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

11 RIGHTHAVEN LLC, a Nevada limited-
12 liability company,

13
14 Plaintiff,

15 v.

16 FREE REPUBLIC, LLC, a California limited
17 liability company; JAMES C. ROBINSON, an
18 individual; and JOHN ROBINSON, an
19 individual,

20 Defendants.

Case No.: 2:10-cv-01194-LDG-RJJ

**FIRST AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

21
22 Righthaven LLC (“Righthaven”) complains as follows against Free Republic, LLC
23 (“Free Republic”), James C. Robinson (“James Robinson”), and John Robinson (collectively
24 with Free Republic and James Robinson known herein as the “Defendants”), on information and
25 belief:

26
27 **NATURE OF ACTION**

28 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

1 **PARTIES**

2 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-
3 liability company with its principal place of business in Nevada.

4 3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing
5 with the Nevada Secretary of State.

6 4. Free Republic is, and has been at all times relevant to this lawsuit, a California
7 limited liability company.

8 5. Free Republic is, and has been at all times relevant to this lawsuit, identified by
9 the current registrar, GKG.NET, INC. (“GKG”), as a registrant, administrative contact, technical
10 contact, and billing contact for the Internet domain found at <freerepublic.com> (the “Domain”).

11 6. James Robinson is, and has been at all times relevant to this lawsuit, identified by
12 GKG as a registrant of the Domain.

13 7. John Robinson is, and has been at all times relevant to this lawsuit, identified by
14 GKG as an administrative contact, technical contact, and billing contact for the Domain.

15 8. John Robinson is, and has been at all times relevant to this lawsuit, the self-
16 proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible
17 through the Domain (said content accessible through the Domain known herein as the
18 “Website”), as evidenced by a copyright notice displayed on the Website: “FreeRepublic.com is
19 powered by software copyright 2000-2008 John Robinson.”

20
21 **JURISDICTION**

22 9. This Court has original subject matter jurisdiction over this copyright
23 infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

24 10. Righthaven is the owner of the copyright in the literary work entitled: “Nevada
25 homeowners could get help from federal funding” (the “Nevada Homeowners Work”), attached
26 hereto as Exhibit 1.
27
28

1 11. At all times relevant to this lawsuit, the Nevada Homeowners Work has depicted
2 and depicts the original source publication as the Las Vegas *Review-Journal*.

3 12. The Defendants willfully copied, on an unauthorized basis, the Nevada
4 Homeowners Work from a source emanating from Nevada.

5 13. On or about June 24, 2010, the Defendants displayed, and continue to display, an
6 unauthorized reproduction of the Nevada Homeowners Work (the “First Infringement”), attached
7 hereto as Exhibit 2, on the Website.

8 14. The subject matter, at least in part, of the Nevada Homeowners Work and the
9 First Infringement, is the dispersal of federal funds to Nevada homeowners.

10 15. At all times relevant to this lawsuit, the Defendants knew that the Nevada
11 Homeowners Work was originally published in the Las Vegas *Review-Journal*.

12 16. The Defendants’ display of the First Infringement was and is purposefully
13 directed at Nevada residents.

14 17. Righthaven is the owner of the copyright in the literary work entitled: “Slain store
15 clerk, 77, mourned” (the “Slain Clerk Work”; collectively with the Nevada Homeowners Work
16 known herein as the “Works”), attached hereto as Exhibit 3.

17 18. At all times relevant to this lawsuit, the Slain Clerk Work has depicted and
18 depicts the original source publication as the Las Vegas *Review-Journal*.

19 19. The Defendants willfully copied, on an unauthorized basis, a substantial and
20 significant portion of the Slain Clerk Work from a source emanating from Nevada.

21 20. On or about May 19, 2010, the Defendants displayed, and continue to display, an
22 unauthorized reproduction of the Slain Clerk Work (the “Second Infringement”), attached hereto
23 as Exhibit 4, on the Website.

