after Curtis posted a column by R-J staffer Mike Weatherford online. (Weatherford had interviewed Curtis and wrote the column at issue based entirely on a survey conducted by Curtis's company.)

In a second suit, Righthaven filed a copyright claim against Steve Stern, a former reporter who runs his own Las Vegas public relations firm and has served as a source for Review-Journal reporters.

Another unusual Righthaven target is the Nevada Democratic Party, which Gibson sued for posting an Review-Journal story on its website.

Mark Hinueber, general counsel of Review-Journal parent company Stephens Media, acknowledges that Stephens owns a small stake in Righthaven. But Hinueber insists that the prospect of making money is not what motivated the company to do business with Gibson.

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"My hope," says Hinueber, "is we will raise awareness of copyright laws, and have more links back to our site, and have less of our material infringed on the Internet."

Both Gibson and Hinueber agree that Righthaven's copyright enforcement campaign has some kinks to be worked out, especially when it comes to targeting the paper's own sources.

"It was a learning curve experience," Hinueber says of the suit against Curtis, which Righthaven eventually dropped. He notes that many websites ask permission before posting the paper's articles, and that he routinely grants such permissions. "I agree that we shouldn't sue sources. But it also reminds sources that just because we wrote about you, doesn't mean you can post the whole article on your website."

Despite what he sees as an occasional misstep, Gibson says he believes his unique IP enforcement push could help change the culture of the Internet when it comes to matters of copyright: "We've already seen communications to my company saying, 'What can I do to change my behavior, so I'm not disrespecting someone else's copyrights?'"

While nearly all the lawsuits filed so far have been based on Review-Journal copyrights, Gibson says he has additional clients and will be filing suits on behalf of those entities soon.

Of the suits he's already filed, Gibson says about 30 percent have settled. While the settlements are all confidential, Las Vegas Sun reporter Steve Green reported this week that the settlement amounts range from \$2,185 to \$5,000. None of the settlements have included a transfer of the defendant's domain name to Righthaven, a demand made in each of the initial Righthaven complaints.

Critics disagree that Righthaven could have any kind of positive effect and refer to the company as a "copyright troll" engaged in shaking down blogs. Stephen Bates, an assistant professor at UNLV's Hank Greenspun School of Journalism, calls the Righthaven suits "lawful but preposterous" and a "waste of judicial resources."

Greenberg Traurig IP partner Ian Ballon says Gibson's business model reflects the changing nature of the media landscape—and the efforts by those among the old guard to maintain some measure of control over what becomes of their content once it's published.

"Newspapers face a legitimate problem of infringement online," says Ballon. "The emergence of a copyright holding company likely reflects frustration on the part of some newspapers with online infringement." Ballon warns, however, that judges may not be inclined to award large fees in cases to a plaintiff who sues indiscriminately.

Miami attorney Marc Randazza, who helped the National Organization for the Reform of Marijuana Laws defend itself against a Righthaven suit, put it somewhat more colorfully in an interview with the Las Vegas Sun reporter. "It's like setting a hungry wild pig loose in a china shop to find a piece of bacon," Randazza said. "It'll get the bacon, but it will destroy everything else in the process."

For more on Righthaven, see:

- Coverage by Las Vegas Sun reporter Steve Green [here](#) and [here](#).
- This [story](#) from Wired News.
- Los Angeles Times media columnist James Rainey weighs in [here](#).

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Copyright 2010 Little Rock Newspapers, Inc.
Arkansas Democrat-Gazette (Little Rock)

August 26, 2010 Thursday

SECTION: BUSINESS

LENGTH: 1762 words

HEADLINE: Firm holds websites to the law It tracks copyright theft for news groups, sues violators

BYLINE: TOBY MANTHEY ARKANSAS DEMOCRAT-GAZETTE

BODY:

A Las Vegas company, Righthaven LLC, is using a new approach to help news organizations protect their news content - filing lawsuits against website owners who post copyrighted articles without permission.

Media companies since the advent of the Internet have worried about others distributing and profiting from content without authorization, whether it be people downloading music or films, or reading entire articles on message boards.

Such practices deprive creators and businesses of revenue and recognition by discouraging sales of authorized products, and by sapping advertising revenue by diverting Internet traffic from legitimate websites, such firms say.

"There is an ongoing discussion in the United States about how to protect intellectual property that's produced not just by newspapers but by all content producers because the Web has changed the dynamic," said Mark Hinueber, vice president and general counsel for Las Vegas-based Stephens Media, a Righthaven client that owns several Arkansas publications, as well as the Las Vegas Review-Journal.

Steve Gibson, Righthaven's chief executive, wouldn't describe how Righthaven's business model works, although he said the company has software, "systems" and other technology that help it identify copyright infringement.

Hinueber said he assigns to Righthaven the copyright of a story that has been infringed upon. With ownership of the story, Righthaven files suit.

Righthaven typically makes money from settlements, said Gibson, who added that none of the cases have gone to a jury trial so far.

Righthaven often has demanded \$75,000 of website owners who infringe upon a copyright and for the owner to transfer control of the site to Righthaven, lawsuits show. That's the approach it used in a July 20 suit against thearmedcitizen.com, which features stories of people who have been saved by using guns to defend themselves.

Other media also have tried to protect their copyrights on the Internet by suing people who misappropriate content,

Firm holds websites to the law It tracks copyright theft for news groups, sues violators Arkansas Democrat-Gazette (Little Rock) August 26, 2010 Thursday

including people who illegally download music files. The Recording Industry Association of America has sued more than 35,000 people over such violations, the Wall Street Journal has reported. The association has discontinued the lawsuit effort, which it says on its website was to teach fans about the law, the consequences of breaking it and about what sites they can legally download music from.

The association cites an estimate by the Institute for Policy Innovation, a conservative think tank in Lewisville, Texas, saying music piracy worldwide cost \$12.5 billion in economic losses annually and more than 71,000 jobs in the United States.

Gibson said the public is beginning to better understand that it can't use other people's content on the Internet without permission.

"Even if you give an attribution for it or a link to it, it doesn't mean it's no longer a copyright infringement," Gibson said.

Hinueber said "our folks are out there every day with blood, sweat and tears covering stories, and you don't have the right to take somebody else's intellectual property that they worked hard on." He later added: "Some guy in his bathrobe in his basement doesn't get the right to cut and paste our stories." WEHCO Media, which owns the Arkansas Democrat-Gazette, said it also intends to work with Righthaven.

