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

10 RIGHTHAVEN LLC, a Nevada limited-
 liability company,

12 Plaintiff,

14 v.

15 UNITED STATES MARIJUANA PARTY, an
 entity of unknown origin and nature; and
 16 RICHARD J. RAWLINGS, an individual,

17 Defendants.

Case No.: 2:10-cv-01527

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

19 Righthaven LLC (“Righthaven”) complains as follows against United States Marijuana
 20 Party (“USMJ Party”) and Richard J. Rawlings (“Mr. Rawlings”; collectively with USMJ Party
 21 known herein as the “Defendants”), on information and belief:

23 **NATURE OF ACTION**

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

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.

1 **FACTS**

2 22. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
3 102(a)(1).

4 23. Righthaven is the owner of the copyright in and to the Work.

5 24. The Work was originally published on July 21, 2010.

6 25. On September 2, 2010, the United State Copyright Office (the “USCO”) received
7 Righthaven’s official submittal for the registration of the Work including the application, the
8 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-
9 481234623, attached hereto as Exhibit 4.

10 26. On or about July 21, 2010, the Defendants displayed, and continue to display, the
11 Infringement on the Website.

12 27. The Defendants did not seek permission, in any manner, to reproduce, display, or
13 otherwise exploit the Work.

14 28. The Defendants were not granted permission, in any manner, to reproduce,
15 display, or otherwise exploit the Work.

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17 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

18 29. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
19 28 above.

20 30. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
21 U.S.C. § 106(1).

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

24 32. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
25 17 U.S.C. § 106(3).

26 33. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
27 U.S.C. § 106(5).

1 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
2 or electronic copies:

3 a. All evidence and documentation relating in any way to the Defendants'
4 use of the Work, in any form, including, without limitation, all such evidence and
5 documentation relating to the Website;

6 b. All evidence and documentation relating to the names and addresses
7 (whether electronic mail addresses or otherwise) of any person with whom the
8 Defendants have communicated regarding the Defendants' use of the Work; and

9 c. All financial evidence and documentation relating to the Defendants' use
10 of the Work;

11 3. Direct GoDaddy and any successor domain name registrar for the Domain to lock
12 the Domain and transfer control of the Domain to Righthaven;

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

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

17 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
18 law; and

19 7. Grant Righthaven such other relief as this Court deems appropriate.
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