24 21. The subject matter, at least in part, of the Slain Clerk Work and the Second
25 Infringement, is the murder of a Las Vegas, Nevada-based convenience store clerk.

26 22. At all times relevant to this lawsuit, the Defendants knew that the Slain Clerk
27 Work was originally published in the Las Vegas *Review-Journal*.

1 23. The Defendants' display of the Second Infringement was and is purposefully
2 directed at Nevada residents.

3 24. The Defendants willfully copied, on an unauthorized basis, a substantial and
4 significant portion of the literary work entitled: "SENATE POLL: Lowden leads Republican
5 pack" (the "Senate Poll Article"), attached hereto as Exhibit 5, from a source emanating from
6 Nevada.

7 25. On or about April 11, 2010, the Defendants displayed, and continue to display,
8 the Senate Poll Article on the Website.

9 26. The Defendants' display of the Senate Poll Article was and is purposefully
10 directed at Nevada residents.

11 27. The Defendants willfully copied, on an unauthorized basis, a substantial and
12 significant portion of the literary work entitled: "Don't upset the unions – or else" (the "Unions
13 Article"), attached hereto as Exhibit 6, from a source emanating from Nevada.

14 28. On or about April 10, 2010, the Defendants displayed, and continue to display,
15 the Unions Article on the Website.

16 29. The Defendants' display of the Unions Article was and is purposefully directed at
17 Nevada residents.

18 30. The Defendants willfully copied, on an unauthorized basis, the literary work
19 entitled: "Case divides ranchers, miners" (the "Ranchers Article"), attached hereto as Exhibit 7,
20 from a source emanating from Nevada.

21 31. On or about June 19, 2010, the Defendants displayed, and continue to display, the
22 Ranchers Article on the Website.

23 32. The Defendants' display of the Ranchers Article was and is purposefully directed
24 at Nevada residents.

25 33. The Defendants willfully copied, on an unauthorized basis, the literary work
26 entitled: "Angle not softening her views" (the "Softening Views Article"), attached hereto as
27 Exhibit 8, from a source emanating from Nevada.

1 34. On or about June 13, 2010, the Defendants displayed, and continue to display, the
2 Softening Views Article on the Website.

3 35. The Defendants' display of the Softening Views Article was and is purposefully
4 directed at Nevada residents.

5 36. The Defendants willfully copied, on an unauthorized basis, the literary work
6 entitled: "Wynn's remarks rattle Las Vegas gaming" (the "Wynn's Remarks Article"), attached
7 hereto as Exhibit 9, from a source emanating from Nevada.

8 37. On or about April 23, 2010, the Defendants displayed, and continue to display,
9 the Wynn's Remarks Article on the Website.

10 38. The Defendants' display of the Wynn's Remarks Article was and is purposefully
11 directed at Nevada residents.

12 39. The Defendants willfully copied, on an unauthorized basis, the literary work
13 entitled: "GOP Senate hopeful Christensen carries favor in Mormon church" (the "Christensen
14 Article"), attached hereto as Exhibit 10, from a source emanating from Nevada.

15 40. On or about June 5, 2010, the Defendants displayed, and continue to display, the
16 Christensen Article on the Website.

17 41. The Defendants' display of the Christensen Article was and is purposefully
18 directed at Nevada residents.

19 42. The Defendants willfully copied, on an unauthorized basis, the literary work
20 entitled: "America faces a big, fat Greek-style bankruptcy" (the "Bankruptcy Article"), attached
21 hereto as Exhibit 11, from a source emanating from Nevada.

22 43. On or about May 23, 2010, the Defendants displayed, and continue to display, the
23 Bankruptcy Article on the Website.

24 44. The Defendants' display of the Bankruptcy Article was and is purposefully
25 directed at Nevada residents.

26 45. The Defendants willfully copied, on an unauthorized basis, a substantial and
27 significant portion of the literary work entitled: "Angle speaks about doing battle" (the "Angle
28 Article"), attached hereto as Exhibit 12, from a source emanating from Nevada.