Righthaven has filed about 100 lawsuits in federal court in Nevada since March, when it began initiating the suits. Defendants include people and companies outside that state.

In a July 13 request for leave to conduct discovery in one of its cases, Righthaven said "the public display" of copyrighted stories has the detrimental effect of diverting valuable Internet traffic away from "the original source of publication." Hinueber said, "We welcome people to take a look at it on our websites, but not to take it and sell Google ads around it." Righthaven touts its service as a way for newspapers to make money and protect their property. In one lawsuit, it cited a Pew Internet and American Life Project report that said three-quarters of news consumers get news "thanks to e-mails or posts on social media sites." Launce Rake, spokesman for the Progressive Leadership Alliance of Nevada, a liberal nonprofit, said his group and others weren't warned before they were sued by Righthaven.

"We ... would have appreciated the opportunity to correct any issues that might exist, absent a legal proceeding," Rake said.

Gibson has said that sending warning notices to website owners is expensive and not effective. The alliance ultimately reached a confidential settlement with Righthaven, Rake said.

A rival of the Las Vegas Review-Journal, the Las Vegas Sun, whose website contains more than 30 stories about Righthaven, wrote that Righthaven has been "widely pounded" in news stories and Internet forums "for suing mom-and-pop-type bloggers, nonprofit groups and special-interest websites." Newspapers in the past have typically requested that stories be removed from a site and replaced with links to a newspaper's site, the Sun noted.

The news staff of the Sun competes with the staff of Stephens' Las Vegas Review-Journal even though its print edition is distributed as a package with the Review-Journal as part of a joint-operating agreement, a business structure that allows competing newspapers in a town to share advertising and other business functions. The Sun's print edition is eight pages on weekdays, and more stories are posted online than in the print version, said Tom Gorman, the newspaper's senior editor for print.

Sherman Frederick, the president of Stephens Media and publisher of the Review-Journal, in a column that ran in the July edition of Editor & Publisher, a trade journal for the newspaper industry, wrote that "it is our primary hope that Righthaven will stop people from stealing our stuff. It is our secondary hope, if Righthaven shows continued success, that it will find other clients looking for a solution to the theft of copyrighted material." Paul Smith, president of

Firm holds websites to the law It tracks copyright theft for news groups, sues violators Arkansas Democrat-Gazette (Little Rock) August 26, 2010 Thursday

WEHCO Newspapers, Inc., said, "It's a pretty serious matter when someone takes your copy, information you've spent a lot of money to produce." He added: "I think you'll find many newspapers that [will] use [Righthaven] and other firms like this to try to stop people from pirating their information." Frederick said the Stephens "grubstaked" - advanced money to - and contracted with Righthaven. Hinueber said the investment in Righthaven was made by a company affiliated with the Stephens family.

If Righthaven discovers someone has violated WEHCO's copyright, Smith said, "it would be [WEHCO's] decision whether or not to move forward with it," such as if the newspaper didn't want to pursue a case against a charitable organization.

"In most cases, if someone has taken our content and put it up on their website or used it in a print publication without our permission, at this point I would say that there's a very good chance that we would tell [Righthaven] to go forward with whatever legal action they needed to take to stop this," Smith said.

Hinueber said the approach of Righthaven and Stephens is evolving.

"We're starting to look at the individual sites a little more closely than when we first started," Hinueber said. "I can tell Righthaven not to sue somebody." So far, he said, he hasn't done that much, "but I have to be cognizant of who the defendant is - if it's a church or a school someplace or some kid and his high school paper. We're getting more sensitive all the time to these issues." Gibson added that he'd like to think there's "a humane side to Righthaven." "We have reached some settlements that are significantly less in dollar amount than some others," Gibson said. "And we take those things into consideration as to how sophisticated they were and how culpable they were." Majorwager.com, Inc., of Canada, a sports-betting site sued by Righthaven for using Stephens Media stories, said in court documents that Righthaven's suit "is arguably frivolous and nothing more than a thinly disguised shakedown." Righthaven wants to "extract a settlement" and knows the expense of defending against the suit will "far outweigh the value of this case," it argued.

Majorwager argued in court documents that the stories were posted by a third party.

Wired.com, a technology news website, described Righthaven as "borrowing a page from patent trolls." A patent troll is a company or person who buys patents for the purpose of suing others who may be infringing upon it, rather than for using the patent to create a product.

Smith said WEHCO would share in whatever settlement Righthaven obtains.

Smith said he knew of no previous instances in which the company had sued someone for posting a story online. Many violations in the past went unnoticed by the company, he said.

"That's part of the appeal of this," Smith said. "They've got ways to track this." Gibson said Righthaven is "as much a technology company as anything," because it offers a solution for "systematically identifying" possible copyright infringement. He declined to say how the company does that, other than to say it is "proprietary technology" and that there are systems and software that do so. Hinueber said Stephens provides Righthaven with a feed of locally produced copy, and Righthaven scours the Web for infringements.

So far, Gibson said, the company is profitable, but he wouldn't say what the size of any of its settlements have been.

"We're not engaging in settlements in a manner that will mean that we can't continue to do what we're doing," Gibson said.

Copyright law allows for the "fair use" of some copyrighted content, but that's limited to purposes such as news reporting, teaching and criticism. Factors used to judge whether the use is "fair" include the amount of content used and whether the use is for nonprofit or commercial purposes.

Firm holds websites to the law It tracks copyright theft for news groups, sues violators Arkansas Democrat-Gazette
(Little Rock) August 26, 2010 Thursday

Hinueber said, "We have a little statement that says: 'We love links.' If you want to post a headline and the first paragraph and a link to our story, we're happy with that. You'll never hear from us. And if you want to take a paragraph or two from one of our stories and want to comment on it and criticize it, fine. ... That's fair use." Hinueber acknowledged that by suing people who like and post their stories, newspapers could anger their fans.

But often, he said, "these websites are not in your marketplace. They're not really your fans. They're coming in on a one-time or two-time basis and taking the stories to relate to whatever it is they're selling Google ads around."

This article was published 08/26/2010

LOAD-DATE: August 26, 2010

EXHIBIT J



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KUAR Features

Arkansas newspapers get serious about copyright enforcement

Ron Breeding (2010-09-29)

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(UALR PUBLIC RADIO) - Arkansas's two largest newspaper chains are getting more aggressive in the fight to protect their copyrighted material on the internet.



