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

10 RIGHTHAVEN LLC, a Nevada limited-
liability company,
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12 Plaintiff,
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14 v.

15 VEGAS MARKETING GROUP, a Nevada
general partnership; TONY KARPINSKI,
16 WILLIAM D. FOOTE and JEFFREY H.
WEGENER, general partners in VEGAS
17 MARKETING GROUP; and VINCENT
CHAN, an individual,
18

19 Defendants.
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Case No.: 2:10-cv-0600

**COMPLAINT AND DEMAND FOR JURY
TRIAL**

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22 Righthaven LLC (“Righthaven”) complains as follows against Vegas Marketing Group
23 (“VMG”), a Nevada general partnership, Tony Karpinski (“Mr. Karpinski”), William D. Foote
24 (“Mr. Foote”) and Jeffery H. Wegener (“Mr. Wegener”), general partners in VMG, and Vincent
25 Chan, an individual (“Mr. Chan”; collectively with VMG, Mr. Karpinski, Mr. Foote and Mr.
26 Wegener, “Defendants”), on information and belief:
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1 **NATURE OF ACTION**

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

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

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

9 4. On or about August 30, 2002, a business entity named Vegas Marketing Group,
10 LLC was organized as a Nevada domestic limited-liability company.

11 5. As of April 27, 2010, the Vegas Marketing Group, LLC's business entity status
12 was revoked.

13 6. As of April 27, 2010, the Vegas Marketing Group, LLC's Nevada business entity
14 is no longer a validly subsisting entity recognized by the Nevada Secretary of State.

15 7. A print-out from the Nevada Secretary of State business entity database, attached
16 hereto as Exhibit 1, demonstrates the revoked business entity of the Vegas Marketing Group,
17 LLC.

18 8. Despite Vegas Marketing Group, LLC's revoked business entity status, the
19 owners of the business entity formally formed as Vegas Marketing Group, LLC, at all times
20 relevant, continued to conduct business under said entity's name.

21 9. At all times relevant, Mr. Karpinski, Mr. Foote and Mr. Wegener were and are the
22 owners associated with the business entity formally formed as Vegas Marketing Group, LLC.

23 10. At all times relevant, the business entity formally formed as Vegas Marketing
24 Group, LLC was and is a business for profit.

25 11. At all times relevant, Mr. Karpinski, Mr. Foote and Mr. Wegener shared and share
26 in the profits of the business entity formally formed as Vegas Marketing Group, LLC.
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1 12. At all times relevant, the conduct by Mr. Karpinski, Mr. Foote and Mr. Wegener,
2 owners of the business entity formerly formed as Vegas Marketing Group, LLC, constituted and
3 constitute a Nevada general partnership.

4 13. The business entity formerly formed as Vegas Marketing Group, LLC, as of April
5 23, 2010, is, and has been at all times relevant to this lawsuit, a Nevada general partnership
6 known as Vegas Marketing Group.

7 14. VMG is, and has been at all times relevant to this lawsuit, transacting business at
8 www.vegastopdogs.com (the "Website").

9 15. VMG is, and has been at all time relevant to this lawsuit, the billing entity for
10 monetary transactions on the Website.

11 16. Mr. Karpinski is, and has been at all times relevant to this lawsuit, a general
12 partner of VMG.

13 17. Mr. Karpinski is, and has been at all times relevant to this lawsuit, the VMG
14 Director of Operations with responsibilities to maintain and operate the Website; attached hereto
15 as Exhibit 2 is evidence of Mr. Karpinski's association with VMG in the form of a print-out from
16 Mr. Karpinski's LinkedIn webpage.

17 18. Mr. Foote is, and has been at all times relevant to this lawsuit, a general partner of
18 VMG.

19 19. Mr. Foote was an officer of the business entity formerly formed as Vegas
20 Marketing Group, LLC.

21 20. Mr. Wegener is, and has been at all times relevant to this lawsuit, a general
22 partner of VMG.

23 21. Mr. Foote was an officer of the business entity formerly formed as Vegas
24 Marketing Group, LLC.

25 22. Mr. Chan is, and has been at all times relevant to this lawsuit, an agent of VMG.
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JURISDICTION

23. 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).

