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

10 RIGHTHAVEN LLC, a Nevada limited-
liability company,

11
12 Plaintiff,

13 v.

14 MARK CHAVEZ, an individual,

15 Defendant.
16
17

Case No.: 2:10-cv-0584

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

18
19 Righthaven LLC (“Righthaven”) complains as follows against Mark Chavez (“Mr.
20 Chavez”), on information and belief:

21
22 **NATURE OF ACTION**

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

25 **PARTIES**

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

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

3 4. Mr. Chavez is, and has been at all times relevant to this lawsuit, proprietor of
4 www.thelobolair.com (the “LoboLair Website”).

5
6 **JURISDICTION**

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

9 6. Mr. Chavez purposefully directs activities at Nevada residents, which activities
10 have resulted in the copyright infringement alleged herein.

11 7. Mr. Chavez purposefully directs and effectuates the unauthorized reproduction of
12 Righthaven-owned copyrighted works at the LoboLair Website.

13 8. Mr. Chavez’s unauthorized reproduction of Righthaven-owned copyrighted works
14 found on the LoboLair Website is purposefully targeted to Nevada residents.

15 9. Mr. Chavez copied, on an unauthorized basis, the literary work entitled “Future
16 point guard set to sign 2008,” attached hereto as Exhibit 1 (the “Future Point Guard Article”),
17 from a source emanating from Nevada.

18 10. On or about April 16, 2008, Mr. Chavez displayed and continues to display the
19 Future Point Guard Article on the LoboLair Website.

20 11. Mr. Chavez’s display of the Future Point Guard Article was and is purposefully
21 directed at Nevada residents.

22 12. Mr. Chavez copied, on an unauthorized basis, the literary work entitled
23 “Mountain West’s opening act: Rebels’ drama nearly a flop,” attached hereto as Exhibit 2 (the
24 “Opening Act Article”), from a source emanating from Nevada.

25 13. On or about January 4, 2009, Mr. Chavez displayed and continues to display the
26 Opening Act Article on the LoboLair Website.

27 14. Mr. Chavez’s display of the Opening Act Article was and is purposefully directed
28 at Nevada residents.

1 15. Mr. Chavez copied, on an unauthorized basis, the literary work entitled "Utes'
2 Boylen: MWC needs to schedule tougher teams," attached hereto as Exhibit 3 (the "Tougher
3 Teams Article"), from a source emanating from Nevada.

4 16. On or about May 25, 2009, Mr. Chavez displayed and continues to display the
5 Tougher Teams Article on the LoboLair Website.

6 17. Mr. Chavez's display of the Tougher Teams Article was and is purposefully
7 directed at Nevada residents.

8 18. Mr. Chavez copied, on an unauthorized basis, the literary work entitled "Formula
9 supports Utah's Nevill as Player of Year," attached hereto as Exhibit 4 (the "Neville Article"),
10 from a source emanating from Nevada.

11 19. On or about March 11, 2009, Mr. Chavez displayed and continues to display the
12 Neville Article on the LoboLair Website.

13 20. Mr. Chavez's display of the Neville Article was and is purposefully directed at
14 Nevada residents.

15 21. Mr. Chavez copied, on an unauthorized basis, the literary work entitled "Kruger
16 rejects Rebels' 'fatigue'," attached hereto as Exhibit 5 (the "Fatigue Article"), from a source
17 emanating from Nevada.

18 22. On or about March 10, 2008, Mr. Chavez displayed and continues to display the
19 Fatigue Article on the LoboLair Website.

20 23. Mr. Chavez's display of the Fatigue Article was and is purposefully directed at
21 Nevada residents.

22 24. Mr. Chavez copied, on an unauthorized basis, the literary work entitled "Alford
23 takes aim at Rebels again," attached hereto as Exhibit 6 (the "Takes Aim Article"), from a source
24 emanating from Nevada.

25 25. On or about February 2, 2008, Mr. Chavez displayed and continues to display the
26 Takes Aim Article on the LoboLair Website.

27 26. Mr. Chavez's display of the Takes Aim Article was and is purposefully directed at
28 Nevada residents.

1 27. Mr. Chavez copied, on an unauthorized basis, the literary work entitled “UNLV
2 SHARES MWC LEAD: Terry on target at right time,” attached hereto as Exhibit 7 (the “MWC
3 LEAD Article”), from a source emanating from Nevada.

4 28. On or about January 7, 2008, Mr. Chavez displayed and continues to display the
5 MWC LEAD Article on the LoboLair Website.

6 29. Mr. Chavez’s display of the MWC LEAD Article was and is purposefully
7 directed at Nevada residents.

8 30. Mr. Chavez copied, on an unauthorized basis, the literary work entitled “Terry’s
9 hot hand lifts Rebels,” attached hereto as Exhibit 8 (the “Hot Hand Article”), from a source
10 emanating from Nevada.