FM 89's Ron Breeding reports the story. Click above to listen to his full report.

A LAS VEGAS-BASED COMPANY CALLED RIGHTHAVEN L-L-C IS REPRESENTING STEPHENS MEDIA, OWNERS OF SEVERAL ARKANSAS DAILY AND WEEKLY PAPERS, AND WEHCO MEDIA, OWNERS OF THE DEMOCRAT-GAZETTE AMONG OTHER PUBLICATIONS RIGHTHAVEN HAS FILED SCORES OF LAWSUITS THIS YEAR AGAINST WEBSITES THAT POST SOME OR ALL OF STEPHENS MEDIA STORIES. SO FAR ALL THE SUITS HAVE INVOLVED THE COMPANY'S LAS VEGAS REVIEW-JOURNAL, NOT ITS ARKANSAS PAPERS. STEPHENS MEDIA GENERAL COUNSEL MARK HINUEBER (HIGH-NA-BURR) SAYS THE COMPANY IS TRYING TO PROTECT IS MATERIAL WITHOUT

INFRINGING THE RIGHT OF FAIR USE

"We love links I respect the culture of the internet. If you want to link to our stories, fine. We don't have a problem with that. We ask that you use the headline, the first paragraph, then link to us."

NEWSPAPERS HAVE LONG USED THE THREAT OF LEGAL ACTION TO PROTECT COPYRIGHTS, BUT RIGHTHAVEN OPERATES A BIT DIFFERENTLY IT TYPICALLY FILES A SUIT FOR 150-THOUSAND DOLLARS WITHOUT FIRST SENDING A CEASE AND DESIST LETTER.

"The criticism of Righthaven is, Well shouldn't they politely ask first? And my answer is that there are thousands of infringements of copy every day, and if you did that there is a cost associated with that. And as a result, Righthaven's made the decision that based on their agreement with us, they're not going to send these notices."

ONE OF RIGHTHAVEN'S SUITS WAS FILED AGAINST
DEMOCRATICUNDERGROUND.COM

ONE OF THE SITE'S MESSAGE BOARD USERS POSTED FOUR PARAGRAPHS OF A 34 PARAGRAPH REVIEW-JOURNAL STORY THIS WEEK, THE ELECTRONIC FRONTIER FOUNDATION, A SORT OF ACLU OF THE DIGITAL WORLD, AGREED TO REPRESENT THE WEBSITE, FILING A RESPONSE TO RIGHTHAVEN'S SUIT. E-F-F SPOKESWOMAN EVA GALPERIN SAYS THE SUIT SEEKS TO UNCONSTITUTIONALLY LIMIT FREE SPEECH.

"The entire point of fair use is that you can use copyrighted material in a way that does not infringe on copyrights."

E-F-F'S RESPONSE ALSO ALLEGES AN IMPROPER FINANCIAL RELATIONSHIP BETWEEN RIGHTHAVEN AND STEPHENS MEDIA, AND THAT RIGHTHAVEN UNFAIRLY INCITED STEPHENS TO TAKE LEGAL ACTION. HINUEBER SAYS HE CANNOT COMMENT ON PENDING LITIGATION.

FOR FM 89 NEWS IM RB

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EXHIBIT K

Las Vegas Sun

copyright law:

Some targets of Righthaven lawsuits fighting back

By [Steve Green](#) ([contact](#))

Wednesday, Aug. 4, 2010 | 2:05 a.m.

The Righthaven lawsuits filed in U.S. District Court in Las Vegas at first glance seem pretty simple: They show bloggers, nonprofits and generally small-time websites around North America for years have been cutting and pasting entire Las Vegas Review-Journal stories on to their websites without authorization.

That seems like obvious copyright infringement. But, as defendants with and without attorneys fight back in some of the cases, Righthaven's claims don't appear to be so cut and dried.

The defense attorneys and some defendants without attorneys are making complex legal arguments about whether the Nevada court has jurisdiction over the out-of-state defendants, whether Righthaven itself has standing to sue and whether Righthaven failed to follow the law in filing no-warning lawsuits rather than first sending requests or takedown orders to the infringing websites.

"What makes this action frivolous is the baseless allegations pertaining to the existence of personal jurisdiction over me, when it should have been crystal clear to Righthaven that I am not amenable to suit in Nevada. The complaint is replete with false averments in an attempt to mislead the court, which is a blatant abuse of process," said Dean Mostofi, who was sued after an R-J story about a lawyer being reprimanded allegedly was posted on his website deanmostofi.com.

"To fight this frivolous lawsuit I have filed, pro se (without an attorney), a well-researched motion to dismiss for lack of personal jurisdiction, and I want to encourage all out-of-state defendants to file similar motions and to force Righthaven to litigate these actions in the proper venues," said Mostofi, of Potomac, Md.

Righthaven, however, fills its lawsuits with paragraph after paragraph hoping to establish jurisdiction by showing the defendant websites aimed to reach Nevada residents — sometimes by merely posting a story of interest to Nevadans.

Complicating the issue is that some website owners are denying liability, saying the R-J stories were posted — without their knowledge or authorization — by message board users.

Most of the infringing stories credit the R-J for the information. When the infringement doesn't credit the R-J, the posting amounts to plagiarism, one of the most serious offenses in the profession of journalism. Those cases, though, probably don't qualify for extra damages and the lack of credit to the R-J could have been caused by negligence or ignorance rather than ill will, media attorney Marc Randazza said.

Some of the defendants are arguing that Righthaven lacks standing to sue them because Righthaven didn't own the copyrights at the time of the initial infringement.

Righthaven's procedure has been to "troll" or find an infringement of an R-J copyright to a specific story. It then buys the copyright for that story from the R-J's owner, Stephens Media LLC, and then sues the infringer — all the while continuing to troll for additional violations.

At least five websites, for instance, had been sued through July 30 for posting the same four paragraphs of a six-paragraph blog by R-J Publisher Sherman Frederick about a Transportation Security Administration watch list of peeved travelers.

Buying the copyright is important for Righthaven because that gives it the authority to seek statutory damages. The assignment of the copyright covers past infringements, Righthaven says.

None of the contested Righthaven cases has advanced to the point where a trial has been scheduled. Judges through July 30 had not yet ruled on the motions for dismissal or the other legal arguments defendants are making.