24. VMG, as of April 27, 2010, is, and has been at all times relevant to this lawsuit, a Nevada general partnership.

25. The Defendants purposefully direct activities at Nevada residents, which activities have resulted in the copyright infringement alleged herein.

26. The Defendants purposefully direct and effectuate the unauthorized reproduction of Righthaven-owned copyrighted works at the Website.

27. The Defendants' unauthorized reproduction of Righthaven-owned copyrighted works found on the Website is purposefully targeted to Nevada residents.

28. VMG copied, on an unauthorized basis, the literary work entitled "Chinese New Year: Year of the Tiger revelers will find festive scenery, entertainment in Las Vegas," attached hereto as Exhibit 3 (the "Chinese New Year Article"), from a source emanating from Nevada.

29. On or about February 13, 2010, VMG displayed and continue to display the Chinese New Year Article on the Website.

30. VMG's display of the Chinese New Year Article was and is purposefully directed at Nevada residents.

31. Mr. Karpinski copied, on an unauthorized basis, the Chinese New Year Article from a source emanating from Nevada.

32. On or about February 13, 2010, Mr. Karpinski displayed and continues to display the Chinese New Year Article on the Website.

33. Mr. Karpinski's display of the Chinese New Year Article was and is purposefully directed at Nevada residents.

34. VMG copied, on an unauthorized basis, the literary work entitled "Oddsmakers crunch numbers on basketball teams," attached hereto as Exhibit 4 (the "Oddsmakers Article"), from a source emanating from Nevada.

1 35. On or about March 16, 2009, VMG displayed and continues to display the
2 Oddsmakers Article on the Website.

3 36. VMG's display of the Oddsmakers Article was and is purposefully directed at
4 Nevada residents.

5 37. Mr. Karpinski copied, on an unauthorized basis, the Oddsmakers Article from a
6 source emanating from Nevada.

7 38. On or about March 16, 2009, Mr. Karpinski displayed and continues to display
8 the Oddsmakers Article on the Website.

9 39. Mr. Karpinski's display of the Oddsmakers Article was and is purposefully
10 directed at Nevada residents.

11 40. VMG copied, on an unauthorized basis, the literary work entitled "Nullified TD a
12 big deal to sports books, bettors," attached hereto as Exhibit 5 (the "Nullified Touchdown
13 Article"), from a source emanating from Nevada.

14 41. On or about November 7, 2008, VMG displayed and continue to display the
15 Nullified Touchdown Article on the Website.

16 42. VMG's display of the Nullified Touchdown Article was and is purposefully
17 directed at Nevada residents.

18 43. Mr. Karpinski copied, on an unauthorized basis, the Nullified Touchdown Article
19 from a source emanating from Nevada.

20 44. On or about November 7, 2008, Mr. Karpinski displayed and continues to display
21 the Nullified Touchdown Article on the Website.

22 45. Mr. Karpinski's display of the Nullified Touchdown Article was and is
23 purposefully directed at Nevada residents.

24 46. The Defendants' contacts with Nevada are systematic and continuous because the
25 name under which VMG does business represents that VMG is located in or emanates from Las
26 Vegas, Nevada.

1 47. VMG's contacts with Nevada are systematic and continuous because VMG
2 characterize the Website as "Las Vegas' most exclusive sports handicapping club," providing
3 "online betting" for "Las Vegas odds and Las Vegas sports lines."

4 48. VMG's contacts with Nevada are systematic and continuous because pages of the
5 Website feature a graphic bar depicting an image of the iconic "Welcome to Fabulous Las
6 Vegas, Nevada" sign altered to read, "Welcome to Fabulous VegasTopDogs Nevada."

7 49. Mr. Foote's contacts with Nevada are systematic and continuous because, Mr.
8 Karpinski is a general partner in VMG.

9 50. Mr. Wegener's contacts with Nevada are systematic and continuous because, Mr.
10 Karpinski is a general partner in VMG.

11 51. Mr. Karpinski's contacts with Nevada are systematic and continuous because, Mr.
12 Karpinski is a general partner in VMG.

13 52. Mr. Karpinski's contacts with Nevada are systematic and continuous because, Mr.
14 Karpinski is part of the "Vegas Top Dogs Capper Panel," which is praised on the Website as
15 "Las Vegas' most exclusive sports handicapping club."