1 46. On or about June 18, 2010, the Defendants displayed, and continue to display, the
2 Angle Article on the Website.

3 47. The Defendants' display of the Angle Article was and is purposefully directed at
4 Nevada residents.

5 48. The Defendants willfully copied, on an unauthorized basis, a substantial and
6 significant portion of the literary work entitled: "Obama's agenda: Overwhelm the system" (the
7 "Agenda Article"), attached hereto as Exhibit 13, from a source emanating from Nevada.

8 49. On or about June 6, 2010, the Defendants displayed, and continue to display, the
9 Agenda Article on the Website.

10 50. The Defendants' display of the Agenda Article was and is purposefully directed at
11 Nevada residents.

12 51. The Defendants willfully copied, on an unauthorized basis, a substantial and
13 significant portion of the literary work entitled: "Task force in place to combat election fraud"
14 (the "Task Force Article"), attached hereto as Exhibit 14, from a source emanating from Nevada.

15 52. On or about May 5, 2010, the Defendants displayed, and continue to display, the
16 Task Force Article on the Website.

17 53. The Defendants' display of the Task Force Article was and is purposefully
18 directed at Nevada residents.

19 54. The Defendants' contacts with Nevada are continuous and systematic because the
20 Defendants regularly published and publish, on the Website, content emanating from Nevada-
21 based daily publications, and such contacts have been in existence at least in excess of three
22 years.

23 55. The Defendants' contacts with Nevada are continuous and systematic because the
24 Defendants published and publish, on the Website, information of specific interest to Nevada
25 residents about Nevada-related political issues, and such contacts have been in existence at least
26 in excess of three years.

27 56. The Defendants' contacts with Nevada are continuous and systematic because the
28 Defendants published and publish, on the Website, information of specific interest to Nevada

1 residents about Nevada-based politicians, and such contacts have been in existence at least in
2 excess of three years.

3 57. The Defendants' contacts with Nevada are continuous and systematic because the
4 Defendants published and publish, on the Website, information of specific interest to Nevada
5 residents about the Las Vegas, Nevada economy, and such contacts have been in existence at
6 least in excess of one year.

7 58. The repeated infringing activities alleged herein demonstrate that the Defendants
8 are serial, egregious, willful infringers of copyrighted literary works emanating from Nevada.

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11 **VENUE**

12 59. The United States District Court for the District of Nevada is an appropriate
13 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
14 the claim for relief are situated in Nevada.

15 60. The United States District Court for the District of Nevada is an appropriate
16 venue, pursuant to 28 U.S.C. § 1391(c), because Free Republic is subject to personal jurisdiction
17 in Nevada.

18
19 **FACTS**

20 61. The Nevada Homeowners Work constitutes copyrightable subject matter,
21 pursuant to 17 U.S.C. § 102(a)(1).

22 62. Righthaven is the owner of the copyright in and to the Nevada Homeowners
23 Work.

24 63. The Nevada Homeowners Work was originally published on June 23, 2010.

25 64. On July 14, 2010, the United States Copyright Office (the "USCO") granted
26 Righthaven the registration to the Nevada Homeowners Work, copyright registration number
27 TX0007173605 (the "First Registration") and attached hereto as Exhibit 15 is evidence of the
28

1 First Registration in the form of a printout of the official USCO database record depicting the
2 occurrence of the First Registration.

3 65. On or about June 24, 2010, the Defendants displayed, and continue to display, the
4 First Infringement on the Website.

5 66. The Slain Clerk Work constitutes copyrightable subject matter, pursuant to 17
6 U.S.C. § 102(a)(1).

7 67. Righthaven is the owner of the copyright in and to the Slain Clerk Work.

8 68. The Slain Clerk Work was originally published on May 17, 2010.

9 69. On July 6, 2010, the USCO granted Righthaven the registration to the Slain Clerk
10 Work, copyright registration number TX0007168815 (the “Second Registration”) and attached
11 hereto as Exhibit 16 is evidence of the Second Registration in the form of a printout of the
12 official USCO database record depicting the occurrence of the Second Registration.