Attorneys at the Las Vegas office of the law firm of Lewis and Roca, which has one of the biggest intellectual property practices in town, are contesting the legitimacy of at least two of Righthaven's lawsuits.

In one lawsuit, involving the website MajorWager.com, they said in court papers: "While this case masquerades as a legitimate copyright dispute, in reality, it is arguably frivolous and nothing more than a thinly disguised shakedown."

"Plaintiff Righthaven LLC knows that the costs of defending this action will far outweigh the value of this case, and is seeking to extract a settlement under the threat of protracted litigation and expense," their filing said. "Neither the federal courts nor the Federal Rules of Civil Procedure were established for this purpose."

MajorWager is an Ottawa, Canada, website that in the past has included links to stories involving sports and gambling from numerous sources including the Las Vegas Sun and the Review-Journal.

In responding to the suit, MajorWager CEO Russ Hawkins said in a court declaration that a user of the Internet site, "Clevfan," in Montreal, posted the R-J articles named in the lawsuit to the discussion forums section of MajorWager's website.

In another case involving the website emtcity.com, serving the paramedic and emergency medical technician community, the Lewis and Roca attorneys wrote: "This case is a frivolous and self-aggrandizing action that seeks enrichment for the plaintiff by abusing and subverting the legal process."

"Plaintiff Righthaven LLC knows that the costs of defending this action will far outweigh the value of this case, and is seeking to extract a settlement under the threat of protracted litigation and expense. The purported amount of actual damages, if any, is de minimis (minimal) compared to the filing costs and their own in-house legal fees that they have heaped onto this matter in an effort to derive a greater recovery through settlement or judgment. (The defendant) asserts that this is an effort to bully him into submission and payment," the attorneys wrote.

Another case is being defended by attorney Allen Lichtenstein, who has had plenty of experience working on ACLU First Amendment lawsuits.

In that case, a website about the potential harmful effects of wind energy posted a story from Northern Nevada's Ely Times newspaper — a story Righthaven later obtained the copyright for. The R-J and the

Ely Times are both owned by Stephens Media LLC.

Righthaven also complained the website had posted stories from Stephens Media's Daily World newspaper in Aberdeen, Wash., along with some 75 stories from various sources in Nevada since 2006, including several from the Review-Journal.

The operator of the nonprofit website, www.windaction.org, Lisa Linowes, publishes it from her home in New Hampshire, with her husband providing technical support. Lisa Linowes was obviously surprised to be sued by Righthaven.

"At the time of the posting of the article, I did not believe that infringed on anyone's copyright. One reason for not believing that the posting of the article would infringe on anyone's copyright is that, over the past five years, we have posted somewhere between 28,000 and 29,000 articles on the passive, noncommercial website and we have never been subject to any lawsuit for copyright infringement for any of those articles until now," Lisa Linowes said in court papers. "Nor am I aware of any similar passive noncommercial website that has been sued for copyright infringement merely for posting news articles from around the United States and the rest of the world, concerning a matter of public policy and interest."

Lichtenstein noted in court papers the nonprofit website and its owner aren't a financial threat to Stephens Media.

"Defendants are not in the business of producing a local newspaper in Ely. They are not in competition with the Ely Times, and certainly not in competition with Righthaven LLC, which is a company specifically set up and 'grubstaked' by Stephens Media for the sole purpose of bringing this lawsuit and others like it," Lichtenstein wrote.

"No one can seriously maintain that the limited reach and circulation of the Ely Times was diminished by the appearance of one of its articles on a website that acts as a clearinghouse for information concerning wind energy. If anything, the posting might have helped rather than hurt the Ely Times by exposing the paper to people across the United States and the world who had never heard of that newspaper," Lichtenstein wrote.

In another case, attorneys with the firms Gordon Silver in Las Vegas and Freund & Brackey in Beverly Hills, Calif., are defending a suit involving the Louisville, Ky.-based website www.southerngaming.com, which serves gamblers in the Southern United States.

They also accused Righthaven of running a shakedown operation.

Righthaven's business model is to acquire copyrights and then troll around the Internet to "identify and sue anyone posting the articles," the Southern Gaming attorneys complained.

"Righthaven has advanced upwards of 50 separate lawsuits based wholly on this ill-conceived scheme, which is nothing more than a massive shakedown focusing not on a legitimate effort to protect copyrights but rather to extract settlements from (out of state) defendants faced with the prospect of defending an action outside their homes states," these attorneys wrote.

The attorneys asked the court to dismiss "this frivolous action" and "put an end to at least one of Righthaven's dubious lawsuits, ostensibly rooted in intellectual property law but more clearly founded on an abuse of that very federal law."

Righthaven and its CEO and lead attorney, Steven Gibson, deny the lawsuits are frivolous. Gibson has done work for the R-J for years and with his law firm Gibson Lowry Burris LLP last year represented the R-J in trademark litigation unrelated to the current copyright lawsuits.

Gibson said Righthaven is operating as a successful and growing business that through late July had settled or resolved about 30 of the lawsuits, and it will keep filing suits because “new infringements occur every day.”

Some of the Righthaven defendants have told the Sun their only option is to settle, because that would cost less than to litigate — even if they win.

Crete, Ill.-based Odds on Racing offered to settle a Righthaven lawsuit for \$5,000, including costs and attorneys’ fees, an offer accepted by Righthaven.

“That is not insignificant,” Gibson said.

Gibson didn’t disclose whether the \$5,000 is within the usual range of settlements being negotiated by Righthaven. The only other publicly disclosed settlement of a Righthaven lawsuit involved the National Organization for the Reform of Marijuana Laws, which agreed to pay \$2,185.

Gibson has heard the criticism about Righthaven suing bloggers with apparently innocent motives like Allegra Wong in Boston. When it comes time to assessing damages, he said, Righthaven may show some leniency in her case.

And as for suing the R-J’s sources, like gaming industry Publisher Anthony Curtis, he said that as Righthaven refines its procedures, it may be less likely they’ll be sued.

“But I’m not giving them a blanket waiver,” Gibson said.

Gibson also disputes contentions by critics that instead of suing website operators, the R-J and Righthaven should be requesting they take down the infringing material. That would require contacting thousands of people, which wouldn’t be effective, he said.

Many of the Righthaven defendants have said that a simple phone call or e-mail from the R-J would have been all that was necessary for them to removing the infringing material. But Righthaven has noted in court papers that those same defendants didn’t bother to contact the R-J for advance permission to post the stories at issue.