11 31. On or about January 16, 2008, Mr. Chavez displayed and continues to display the
12 Hot Hand Article on the LoboLair Website.

13 32. Mr. Chavez’s display of the Hot Hand Article was and is purposefully directed at
14 Nevada residents.

15 33. Mr. Chavez copied, on an unauthorized basis, the literary work entitled “Rebels
16 struggle to gain altitude; Air Force soars,” attached hereto as Exhibit 9 (the “Altitude Article”),
17 from a source emanating from Nevada.

18 34. On or about January 13, 2008, Mr. Chavez displayed and continues to display the
19 Altitude Article on the LoboLair Website.

20 35. Mr. Chavez’s display of the Altitude Article was and is purposefully directed at
21 Nevada residents.

22 36. Mr. Chavez copied, on an unauthorized basis, the literary work entitled “Terry
23 must be Rebel’s strong point,” attached hereto as Exhibit 10 (the “Strong Point Article”), from a
24 source emanating from Nevada.

25 37. On or about January 12, 2008, Mr. Chavez displayed and continues to display the
26 Strong Point Article on the LoboLair Website.

27 38. Mr. Chavez’s display of the Strong Point Article was and is purposefully directed
28 at Nevada residents.

1 39. Mr. Chavez's contacts with Nevada are systematic and continuous because Mr.
2 Chavez publishes and republishes, on a near-daily basis since on or about January 12, 2008,
3 content emanating from Nevada, originally published in daily newspapers published in Nevada.

4 40. Mr. Chavez's contacts with Nevada are systematic and continuous because Mr.
5 Chavez publishes and republishes content relating to college sports activities in the State of
6 Nevada, including activities related to the coaches, recruits and athletes at University of Nevada
7 at Las Vegas.

8
9 **VENUE**

10 41. The United States District Court for the District of Nevada is an appropriate
11 venue, pursuant to 28 U.S.C. §1391(b)(2), because a substantial part of the events giving rise to
12 the claim for relief are situated in Nevada.

13 42. The United States District Court for the District of Nevada is an appropriate
14 venue, pursuant to 28 U.S.C. §1391(b)(3) and § 1400(a), because Mr. Chavez may be found in
15 Nevada.

16
17 **FACTS**

18 43. Righthaven is the copyright owner of the literary work entitled "Alford fights
19 Mountain West curse" (the "Work"), attached hereto as Exhibit 11.

20 44. The Work was originally published on March 3, 2010.

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

23 46. On April 5, 2010, the United States Copyright Office (the "USCO") granted
24 Righthaven the registration to the Work, copyright registration number TX0007122482 (the
25 "Registration") and attached hereto as Exhibit 12 is evidence of the Registration in the form of a
26 printout of the official USCO database record depicting the occurrence of the Registration.

27 47. Mr. Chavez owns the LoboLair Website domain.
28

1 48. Mr. Chavez is identified as the registrant, administrator, and technical contact for
2 the LoboLair Website domain.

3 49. No later than March 18, 2010, Mr. Chavez reproduced an unauthorized copy of
4 the Work (the “Infringement”), attached hereto as Exhibit 13, on the LoboLair Website.

5 50. Mr. Chavez did not seek permission, in any manner, to reproduce, display, or
6 otherwise exploit the Work.

7 51. Mr. Chavez was not granted permission, in any manner, to reproduce, display, or
8 otherwise exploit the Work.

9
10 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

11 52. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
12 51 above.

13 53. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
14 U.S.C. §106(1).

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

17 55. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
18 17 U.S.C. §106(3).

19 56. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
20 U.S.C. §106(5).

21 57. Mr. Chavez reproduced the Work, in derogation of Righthaven’s exclusive rights
22 under 17 U.S.C. §106(1).

23 58. Mr. Chavez created an unauthorized derivative of the Work, in derogation of
24 Righthaven’s exclusive rights under 17 U.S.C. §106(2).

25 59. Mr. Chavez distributes unauthorized reproductions of the Work via the LoboLair
26 Website, in derogation of Righthaven’s exclusive rights under 17 U.S.C. §106(3).

27 60. Mr. Chavez publicly displays an unauthorized reproduction of the Work at the
28 LoboLair Website, in derogation of Righthaven’s exclusive rights under 17 U.S.C. §106(5).

1 3. Direct NameSecure.com and any successor domain name registrar for the
2 LoboLair Website domain to lock the LoboLair Website domain and transfer control of the
3 LoboLair Website domain to Righthaven;

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

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

8 6. Grant Righthaven such other relief as this Court deems appropriate.

9
10 **DEMAND FOR JURY TRIAL**

11 Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

12 Dated this twenty-second day of April, 2010.

13
14 **RIGHTHAVEN LLC**

15
16 **By: /s/ J. Charles Coons**
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