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 13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF NEVADA**
 15

16 RIGHTHAVEN LLC, a Nevada limited-
 17 liability company,

18
 19 Plaintiff,

20 v.

21 ASSOCIATED NEWSPAPERS LIMITED, an
 22 United Kingdom limited company,

23 Defendant.
 24

Case No.: 2:10-cv-02088

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

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 26 Righthaven LLC (“Righthaven”) complains as follows against Associated Newspapers
 27 Limited (“Associated Newspapers”) on information and belief:
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2 **NATURE OF ACTION**

3 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
4

5 **PARTIES**

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

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

10 4. Associated Newspapers is, and has been at all times relevant to this lawsuit,
11 identified by the current registrar, Nom-IQ Limited (“Nom-IQ”), as the registrant of the Internet
12 domain found at <dailymail.co.uk> (the “Domain”).

13 5. Associated Newspapers is, and has been at all times relevant to this lawsuit, the
14 self-proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible
15 through the Domain (said content accessible through the Domain and the Domain itself
16 collectively known herein as the “Website”), as evidenced by a copyright notice displayed on the
17 Website: “© Associated Newspapers Ltd”.

18 6. Associated Newspapers is, and has been at all times relevant to this lawsuit,
19 identified as the publisher of the Website, as evidenced by the following claim displayed on the
20 Website: “Published by Associated Newspapers Ltd”.

21
22 **JURISDICTION**

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

25 8. Righthaven is the owner of the copyright in the illustration entitled: “Vdara death-
26 ray” (the “Work”), attached hereto as Exhibit 1.

27 9. At all times relevant to this lawsuit, the Work has depicted and depicts the
28 original source publication as the *Las Vegas Review-Journal*.

1 **FACTS**

2 21. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
3 102(a)(5).

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

5 23. The Work was originally published on or about September 25, 2010.

6 24. On November 24, 2010, the United States Copyright Office (the “USCO”)
7 received Righthaven’s official submittal for the registration to the Work, including the
8 application, the deposit copy, and the registration fee (the “Complete Application”), Service
9 Request No. 1-524088592, and attached hereto as Exhibit 3 is the official USCO application
10 submittal for the Work depicting the occurrence of the Complete Application.

11 25. On or about September 29, 2010, Associated Newspapers displayed, and
12 continues to display, the Infringement on the Website.

13 26. Associated Newspapers did not seek permission, in any manner, to reproduce,
14 display, or otherwise exploit the Work.

15 27. Associated Newspapers was not granted permission, in any manner, to reproduce,
16 display, or otherwise exploit the Work.

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18 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

19 28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
20 27 above.

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

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

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

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

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

3 a. All evidence and documentation relating in any way to Associated
4 Newspapers' use of the Work, in any form, including, without limitation, all such
5 evidence and 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 Associated
8 Newspapers has communicated regarding Associated Newspapers' use of the Work; and

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

11 3. Direct the current registrar, Nom-IQ, and any successor domain name registrar for
12 the Domain, to lock 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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