Gibson and other copyright attorneys say there is a misconception that in every case, under the federal Digital Millennium Copyright Act (DMCA), Righthaven is required to send a “DMCA takedown” order to website operators.

That only applies in specific circumstances where the website operator has complied with provisions in the DMCA, including the posting of information on where the DMCA notices are to be sent.

Righthaven watchers also wondered this summer if a major copyright ruling involving the DMCA would affect the Righthaven cases.

The ruling came in a lawsuit pitting entertainment giant Viacom — owner of MTV, Paramount Pictures and other brands — against Google’s YouTube subsidiary. A federal judge threw out Viacom’s \$1 billion copyright infringement lawsuit claiming YouTube wasn’t doing enough to discourage illegal posting of Viacom material on YouTube.

U.S. District Judge Louis Stanton found the DMCA doesn't require YouTube to check people's material before it's posted and that YouTube had been responsive to requests from Viacom that it remove infringing content from the site.

"I'm in the same position as Google v. Viacom. I'm a source provider and protected under the law. I did not post the article. I did not commission it. I did not direct anyone to produce it," said Larry Johnson, who was sued by Righthaven after an R-J story about Nevada's U.S. Senate race appeared on Johnson's noquarterusa.net website.

But Ryan Gile, an intellectual property attorney at the Las Vegas law firm Weide & Miller, said the YouTube ruling may be of little assistance to some defendants, particularly small website operators that can't afford to litigate against Righthaven.

"For those websites where the R-J articles were posted by third parties, the DMCA was always going to be their best defense against copyright infringement liability. But in order to successfully invoke the DMCA safe harbor, the defendant website may still have to endure months of discovery by Righthaven to show that the website meets the specific criteria for protection under the DMCA. If the defendant is a corporate entity and must hire a lawyer to represent it in court or if the defendant is an out-of-state individual and must hire a local lawyer to represent them in court, then just proving that you are completely immune from any liability is still a large financial burden that most little guys simply can't afford," Gile said.

Gibson, in the meantime, says critics are off the mark when they suggest Righthaven's typical \$75,000 statutory damage claim is excessive given the apparently minor infringements in some of the cases. Statutory damages are those in which the plaintiff doesn't have to show economic loss and they serve as a deterrent to infringement, he said.

And while Righthaven typically asks in its lawsuits that the infringing Web site's domain name be transferred to Righthaven, Gibson said Righthaven hasn't actually pursued that legal option. But it's something available to deter infringements, he said.

Despite the protests of critics who want a more freewheeling, largely unregulated Internet, it's well established that copyright and trademark law apply to the Internet.

One of the early cases to establish this, ironically, involved one of the current Righthaven defendants, the conservative news-sharing site www.freerepublic.com in Fresno, Calif.

Free Republic was sued for copyright infringement in the 1990s by the Los Angeles Times and The Washington Post in a case that was closely watched because, at the time, it wasn't clear if copyright law applied to the nascent Internet sphere.

In 1999, a federal judge sided squarely with the newspapers, finding [freerepublic.com](http://www.freerepublic.com) had no "fair use" exemption to post thousands of the newspapers' stories online so readers could comment on them.

On July 20, the [freerepublic.com](http://www.freerepublic.com) message board was filled with "here we go again" comments after users of the site learned it had been sued again, this time by Righthaven. In the new Righthaven case, the stories weren't posted directly by [freerepublic](http://www.freerepublic.com), but by users on its message boards.

Around the country, copyright attorneys and some media players are questioning the Righthaven troll-and-sue strategy, and some have likened it to controversial campaigns by the music and movie industries

to sue illegal downloaders.

John Paton, CEO of the Journal Register Co. newspaper chain and Editor & Publisher magazine's publisher of the year in 2009, was among those surprised to learn of Righthaven's lawsuit campaign.

"Such a bad idea for newspapers. I'm speechless," Paton said on a Twitter post.

His reaction wasn't surprising. Instead of suing bloggers, Journal Register has embraced them, announcing initiatives this year to provide local bloggers with tools and training to grow news coverage — part of his company's push to grow revenue through local digital partnerships in its markets in the Northeast.

Ron Coleman, a lawyer in New York, noted on his Likelihood Of Confusion blog that there's a key difference between lawsuits over movie and music downloading and suits over copying and pasting newspaper stories: People generally are willing to pay for music and movies, but not news.

"There's barely any market for fresh news at all — i.e., people really don't expect or want to pay for it, and they don't," he wrote. "That's not because they can steal it, but because there are so many free or very low cost substitutes for mainstream media available today. And that's going to be even more true for the mainly warmed over or in some cases really old newspaper stories that seem to be the subject of this (Righthaven) copyright 'enforcement' sweep."

Coleman also took a swipe at Gibson's business plan.

"When an infringing blogger gets served with a summons and complaint, he's going to have to pay to make it go away, and the only thing Gibson's going to want to know is how much-a-you-got. What kind of business plan is that?" Coleman asked.

Another attorney suggested an alternative to the Righthaven and similar "copyright troll" tactics. Such cases could be handled through an arbitration or administrative process much the same way employment discrimination complaints must be filed before they turn into lawsuits, Philadelphia attorney Maxwell Kennerly wrote on his blog.

Kennerly pointed to a typical Righthaven case, satirically calling it "a recent suit against those scourges of American society, the American Society of Safety Engineers (ASSE)."

In that case, an R-J story about safety legislation allegedly was posted to the website of a Florida chapter of the ASSE.

Kennerly said he believes the allegations, if true, would constitute copyright infringement. But he questions the need make a federal lawsuit out of them.

"Just taking that ASSE case as an example, all the (proposed) agency would really need, other than the complaint filed, is an answer from the defendant admitting or denying the material facts about the extent and nature of republication," Kennerly wrote. "And that would be it; the investigator or arbitrator could then look at those documents, the core of which would be fewer than 20 pages, and start discussing with the parties a reasonable settlement. That would obviate the need to bring on attorneys for hundreds of dollars an hour, and would keep these small potatoes matters from clogging our federal courts."

Sam Bayard, at Harvard's Citizen Media Law Project, said a ruling in another media copyright case this summer may serve to limit damages against copyright infringers with innocent intentions.

In a closely-watched case in Boston, a federal judge slashed by 90 percent the \$675,000 in damages a jury awarded record companies against a student who had illegally downloaded and shared 30 songs.

