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

11 RIGHTHAVEN LLC, a Nevada limited-  
 12 liability company,  
 13  
 14 Plaintiff,  
 15 v.  
 16 THOMAS A. DIBIASE, an individual,  
 17  
 18 Defendant.

Case No.: 2:10-cv-01343  
**COMPLAINT AND DEMAND  
 FOR JURY TRIAL**

19  
 20 Righthaven LLC (“Righthaven”) complains as follows against Thomas A. DiBiase (“Mr.  
 21 DiBiase”), on information and belief:  
 22

23 **NATURE OF ACTION**

24 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.  
 25

26 **PARTIES**

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





**CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

1  
2           24.     Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
3 23 above.

4           25.     Righthaven holds the exclusive right to reproduce the Work, pursuant to 17  
5 U.S.C. § 106(1).

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

8           27.     Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
9 17 U.S.C. § 106(3).

10          28.     Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
11 U.S.C. § 106(5).

12          29.     Mr. DiBiase reproduced the Work in derogation of Righthaven’s exclusive rights  
13 under 17 U.S.C. § 106(1).

14          30.     Mr. DiBiase created an unauthorized derivative of the Work in derogation of  
15 Righthaven’s exclusive rights under 17 U.S.C. § 106(2).

16          31.     Mr. DiBiase distributed, and continues to distribute, an unauthorized reproduction  
17 of the Work on the Website, in derogation of Righthaven’s exclusive rights under 17 U.S.C. §  
18 106(3).

19          32.     Mr. DiBiase publicly displayed, and continues to publicly display, an  
20 unauthorized reproduction of the Work on the Website, in derogation of Righthaven’s exclusive  
21 rights under 17 U.S.C. § 106(5).

22          33.     Mr. DiBiase has willfully engaged in the copyright infringement of the Work.

23          34.     Mr. DiBiase’s acts as alleged herein, and the ongoing direct results of those acts,  
24 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven  
25 cannot ascertain, leaving Righthaven with no adequate remedy at law.

26          35.     Unless Mr. DiBiase is preliminarily and permanently enjoined from further  
27 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
28

1 entitled to preliminary and permanent injunctive relief against further infringement by the  
2 Defendants of the Work, pursuant to 17 U.S.C. § 502.

3  
4 **PRAAYER FOR RELIEF**

5 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

6 1. Preliminarily and permanently enjoin and restrain Mr. DiBiase, and Mr. DiBiase's  
7 officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies,  
8 partners, and all persons acting for, by, with, through, or under Mr. DiBiase, from directly or  
9 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the  
10 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,  
11 participating in, or assisting in any such activity;

12 2. Direct Mr. DiBiase to preserve, retain, and deliver to Righthaven in hard copies or  
13 electronic copies:

14 a. All evidence and documentation relating in any way to Mr. DiBiase's use  
15 of the Work, in any form, including, without limitation, all such evidence and  
16 documentation relating to the Website;

17 b. All evidence and documentation relating to the names and addresses  
18 (whether electronic mail addresses or otherwise) of any person with whom the  
19 Defendants have communicated regarding Mr. DiBiase's use of the Work; and

20 c. All financial evidence and documentation relating to the Mr. DiBiase's  
21 use of the Work;

22 3. Direct the current registrar, Heritage Web Design, LLC, and any successor  
23 domain name registrar for the Domain to lock the Domain and transfer control of the Domain to  
24 Righthaven;

25 4. Award Righthaven statutory damages for the willful infringement of the Work,  
26 pursuant to 17 U.S.C. § 504(c);

27 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by  
28 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