13 70. On or May 19, 2010, the Defendants displayed, and continue to display, the
14 Second Infringement on the Website.

15 71. The Defendants did not seek permission, in any manner, to reproduce, display, or
16 otherwise exploit the Works.

17 72. The Defendants were not granted permission, in any manner, to reproduce,
18 display, or otherwise exploit the Works.

19
20 **FIRST CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT OF THE**

21 **NEVADA HOMEOWNERS WORK**

22 73. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
23 72 above.

24 74. Righthaven holds the exclusive right to reproduce the Nevada Homeowners
25 Work, pursuant to 17 U.S.C. § 106(1).

26 75. Righthaven holds the exclusive right to prepare derivative works based upon the
27 Nevada Homeowners Work, pursuant to 17 U.S.C. § 106(2).
28

1 76. Righthaven holds the exclusive right to distribute copies of the Nevada
2 Homeowners Work, pursuant to 17 U.S.C. § 106(3).

3 77. Righthaven holds the exclusive right to publicly display the Nevada Homeowners
4 Work, pursuant to 17 U.S.C. § 106(5).

5 78. The Defendants reproduced the Nevada Homeowners Work in derogation of
6 Righthaven's exclusive rights under 17 U.S.C. § 106(1).

7 79. The Defendants created an unauthorized derivative of the Nevada Homeowners
8 Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

9 80. The Defendants distributed, and continue to distribute, an unauthorized
10 reproduction of the Nevada Homeowners Work on the Website, in derogation of Righthaven's
11 exclusive rights under 17 U.S.C. § 106(3).

12 81. The Defendants publicly displayed, and continue to publicly display, an
13 unauthorized reproduction of the Nevada Homeowners Work on the Website, in derogation of
14 Righthaven's exclusive rights under 17 U.S.C. § 106(5).

15 82. Free Republic has willfully engaged in the copyright infringement of the Nevada
16 Homeowners Work.

17 83. James Robinson has willfully engaged in the copyright infringement of the
18 Nevada Homeowners Work.

19 84. John Robinson has willfully engaged in the copyright infringement of the Nevada
20 Homeowners Work.

21 85. The Defendants' acts as alleged herein, and the ongoing direct results of those
22 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
23 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

24 86. Unless the Defendants are preliminarily and permanently enjoined from further
25 infringement of the Nevada Homeowners Work, Righthaven will be irreparably harmed, and
26 Righthaven is thus entitled to preliminary and permanent injunctive relief against further
27 infringement by the Defendants of the Nevada Homeowners Work, pursuant to 17 U.S.C. § 502.
28

**SECOND CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT OF THE
SLAIN CLERK WORK**

87. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 86 above.

88. Righthaven holds the exclusive right to reproduce the Slain Clerk Work, pursuant to 17 U.S.C. § 106(1).

89. Righthaven holds the exclusive right to prepare derivative works based upon the Slain Clerk Work, pursuant to 17 U.S.C. § 106(2).

90. Righthaven holds the exclusive right to distribute copies of the Slain Clerk Work, pursuant to 17 U.S.C. § 106(3).

91. Righthaven holds the exclusive right to publicly display the Slain Clerk Work, pursuant to 17 U.S.C. § 106(5).

92. The Defendants reproduced the Slain Clerk Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).

93. The Defendants created an unauthorized derivative of the Slain Clerk Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

94. The Defendants distributed, and continue to distribute, an unauthorized reproduction of the Slain Clerk Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).

95. The Defendants publicly displayed, and continue to publicly display, an unauthorized reproduction of the Slain Clerk Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

96. Free Republic has willfully engaged in the copyright infringement of the Slain Clerk Work.

97. James Robinson has willfully engaged in the copyright infringement of the Slain Clerk Work.

98. John Robinson has willfully engaged in the copyright infringement of the Slain Clerk Work.