The \$67,500 Joel Tenenbaum has to pay is still a hefty amount for violating record labels' copyrights. But in drastically reducing the damages, U.S. District Judge Nancy Gertner found: "This [\$675,000] award is far greater than necessary to serve the government's legitimate interests in compensating copyright owners and deterring infringement."

Gertner wrote that the Constitution's Due Process Clause has served to protect large corporations from "grossly excessive punitive awards" but also applies to "ordinary people like Joel Tenenbaum."

As the lawsuits proceed or are settled, it's clear Righthaven's lawsuit campaign has already had some effect.

At least three people in Las Vegas have told the Sun that in response to Righthaven's initiative, they have removed R-J stories from their websites because they have been sued or were afraid of being sued.

- An anti-Righthaven Facebook page has been created, criticizing the initiative and serving as a resource for those who have been sued.
- Some websites have vowed to stop sending traffic to the R-J. Officials at a website called abovetopsecret.com said that after they were sued, they would immediately stop allowing users to post R-J stories and links. "It's ludicrous. We'll never settle with them," Mark Allin, a partner at the company, said after his company was sued.
- A website called www.thearmedcitizen.com shut down after its operators in Idaho were sued. The owners said they didn't want to worry about any more litigation over the noncommercial site covering the use of weapons in self-defense.
- Critics say R-J reporters are now in a conflict of interest situation because their paper in many cases is suing their sources including the state Democratic Party, Progressive Leadership Alliance of Nevada, Citizens for Responsibility and Ethics in Washington, real estate brokerages and agents and Anthony Curtis, a gaming industry observer and publisher.

"How are the Review-Journal's reporters supposed to now fairly cover the groups this LLC has sued?" asked a post on the anti-Review Journal website www.lvjournalreview.com.

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EXHIBIT L

Select A Case

This person is a party in 139 cases.

2:10-cv-00350-PMP-RJJ	Righthaven LLC v. MoneyReign, Inc.	filed 03/13/10 closed 05/19/10
2:10-cv-00351-LDG-PAL	Righthaven LLC v. National Organization for the Reform of Marijuana Laws	filed 03/15/10 closed 07/12/10
2:10-cv-00484-GMN-LRL	Righthaven LLC v. MajorWager.Com Inc	filed 04/07/10
2:10-cv-00485-KJD-RJJ	Righthaven LLC v. Citizens for Responsibility and Ethics in Washington, Inc.	filed 04/07/10 closed 05/20/10
2:10-cv-00539-LDG-RJJ	Righthaven LLC v. Farnham et al	filed 04/14/10 closed 05/20/10
2:10-cv-00584-RLH-LRL	Righthaven LLC v. Chavez	filed 04/22/10 closed 05/19/10
2:10-cv-00600-GMN-RJJ	Righthaven LLC v. Vegas Marketing Group et al	filed 04/27/10
2:10-cv-00601-RLH-PAL	Righthaven LLC v. Industrial Wind Action Corp et al	filed 04/27/10
2:10-cv-00635-LDG-PAL	Righthaven LLC v. KillerFrogs.com Inc.	filed 05/04/10 closed 07/14/10
2:10-cv-00636-RLH-RJJ	Righthaven LLC v. Dr Shezad Malik Law Firm P.C.	filed 05/04/10 closed 11/02/10
2:10-cv-00637-RLH-RJJ	Righthaven LLC v. Progressive Leadership Alliance of Nevada et al	filed 05/04/10

<u>2:10-cv-00691-GMN-PAL</u>	Righthaven LLC v. Ecological Internet Inc.	filed 05/13/10
<u>2:10-cv-00692-LRH-LRL</u>	Righthaven LLC v. Jack D. Wooden	filed 05/13/10 closed 08/11/10
<u>2:10-cv-00706-GMN-RJJ</u>	Righthaven LLC v. Enterprise Funding, LLC, et al	filed 05/14/10 closed 06/07/10
<u>2:10-cv-00734-PMP-RJJ</u>	Righthaven LLC v. Real Money Sports, Inc. et al	filed 05/19/10 closed 06/24/10
<u>2:10-cv-00740-RLH-PAL</u>	Righthaven LLC v. Portside, Inc. et al	filed 05/19/10 closed 07/19/10
<u>2:10-cv-00741-GMN-LRL</u>	Righthaven LLC v. Klerks et al	filed 05/19/10
<u>2:10-cv-00742-JCM-RJJ</u>	Righthaven LLC v. Goff Associates et al	filed 05/20/10
<u>2:10-cv-00794-PMP-PAL</u>	Righthaven LLC v. Tuff-N-Uff Productions, Inc., et al.	filed 05/27/10 closed 09/09/10
<u>2:10-cv-00795-JCM-RJJ</u>	Righthaven LLC v. Swadeep Nigam	filed 05/27/10 closed 10/19/10
<u>2:10-cv-00798-JCM-RJJ</u>	Righthaven LLC v. Ozean Group	filed 05/27/10
<u>2:10-cv-00799-PMP-PAL</u>	Righthaven LLC v. Andre McCollough	filed 05/27/10 closed 10/12/10
<u>2:10-cv-00813-JCM-RJJ</u>	Righthaven LLC v. Futrell	filed 05/28/10
<u>2:10-cv-00814</u>		

2:10-cv-00014-RLH-LRL	Righthaven LLC v. Bisig Impact Group, Inc. et al	filed 05/28/10	closed 10/18/10
2:10-cv-00815-LRH-LRL	Righthaven LLC v. ACDC-Bootlegs.com et al	filed 05/28/10	closed 08/03/10
2:10-cv-00816-GMN-RJJ	Righthaven LLC v. Odds on Racing et al	filed 05/28/10	closed 07/26/10
2:10-cv-00850-RLH-LRL	Righthaven LLC v. Pregame LLC et al	filed 06/04/10	closed 08/23/10
2:10-cv-00851-JCM-LRL	Righthaven LLC v. Stern and Company, Inc. et al	filed 06/04/10	
2:10-cv-00852-JCM-PAL	Righthaven LLC v. The Prescription LLC et al	filed 06/04/10	
2:10-cv-00854-HDM-PAL	Righthaven LLC v. EMTCity.com et al	filed 06/04/10	
2:10-cv-00855-KJD-RJJ	Righthaven LLC v. Motorcycle Racing Association of Nevada	filed 06/04/10	closed 09/24/10
2:10-cv-00856-LRH-RJJ	Righthaven LLC v. Wong et al	filed 06/04/10	closed 09/28/10
2:10-cv-00858-PMP-RJJ	Righthaven LLC v. Off Shore Gaming Association et al	filed 06/04/10	closed 08/12/10
2:10-cv-00862-LRH-RJJ	Righthaven LLC v. Shaker Advertising Agency et al	filed 06/04/10	
2:10-cv-00864-LRH-RJJ	Righthaven LLC v. Domains by Proxy	filed 06/04/10	
2:10-cv-00887-PMP-PAL	Righthaven LLC v. Lojeck	filed 06/09/10	closed 08/03/10

