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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 JAN KLERKS, an individual; and
15 STICHTING WOLKENKRABBERS, an
individual,
16

17 **Defendants.**
18

Case No.: 2:10-cv-00741

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

19 Righthaven LLC (“Righthaven”) complains as follows against Jan Klerks (“Mr. Klerks”)
20 and Stichting Wolkenkrabbers (“Mr. Wolkenkrabbers”; collectively with Mr. Klerks known
21 herein as the “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.
25

26 **PARTIES**

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

1 14. The Defendants’ display of the Infringement was and is purposefully directed at
2 Nevada residents.

3 15. The Defendants purposefully direct and effectuate the unauthorized reproduction
4 of a Righthaven-owned copyrighted work on the Website.

5 16. The Defendants’ unauthorized reproduction of a Righthaven-owned copyrighted
6 work found on the Website is purposefully targeted at Nevada residents.

7 17. The Defendants’ contacts with Nevada are continuous and systematic because the
8 Defendants published and publish, on the Website, content emanating from Nevada, originally
9 published in Nevada daily publications.

10 18. The Defendants’ contacts with Nevada are continuous and systematic because the
11 Defendants published and publish, on the Website, content specifically related to Las Vegas,
12 Nevada-based construction projects and architecture.

13 19. The Defendants’ contacts with Nevada are continuous and systematic because the
14 Defendants published and publish, on the Website, content specifically related to metropolitan
15 development of Las Vegas, Nevada.

16
17 **VENUE**

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

21
22 **FACTS**

23 21. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C.
24 §102(a)(1).

25 22. Righthaven is the copyright owner of the Work.

26 23. The Work was originally published on February 2, 2010.

27 24. On April 27, 2010, the United States Copyright Office (the “USCO”) granted
28 Righthaven the registration to the Work, copyright registration number TX0007138063 (the

1 “Registration”) and attached hereto as Exhibit 3 is evidence of the Registration in the form of a
2 printout of the official USCO database record depicting the occurrence of the Registration.

3 25. No later than February 2, 2010, the Defendants displayed the Infringement on the
4 Website.

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

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

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

11 28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
12 27 above.

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

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

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

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

21 33. The Defendants reproduced the Work in derogation of Righthaven’s exclusive
22 rights under 17 U.S.C. §106(1).

23 34. The Defendants created an unauthorized derivative of the Work in derogation of
24 Righthaven’s exclusive rights under 17 U.S.C. §106(2).

25 35. The Defendants distributed, and continue to distribute, an unauthorized
26 reproduction of the Work on the Website, in derogation of Righthaven’s exclusive rights under
27 17 U.S.C. §106(3).

1 36. The Defendants publicly displayed, and continue to display, an unauthorized
2 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
3 17 U.S.C. §106(5).

4 37. Mr. Klerks has willfully engaged in the copyright infringement of the Work.

5 38. Mr. Wolkenkrabbers has willfully engaged in the copyright infringement of the
6 Work.

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

10 40. Unless the Defendants are preliminarily and permanently enjoined from further
11 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
12 entitled to preliminary and permanent injunctive relief against further infringement by the
13 Defendants of the Work, pursuant to 17 U.S.C. §502.

14
15 **PRAYER FOR RELIEF**

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

17 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
18 Defendants' agents, servants, employees, attorneys, parents, subsidiaries, related companies,
19 partners, and all persons acting for, by, with, through, or under the Defendants, from directly or
20 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the
21 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
22 participating in, or assisting in any such activity;

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

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

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. Direct Register.com and any successor domain name registrar for the Domain to
7 lock the Domain and transfer control of the Domain to Righthaven;

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

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

12 6. Grant Righthaven such other relief as this Court deems appropriate.
13

14 **DEMAND FOR JURY TRIAL**

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

16 Dated this twentieth day of May, 2010.
17

18 **RIGHTHAVEN LLC**

19
20 By: /s/ J. Charles Coons
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