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

11 RIGHTHAVEN LLC, a Nevada limited-
 liability company,

13 Plaintiff,

14 v.

16 GARRY NEWMAN, an individual,

17 Defendant.

Case No.: 2:10-cv-01762

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

20 Righthaven LLC (“Righthaven”) complains as follows against Garry Newman (“Mr.
 21 Newman”) 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 or about September 25, 2010.

6 25. On October 6, 2010, the United States Copyright Office (the “USCO”) received
7 Righthaven’s official submittal for the registration to the Work, including the application, the
8 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-
9 498243753, and attached hereto as Exhibit 3 is the official USCO application submittal for the
10 Work depicting the occurrence of the Complete Application.

11 26. On or about September 25, 2010, Mr. Newman displayed, and continues to
12 display, the Infringement on the Website.

13 27. Mr. Newman did not seek permission, in any manner, to reproduce, display, or
14 otherwise exploit the Work.

15 28. Mr. Newman was not granted permission, in any manner, to reproduce, display,
16 or otherwise exploit the Work.

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19 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

20 29. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
21 28 above.

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

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

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

1 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
2 participating in, or assisting in any such activity;

3 2. Direct Mr. Newman to preserve, retain, and deliver to Righthaven in hard copies
4 or electronic copies:

5 a. All evidence and documentation relating in any way to Mr. Newman's use
6 of the Work, in any form, including, without limitation, all such evidence and
7 documentation relating to the Website;

8 b. All evidence and documentation relating to the names and addresses
9 (whether electronic mail addresses or otherwise) of any person with whom Mr. Newman
10 has communicated regarding Mr. Newman's use of the Work; and

11 c. All financial evidence and documentation relating to Mr. Newman's use
12 of the Work;

13 3. Direct Tucows, and any successor domain name registrar for the Domain, to lock
14 the Domain and transfer control of the Domain to Righthaven;

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

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

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

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