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[2:10-cv-01018-LRH-RJJ](#) Righthaven LLC v. LVA In The Media et al filed 06/25/10 closed 10/18/10

[2:10-cv-01022-JCM-LRL](#) Righthaven LLC v. No Quarter et al filed 06/25/10

[2:10-cv-01026-HDM-RJJ](#) Righthaven LLC v. Thomas filed 06/25/10 closed 08/03/10

[2:10-cv-01030-JCM-RJJ](#) Righthaven LLC v. Prepster et al filed 06/25/10 closed 08/03/10

[2:10-cv-01031-LRH-LRL](#) Righthaven LLC v. Smith et al filed 06/25/10

[2:10-cv-01033-KJD-PAL](#) Righthaven LLC v. Vegas Backstage Access et al filed 06/25/10 closed 09/03/10

[2:10-cv-01034-RLH-LRL](#) Righthaven LLC v. Salem Communications Corporation et al filed 06/25/10

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2:10-cv-01046-HDM-LRL	Righthaven LLC v. Jones	filed 06/28/10
2:10-cv-01061-GMN-LRL	Righthaven LLC v. Santilli	filed 06/30/10 closed 08/17/10
2:10-cv-01062-LRH-LRL	Righthaven LLC v. South Coast Partner, Inc. et al	filed 06/30/10
2:10-cv-01064-HDM-RJJ	Righthaven LLC v. Hyde Park Communications, Inc.	filed 06/30/10 closed 08/03/10
2:10-cv-01065-JCM-LRL	Righthaven LLC v. Honor, Inc. et al	filed 06/30/10 closed 08/03/10
2:10-cv-01066-KJD -LRL	Righthaven LLC v. Mostofi	filed 06/30/10
2:10-cv-01067-PMP-RJJ	Righthaven LLC v. Gollner	filed 06/30/10 closed 07/21/10
2:10-cv-01102-JCM-PAL	Righthaven LLC v. Omnia Alliance, LLC et al	filed 07/06/10 closed 09/28/10
2:10-cv-01103-RLH-LRL	Righthaven LLC v. Finn IV et al	filed 07/07/10 closed 08/03/10
2:10-cv-01110-KJD-RJJ	Righthaven LLC v. Heys	filed 07/07/10
2:10-cv-01114-RLH-RJJ	Righthaven LLC v. Odds on Recording Studios, Inc. et al	filed 07/08/10
2:10-cv-01118-KJD-RJJ	Righthaven LLC v. Independent Political Report et al	filed 07/08/10

2:10-cv-01126-PMP-PAL	Righthaven LLC v. Williams-Pinkney et al	filed 07/09/10
2:10-cv-01128-RLH-RJJ	Righthaven LLC v. Pennwell Corporation	filed 07/09/10 closed 08/10/10
2:10-cv-01129-KJD-PAL	Righthaven LLC v. Democratic Party of Nevada	filed 07/09/10 closed 09/30/10
2:10-cv-01134-RLH-PAL	Righthaven LLC v. Bouzek et al	filed 07/12/10 closed 10/26/10
2:10-cv-01157-JCM -LRL	Righthaven LLC v. Valentine	filed 07/14/10
2:10-cv-01158-GMN-PAL	Righthaven LLC v. Question Authority et al	filed 07/14/10
2:10-cv-01159-JCM-LRL	Righthaven LLC v. The Above Network, LLC et al	filed 07/14/10 closed 10/05/10
2:10-cv-01160-KJD-LRL	Righthaven LLC v. Nason et al	filed 07/14/10 closed 10/11/10
2:10-cv-01172-RLH-RJJ	Righthaven LLC v. Downey	filed 07/15/10
2:10-cv-01174-PMP-LRL	Righthaven LLC v. Verticalscope USA Inc. et al	filed 07/15/10 closed 10/04/10
2:10-cv-01177-JCM-LRL	Righthaven LLC v. Grand et al	filed 07/15/10 closed 10/12/10
2:10-cv-01184-KJD-RJJ	Righthaven LLC v. Kelleher	filed 07/16/10
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2:10-cv-01194-GMN-LRL	Righthaven LLC v. Wilcox et al	filed 07/19/10 closed 09/29/10
2:10-cv-01194-LDG-RJJ	Righthaven LLC v. Free Republic, LLC et al	filed 07/19/10 closed 10/20/10
2:10-cv-01200-RLH-RJJ	Righthaven LLC v. The Armed Citizen et al	filed 07/20/10 closed 09/30/10
2:10-cv-01205-KJD-RJJ	Righthaven LLC v. Assured Lender Services, Inc. et al	filed 07/20/10 closed 10/05/10
2:10-cv-01211-JCM-RJJ	Righthaven LLC v. Free Speech Systems, LLC et al	filed 07/21/10 closed 09/23/10
2:10-cv-01218-LDG-RJJ	Righthaven LLC v. Americans For Democratic Action, Inc. et al	filed 07/21/10 closed 10/05/10
2:10-cv-01245-GMN-PAL	Righthaven LLC v. Bliss	filed 07/26/10 closed 10/06/10
2:10-cv-01246-GMN-PAL	Righthaven LLC v. Fiato	filed 07/26/10
2:10-cv-01276-GMN -PAL	Righthaven LLC v. Serkadis.com et al	filed 07/29/10
2:10-cv-01277-JCM-LRL	Righthaven LLC v. Americans For Immigration Reform et al	filed 07/29/10
2:10-cv-01280-GMN-RJJ	Righthaven LLC v. Inkonet Networks et al	filed 07/29/10
2:10-cv-01281-GMN-PAL	Righthaven LLC v. Silver Matrix LLC et al	filed 07/29/10 closed 10/19/10
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2:10-cv-01322-JCM-LRL	Righthaven LLC v. Center For Intercultural Organizing et al	filed 08/05/10
2:10-cv-01324-PMP-RJJ	Righthaven LLC v. Second Amendment Sisters, Inc. et al	filed 08/05/10 closed 10/05/10
2:10-cv-01328-GMN-LRL	Righthaven LLC v. Baxter et al	filed 08/06/10
2:10-cv-01329-GMN-LRL	Righthaven LLC v. Soltan	filed 08/06/10 closed 10/21/10
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2:10-cv-01343-RLH-PAL	Righthaven LLC v. DiBiase	filed 08/09/10
2:10-cv-01344-PMP-PAL	Righthaven LLC v. Meenehan	filed 08/09/10 closed 10/05/10
2:10-cv-01345-GMN-PAL	Righthaven LLC v. Cirucci	filed 08/09/10 closed 10/05/10
2:10-cv-01346-KJD-LRL	Righthaven LLC v. Internet Brands, Inc. et al	filed 08/09/10 closed 11/03/10
2:10-cv-01347-RLH-LRL	Righthaven LLC v. Pruitt	filed 08/09/10
2:10-cv-01355-RLH-PAL	Righthaven LLC v. Sohor et al	filed 08/10/10
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<u>2:10-cv-01404- LRH-LRL</u>	Righthaven LLC v. Hush-Hush Entertainment, Inc. et al	filed 08/18/10
<u>2:10-cv-01431- ECR-PAL</u>	Righthaven LLC v. Hepatitis C Support Project et al	filed 08/24/10 closed 10/07/10
<u>2:10-cv-01432- ECR-LRL</u>	Righthaven LLC v. Herbalscience Ltd et al	filed 08/24/10 closed 10/18/10
<u>2:10-cv-01442- RLH-PAL</u>	Righthaven LLC v. Franklin	filed 08/25/10 closed 10/04/10
<u>2:10-cv-01454- RLH-LRL</u>	Righthaven LLC v. Hippen	filed 08/26/10
<u>2:10-cv-01455- RLH-PAL</u>	Righthaven LLC v. Buckner	filed 08/26/10
<u>2:10-cv-01456- LRH-RJJ</u>	Righthaven LLC v. MedicCom BBS et al	filed 08/26/10 closed 11/08/10
<u>2:10-cv-01457- LRH-RJJ</u>	Righthaven LLC v. Wehategringos.com et al	filed 08/26/10
<u>2:10-cv-01480- ECR-PAL</u>	Righthaven LLC v. P.O.W. Network et al	filed 08/31/10 closed 10/20/10
<u>2:10-cv-01481- RCJ-LRL</u>	Righthaven LLC v. American Political Action Committee, et al	filed 08/31/10 closed 10/13/10
<u>2:10-cv-01482- LRH-LRL</u>	Righthaven LLC v. Kirvin Doak Communications et al	filed 08/31/10 closed 09/07/10
<u>2:10-cv-01483- KJD-RJJ</u>	Righthaven LLC v. Americans for Legal Immigration Political Action Committee et al	filed 08/31/10

