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7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**
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10 RIGHTHAVEN LLC, a Nevada limited-
 liability company,
 11
 12 **Plaintiff,**
 13
 14 v.
 15 ECOLOGICAL INTERNET, INC., a
 Wisconsin non-stock corporation,
 16
 17 **Defendant.**

Case No.: 2:10-cv-0691
**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

18
 19 Righthaven LLC (“Righthaven”) complains as follows against Ecological Internet, Inc.
 20 (“Ecological Internet”), a Wisconsin non-stock corporation, 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 content accessible through the EcoEarth Domain and the EcoEarth Domain itself, collectively
2 known herein as the “EcoEarth Website”).

3 13. Ecological Internet’s display of the Second Infringement at the EcoEarth Website
4 was and is purposefully directed at Nevada residents.

5 14. Ecological Internet purposefully directs and effectuates the unauthorized
6 reproduction of Righthaven-owned copyrighted works at both the Forest Website and the
7 EcoEarth Website.

8 15. Ecological Internet’s unauthorized reproduction of Righthaven-owned
9 copyrighted works found on both the Forest Website and the EcoEarth Website are purposefully
10 targeted to Nevada residents.

11 16. Ecological Internet’s contacts with Nevada are systematic and continuous because
12 Ecological Internet regularly reproduced and reproduces, on both the Forest Website and the
13 EcoEarth Website, content originally published in Nevada based newspapers and periodicals.

14 17. Ecological Internet’s contacts with Nevada are systematic and continuous because
15 Ecological Internet publishes and republishes content relating to Nevada and environmental
16 issues concerning Nevada, on both the Forest Website and the EcoEarth Website.

17
18 **VENUE**

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

22 19. The United States District Court for the District of Nevada is an appropriate
23 venue, pursuant to 28 U.S.C. §1391(c), because Ecological Internet is subject to personal
24 jurisdiction in Nevada.

FACTS

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

21. Righthaven is the copyright owner of the Work.

22. The Work was originally published on February 17, 2010.

23. On April 21, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007130503 (the “Registration”), and attached hereto as Exhibit 4 is evidence of the Registration in the form of a printout of the official USCO database record depicting the occurrence of the Registration.

24. As of May 12, 2010, Ecological Internet owns the Forest Website.

25. As of May 12, 2010, Ecological Internet or an Ecological Internet agent is identified as the registrant, administrator, and technical contact for the Forest Website.

26. At all times relevant, Ecological Internet or an Ecological Internet agent, have and had maintained the administrative duties to add to, delete from and arrange content on the Forest Website.

27. No later than February 17, 2010, Ecological Internet reproduced an unauthorized copy of the Work on the Forest Website.

28. No later than February 17, 2010, Ecological Internet displayed the First Infringement on the Forest Website.

29. As of May 12, 2010, Ecological Internet continues to display the First Infringement on the Forest Website.

30. As of May 12, 2010, Ecological Internet owns the EcoEarth Website.

31. As of May 12, 2010, Ecological Internet or an Ecological Internet agent is identified as the registrant, administrator, and technical contact for the EcoEarth Website.

32. At all times relevant, Ecological Internet or an Ecological Internet agent, have and had maintained the administrative duties to add to, delete from and arrange content on the EcoEarth Website.

1 33. No later than February 17, 2010, Ecological Internet reproduced an unauthorized
2 copy of the Work on the EcoEarth Website.

3 34. No later than February 17, 2010, Ecological Internet displayed the Second
4 Infringement on the EcoEarth Website.

5 35. As of May 12, 2010, Ecological Internet continues to display the Second
6 Infringement on the EcoEarth Website.

7 36. Ecological Internet did not seek permission, in any manner, to reproduce, display,
8 or otherwise exploit the Work.

9 37. Ecological Internet was not granted permission, in any manner, to reproduce,
10 display, or otherwise exploit the Work.

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

13 38. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
14 37 above.

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

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

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

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

23 43. Ecological Internet reproduced the Work, in derogation of Righthaven's exclusive
24 rights under 17 U.S.C. §106(1).

25 44. Ecological Internet created unauthorized derivatives of the Work, in derogation of
26 Righthaven's exclusive rights under 17 U.S.C. §106(2).

1 a. All evidence and documentation relating in any way to Ecological
2 Internet's use of the Work, in any form, including, without limitation, all such evidence
3 and documentation relating to both the Forest Website and the EcoEarth Website;

4 b. All evidence and documentation relating to the names and addresses
5 (whether electronic mail addresses or otherwise) of any person with whom Ecological
6 Internet has communicated regarding Ecological Internet's use of the Work; and

7 c. All financial evidence and documentation relating to Ecological Internet's
8 use of the Work;

9 3. Direct Network Solutions, LLC, and any successor domain name registrar for the
10 Domains to lock the Domains and transfer control of the Domains to Righthaven;

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

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

15 6. Grant Righthaven such other relief as this Court deems appropriate.
16

17 **DEMAND FOR JURY TRIAL**

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

19 Dated this thirteenth day of May, 2010.
20

21 RIGHTHAVEN LLC

22 By: /s/ J. Charles Coons
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