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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 INDUSTRIAL WIND ACTION CORP, a  
New Hampshire corporation; JONATHAN S.  
15 LINOWES, an individual,

16 Defendants.  
17

Case No.: 2:10-cv-0601

**COMPLAINT AND DEMAND FOR JURY TRIAL**

18  
19 Righthaven LLC (“Righthaven”) complains as follows against Industrial Wind Action  
20 Corp (“IWA”), a New Hampshire corporation and Jonathan Linowes, an individual (“Mr.  
21 Linowes”; collectively with IWA, “Defendants”), on information and belief:  
22

23 **NATURE OF ACTION**

24 1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.  
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**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 Secretary of State of Nevada.

4. IWA is, and has been at all times relevant to this lawsuit, a New Hampshire corporation with its principal place of business in New Hampshire.

5. Mr. Linowes is, and has been at all times relevant to this lawsuit, an individual doing business as Parkhill Technology Group, LLC.

6. On or about March 6, 2006, a business entity named Parkhill Technology Group, LLC was organized as a New Hampshire limited-liability company.

7. As of April 26, 2010, Parkhill Technology Group, LLC's business entity status is not in good standing with the New Hampshire Secretary of State.

8. As of April 26, 2010, Parkhill Technology Group, LLC is no longer a validly subsisting business entity recognized by the New Hampshire Secretary of State.

9. A print-out of the New Hampshire Secretary of State business entity database, attached hereto as Exhibit 1, demonstrates the lack of good standing for the business entity formerly formed as Parkhill Technology Group, LLC.

10. Despite Parkhill Technology Group, LLC lack of good standing, the owner of the business entity formally formed as Parkhill Technology Group, LLC, at all times relevant, continued to conduct business under said entity's name.

11. At all times relevant, Mr. Linowes was and is the owner associated with the business formally formed as Parkhill Technology Group, LLC.

**JURISDICTION**

12. 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).

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

3           14.     The Defendants purposefully direct and effectuate the unauthorized reproduction  
4 of Righthaven-owned copyrighted works at [www.windaction.org](http://www.windaction.org) (the “Website”).

5           15.     The Defendants’ unauthorized reproductions of Righthaven-owned copyrighted  
6 works found on the Website are purposefully targeted to Nevada residents.

7           16.     The business entity formally formed as Parkhill Technology Group, LLC, is the  
8 owner and registrant of the Website.

9           17.     Mr. Linowes is, and has been at all times relevant to this lawsuit, the  
10 administrative and technical agent for the Website.

11           18.     The Defendants copied, on an unauthorized basis, the literary work entitled  
12 “Windmill plan unites neighbors,” attached hereto as Exhibit 2 (the “Windmill Article”), from a  
13 source emanating from Nevada.

14           19.     On or about March 21, 2010, the Defendants displayed and continue to display  
15 the Windmill Article on the Website.

16           20.     The Defendants’ display of the Windmill Article was and is purposefully directed  
17 at Nevada residents.

18           21.     The Defendants copied, on an unauthorized basis, the literary work entitled  
19 “Green jobs,” attached hereto as Exhibit 3 (the “Green Jobs Article”), from a source emanating  
20 from Nevada.

21           22.     On or about February 11, 2010, the Defendants displayed and continue to display  
22 the Green Jobs Article on the Website.

23           23.     The Defendants’ display of the Green Jobs Article was and is purposefully  
24 directed at Nevada residents.

25           24.     The Defendants’ copied, on an unauthorized basis, the literary work entitled  
26 “Searchlight residents grill Duke Energy representatives about wind farm,” attached hereto as  
27 Exhibit4 (the “Searchlight Article”), from a source emanating from Nevada.

1           25.    On or about June 26, 2009, the Defendants displayed and continue to display the  
2 Searchlight Article on the Website.

3           26.    The Defendants' display of the Searchlight Article was and is purposefully  
4 directed at Nevada residents.

5           27.    The Defendants' copied, on an unauthorized basis, the literary work entitled  
6 "Wind farm floated in state," attached hereto as Exhibit 5 (the "Farm Floated Article"), from a  
7 source emanating from Nevada.