2:10-cv-01490-JCM-RJJ	Righthaven LLC v. Nystrom	filed 08/31/10
2:10-cv-01491-RLH-RJJ	Righthaven LLC v. Gilbert	filed 08/31/10 closed 10/05/10
2:10-cv-01492-RLH-RJJ	Righthaven LLC v. Edmunds	filed 08/31/10
2:10-cv-01496-JCM-PAL	Righthaven LLC v. Americans Against Food Taxes et al	filed 09/01/10
2:10-cv-01512-PMP-PAL	Righthaven LLC v. Trauma Intervention Program of Southern Nevada Inc et al	filed 09/03/10 closed 11/29/10
2:10-cv-01524-JCM-RJJ	Righthaven LLC v. Lord	filed 09/08/10
2:10-cv-01527-JCM-LRL	Righthaven LLC v. Rawlings et al	filed 09/08/10
2:10-cv-01534-KJD-PAL	Righthaven LLC v. Johnson et al	filed 09/09/10
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2:10-cv-01539-RLH-RJJ	Righthaven LLC v. Hoefling et al	filed 09/09/10
2:10-cv-01542-KJD-RJJ	Righthaven LLC v. Wells	filed 09/09/10
2:10-cv-01543-GMN-PAL	Righthaven LLC v. Hawaii Tourism Association Inc et al	filed 09/10/10
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2:10-cv-01571-KJD-RJJ	Righthaven LLC v. Parson	filed 09/14/10 closed 10/06/10
2:10-cv-01575-JCM-PAL	Righthaven LLC v. Pahrump Life et al	filed 09/14/10
2:10-cv-01601-RCJ-PAL	Righthaven LLC v. Ralph Roberts Realty, LLC et al	filed 09/17/10 closed 11/02/10
2:10-cv-01605-PMP-LRL	Righthaven LLC v. Schultz et al	filed 09/20/10
2:10-cv-01613-KJD-RJJ	Righthaven LLC v. EMP Media, Inc. et al	filed 09/20/10
2:10-cv-01624-KJD-LRL	Righthaven LLC v. Automotive.com, LLC et al.	filed 09/21/10 closed 11/08/10
2:10-cv-01652-GMN-LRL	Righthaven LLC v. Rucker	filed 09/24/10
2:10-cv-01654-GMN-LRL	Righthaven LLC v. Brooks et al	filed 09/24/10
2:10-cv-01655-GMN-PAL	Righthaven LLC v. Shermer et al	filed 09/24/10
2:10-cv-01671-GMN-LRL	Righthaven LLC v. AR15.com, LLC et al	filed 09/27/10
2:10-cv-01672-GMN-LRL	Righthaven LLC v. Leon et al	filed 09/27/10
2:10-cv-01673-GMN-LRL	Righthaven LLC v. Easton et al	filed 09/27/10

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Righthaven LLC v. Neveu et al

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[2:10-cv-01683-GMN-PAL](#)

Righthaven LLC v. Virginia Citizens Defense League, Inc. et al

filed 09/28/10

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<u>2:10-cv-01839-KJD-PAL</u>	Righthaven LLC v. RateMyCop.Com et al	filed 10/20/10 closed 11/09/10
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Righthaven LLC v. Threall, Inc. et al

filed 11/30/10

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