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10 *Attorneys for Plaintiff Righthaven LLC*

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 13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**  
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16 RIGHTHAVEN LLC, a Nevada limited-  
 17 liability company,

18  
 19 Plaintiff,

20 v.

21 CARL BURRELL, an individual; and FLICK  
 22 & TEA, an entity of unknown origin and  
 nature,

23 Defendants.  
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Case No.: 2:10-cv-02151

**COMPLAINT AND DEMAND  
 FOR JURY TRIAL**

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 26 Righthaven LLC (“Righthaven”) complains as follows against Carl Burrell (“Mr.  
 27 Burrell”) and Flick & Tea (“Flick & Tea”; collectively with Mr. Burrell known herein as the  
 28 “Defendants”) on information and belief:

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**NATURE OF ACTION**

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

**PARTIES**

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

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

4. Flick & Tea is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

5. Attempts to find evidence of the formal organizational status in the respective Secretary of State offices of California, Delaware, Illinois, Nevada, New York, Tennessee and Texas demonstrate that, at least with respect to these states, Flick & Tea is not a formally organized business entity.

6. Mr. Burrell is, and has been at all times relevant to this lawsuit, the owner of the Internet domain found at <flickandtea.com> (the “Domain”).

7. Flick & Tea is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible through the Domain, as evidenced by a copyright notice displayed on the Website: “Copyright flick&tea 2008-2010. All rights reserved.”

**JURISDICTION**

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

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

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



**FACTS**

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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 30, 2010, the Defendants displayed, and continue to  
12 display, the Infringement on the Website.

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

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

**CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

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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 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 iDotz.Net, and any successor domain name registrar for the Domain, to  
12 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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1 **DEMAND FOR JURY TRIAL**

2 Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil  
3 Procedure.

4 Dated this tenth day of December, 2010.

5 RIGHTHAVEN LLC

6  
7 By: /s/ J. Charles Coons

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