8           28.    On or about December 19, 2008, the Defendants displayed and continue to  
9 display the Farm Floated Article on the Website.

10          29.    The Defendants' display of the Farm Floated Article was and is purposefully  
11 directed at Nevada residents.

12          30.    The Defendants copied, on an unauthorized basis, the literary work entitled "BLM  
13 releases draft EA for local wind farm," attached hereto as Exhibit 6 (the "BLM Releases  
14 Article"), from a source emanating from Nevada.

15          31.    On or about December 17, 2009, the Defendants displayed and continue to  
16 display the BLM Releases Article on the Website.

17          32.    The Defendants' display of the BLM Releases Article was and is purposefully  
18 directed at Nevada residents.

19          33.    The Defendants copied, on an unauthorized basis, the literary work entitled "BLM  
20 approves transmission line," attached hereto as Exhibit 7 (the "Transmission Line Article"), from  
21 a source emanating from Nevada.

22          34.    On or about August 8, 2008, the Defendants displayed and continue to display the  
23 Transmission Line Article on the Website.

24          35.    The Defendants' display of the Transmission Line Article was and is purposefully  
25 directed at Nevada residents.

26          36.    The Defendants copied, on an unauthorized basis, the literary work entitled  
27 "Wind farm developer to ride out financial woes," attached hereto as Exhibit 8 (the "Financial  
28 Woes Article"), from a source emanating from Nevada.

1 37. On or about February 18, 2009, the Defendants displayed and continue to display  
2 the Financial Woes Article on the Website.

3 38. The Defendants' display of the Financial Woes Article was and is purposefully  
4 directed at Nevada residents.

5 39. The Defendants copied, on an unauthorized basis, the literary work entitled  
6 "Wind farm idea aired," attached hereto as Exhibit 9 (the "Farm Idea Article"), from a source  
7 emanating from Nevada.

8 40. On or about February 9, 2008, the Defendants displayed and continue to display  
9 the Farm Idea Article on the Website.

10 41. The Defendants' display of the Farm Idea Article was and is purposefully directed  
11 at Nevada residents.

12 42. The Defendants copied, on an unauthorized basis, the literary work entitled "BLM  
13 studying seven wind farm proposals for White Pine County," attached hereto as Exhibit 10 (the  
14 "BLM Proposals Article"), from a source emanating from Nevada.

15 43. On or about January 16, 2008, the Defendants displayed and continue to display  
16 the BLM Proposals Article on the Website.

17 44. The Defendants' display of the BLM Proposals Article was and is purposefully  
18 directed at Nevada residents.

19 45. The Defendants copied, on an unauthorized basis, the literary work entitled  
20 "Military will not object to huge Nevada wind farm," attached hereto as Exhibit 11 (the "Military  
21 Article"), from a source emanating from Nevada.

22 46. On or about November 14, 2007, the Defendants displayed and continue to  
23 display the Military Article on the Website.

24 47. The Defendants' display of the Military Article was and is purposefully directed  
25 at Nevada residents.

26 48. The Defendants copied, on an unauthorized basis, the literary work entitled "After  
27 four years, Spring Valley Wind project nears EA review," attached hereto as Exhibit 12 (the  
28 "Spring Valley Article"), from a source emanating from Nevada.

1           49.     On or about November 4, 2007, the Defendants displayed and continue to display  
2 the Spring Valley Article on the Website.

3           50.     The Defendants' display of the Spring Valley Article was and is purposefully  
4 directed at Nevada residents.

5           51.     The Defendants copied, on an unauthorized basis, the literary work entitled  
6 "Wind-wind' plan boosts local agency," attached hereto as Exhibit 13 (the "Wind-wind  
7 Article"), from a source emanating from Nevada.

8           52.     On or about March 26, 2007, the Defendants displayed and continue to display  
9 the Wind-wind Article on the Website.

10          53.     The Defendants' display of the Wind-wind Article was and is purposefully  
11 directed at Nevada residents.