16 53. Mr. Karpinski's contacts with Nevada are systematic and continuous because,
17 according to Mr. Karpinski's "Capper Profile" on the Website, Mr. Karpinski is an eighteen-year
18 veteran of sports wagering and betting in Las Vegas, Nevada.

19 54. Mr. Karpinski's contacts with Nevada are systematic and continuous because,
20 according to Mr. Karpinski's "Capper Profile" on the Website, Mr. Karpinski has competed, and
21 finished in the top 10, in many handicapping contests staged at Las Vegas, Nevada resort and
22 gaming establishments.

23 55. Mr. Chan's contacts with Nevada are systematic and continuous because, Mr.
24 Chan is an agent of VMG.

25 56. Mr. Chan's contacts with Nevada are systematic and continuous because, Mr.
26 Chan regularly causes content dealing with Las Vegas, Nevada, authored or purportedly authored
27 by Mr. Chan, to be published on the Website.
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1 57. Mr. Chan's contacts with Nevada are systematic and continuous because,
2 according to Mr. Chan's "Capper Profile" on the Website, Mr. Chan has been part of the "Vegas
3 Top Dogs panel of experts" since July 2009.

4 58. Mr. Chan's contacts with Nevada are systematic and continuous because, Mr.
5 Chan offers, for purchase through the Website, "packages" of content comprising sports betting
6 advice authored or purportedly authored by Mr. Chan.

7 59. Mr. Chan's contacts with Nevada are systematic and continuous because,
8 according to Mr. Chan's "Capper Profile" on the Website, Mr. Chan is "#1 in Vegas," a "Vegas
9 Insider Champion Capper," and a "Wiseguy with great connections... in Vegas."

10 60. Mr. Chan's contacts with Nevada are systematic and continuous because,
11 according to Mr. Chan's "Capper Profile" on the Website, for no less than five years preceding
12 July 2009, Mr. Chan was engaged in the business of "offer[ing] private advice" to "clientele" in
13 Las Vegas regarding sports betting and handicapping.

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15 **VENUE**

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

19 62. The United States District Court for the District of Nevada is an appropriate
20 venue, pursuant to 28 U.S.C. §1391(b)(3) and §1400(a), because VMG may be found in Nevada.

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22 **FACTS**

23 63. Righthaven is the copyright owner of the literary work entitled "Wise wagerers
24 quickly back Colts" (the "Work"), attached hereto as Exhibit 6.

25 64. The Work was originally published on January 25, 2010.

26 65. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C.
27 §102(a)(1).

1 78. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
2 U.S.C. §106(5).

3 79. The Defendants reproduced the Work, in derogation of Righthaven's exclusive
4 rights under 17 U.S.C. §106(1).

5 80. The Defendants, via the Website, created an unauthorized derivative of the Work,
6 in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(2).

7 81. The Defendants distribute unauthorized reproductions of the Work via the
8 Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(3).

9 82. The Defendants publicly display an unauthorized reproduction of the Work at the
10 Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(5).

11 83. VMG, as a general partnership, has willfully engaged in the copyright
12 infringement of the Work

13 84. Mr. Karpinski has willfully engaged in the copyright infringement of the Work.

14 85. Mr. Foote has willfully engaged in the copyright infringement of the Work.

15 86. Mr. Wegener has willfully engaged in the copyright infringement of the Work

16 87. Mr. Chan has willfully engaged in the copyright infringement of the Work.

17 88. The Defendants' acts as alleged herein, and the ongoing direct results of those
18 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
19 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

20 89. Unless the Defendants are preliminarily and permanently enjoined from further
21 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
22 entitled to preliminary and permanent injunctive relief against further infringement by the
23 Defendants of the Work, pursuant to 17 U.S.C. §502.

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25 **PRAYER FOR RELIEF**

26 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

27 1. Preliminarily and permanently enjoin and restrain the Defendants, the
28 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related

1 companies, partners, and all persons acting for, by, with, through, or under the Defendants from
2 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
3 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
4 directing, participating in, or assisting in any such activity;

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

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

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

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

15 3. Direct Register.com, Inc. and any successor domain name registrar for the
16 Website domain to lock the Website domain and transfer control of the Website domain to
17 Righthaven;

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

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

22 6. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

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

Dated this twenty-seventh day of April, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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