



1 Agreement between Righthaven and Stephens Media precluded the assignment to Righthaven of  
2 any of the exclusive rights identified in 17 U.S.C. § 106 which are necessary to confer ownership  
3 on the assignee. *See Silvers v. Sony Pictures Entm't Inc.*, 402 F.3d 881, 884 (9<sup>th</sup> Cir. 2005) (*en*  
4 *banc*). Although Democratic Underground may still pursue recovery of costs and attorney's fees  
5 against Righthaven, and Democratic Underground's counterclaim against Stephens Media remains  
6 pending, the District Court's order disposes of the need for Democratic Underground to obtain the  
7 discovery which is the subject of the instant motion to compel. Accordingly,

8 **IT IS HEREBY ORDERED** that Defendant/Counterclaimant Democratic Underground,  
9 LLC's Motion to Compel the Production of Documents from Plaintiff/Counterdefendant  
10 Righthaven, LLC and Counterdefendant Stephens Media, LLC (#95) is **denied as moot**.

11 DATED this 16<sup>th</sup> day of June, 2011.

12   
13 GEORGE FOLEY, JR.  
14 U.S. MAGISTRATE JUDGE