12          54.     IWA's contacts with Nevada are systematic and continuous because IWA,  
13 according to IWA's representations on IWA's Website, has "selectively culled from sources all  
14 over the world" and republished, on a continuing basis since at least 2006, no fewer than  
15 seventy-five (75) news articles concerning wind farms and wind energy in Nevada, which  
16 articles were originally published by persons or entities other than IWA.

17          55.     IWA's contacts with Nevada are systematic and continuous because IWA has, in  
18 IWA's own words, "selectively culled" and republished, on a continuing basis since at least  
19 2006, no fewer than fifty (50) news articles emanating from sources in Nevada, which sources  
20 include periodicals published in localities including Carson City, Douglas County, Elko, Ely, Las  
21 Vegas, Lincoln County, Pahrump, Reno, and Sparks.

22          56.     IWA's contacts with Nevada are systematic and continuous because IWA  
23 provides functionality at the Website to allow users of the Website specifically to locate and read  
24 news articles concerning Nevada.

25          57.     IWA's contacts with Nevada are systematic and continuous because IWA  
26 provides functionality at the Website to allow users of the Website to request electronic news  
27 feeds of new news articles, selectively culled by IWA, specifically relating to Nevada.  
28

**VENUE**

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

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

7 60. The United States District Court for the District of Nevada is an appropriate  
8 venue, pursuant to 28 U.S.C. §1391(c), because a IWA is subject to personal jurisdiction in  
9 Nevada.

10  
11 **FACTS**

12 61. Righthaven is the copyright owner of the literary work entitled “Commissioners  
13 grant special use permit, variance for Spring Valley wind farm” (the “Work”), attached hereto as  
14 Exhibit 14.

15 62. The Work was originally published on January 20, 2010.

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

18 64. On April 12, 2010, 2010, the United States Copyright Office (the “USCO”)  
19 granted Righthaven the registration to the Work, copyright registration number TX0007125687  
20 (the “Registration”) and attached hereto as Exhibit 15 is evidence of the Registration in the form  
21 of a printout of the official USCO database record depicting the occurrence of the Registration.

22 65. Mr. Linowes obtained ownership of the Website for the benefit of IWA.

23 66. At all times relevant, IWA had and has maintained beneficial control of the  
24 Website.

25 67. At all times relevant, Mr. Linowes acted and acts as an agent of IWA, authorized  
26 to provide technical, maintenance and administrative support on the Website.

27 68. At all times relevant, IWA directed and directs Mr. Linowes to add to, delete from  
28 and arrange content on the Website.

1 69. No later than March 22, 2010, IWA reproduced an unauthorized copy of the  
2 Work (the “Infringement”), attached hereto as Exhibit 16, on the Website.

3 70. No later than March 22, 2010, IWA directed Mr. Linowes to reproduce and  
4 display the Infringement on the Website.

5 71. No later than March 22, 2010, Mr. Linowes reproduced and displayed the  
6 Infringement on the Website.

7 72. The Defendants did not seek permission, in any manner, to reproduce, display, or  
8 otherwise exploit the Work.

9 73. The Defendants were not granted permission, in any manner, to reproduce,  
10 display, or otherwise exploit the Work.

11  
12 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

13 74. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
14 73 above.

15 75. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17  
16 U.S.C. §106(1).

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

19 77. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
20 17 U.S.C. §106(3).

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

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

25 80. The Defendants created an unauthorized derivative of the Work, in derogation of  
26 Righthaven’s exclusive rights under 17 U.S.C. §106(2).

27 81. The Defendants distributes unauthorized reproductions of the Work via the  
28 Website, in derogation of Righthaven’s exclusive rights under 17 U.S.C. §106(3).





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

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

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

8 4. Award Righthaven pre- and post-judgment interest in accordance with applicable  
9 law; and

10 5. Grant Righthaven such other relief as this Court deems appropriate.

11  
12 **DEMAND FOR JURY TRIAL**

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

14 Dated this twenty-sixth day of April, 2010.

15  
16 RIGHTHAVEN LLC

17  
18 By: /s/ J. Charles Coons  
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