

1 STEVEN A. GIBSON, ESQ.  
Nevada Bar No. 6656  
[sgibson@righthaven.com](mailto:sgibson@righthaven.com)  
2 J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
[ccoons@righthaven.com](mailto:ccoons@righthaven.com)  
3 Righthaven LLC  
4 9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
5 (702) 527-5900  
Attorneys for Plaintiff  
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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  
14 v.

15 OZEAN GROUP, a business entity of  
unknown origin and nature; and THOMAS  
WAHL, an individual,

16  
17 **Defendants.**  
18

Case No.: 2:10-cv-0798

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

19  
20 Righthaven LLC (“Righthaven”) complains as follows against Ozean Group (“Ozean”) and Thomas Wahl (“Mr. Wahl;” collectively with Ozean known herein as the “Defendants”), on information and belief:  
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24 **NATURE OF ACTION**

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

1  
2 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-  
3 liability company with its principal place of business in Nevada.

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

6 4. Ozean is, and has been at all times relevant to this lawsuit, a business entity of  
7 unknown origin and nature.

8 5. Ozean is, and has been at all times relevant to this lawsuit, identified by the  
9 current registrar, Namebargain.com (“Namebargain”), as a registrant, administrative contact, and  
10 technical contact of the Internet domain found at <hotelnewsresource.com> (the “Domain”).

11 6. Mr. Wahl is, and has been at all times relevant to this lawsuit, identified by  
12 Namebargain as a registrant, administrative contact, and technical contact for the Domain.

13 7. As of May 25, 2010, Mr. Wahl is, and has been at all times relevant to this  
14 lawsuit, identified as the founder of www.hotelnewsresource.com (the “Website”), on the  
15 Website.

16 8. As of May 24, 2010, Mr. Wahl is, and has been at all times relevant to this  
17 lawsuit, identified as the “Owner, Ozean Group,” as evidenced by Mr. Wahl’s LinkedIn  
18 webpage, attached hereto as Exhibit 1.

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20 **JURISDICTION**

21 9. This Court has original subject matter jurisdiction over this copyright  
22 infringement action, pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

23 10. Ozean purposefully directs activities at Nevada residents, which activities have  
24 resulted in the copyright infringement alleged herein.

25 11. Mr. Wahl purposefully directs activities at Nevada residents, which activities have  
26 resulted in the copyright infringement alleged herein.

27 12. Righthaven is the copyright owner of the literary work entitled, “Shutting down  
28 the Ritz” (the “Work”), attached hereto as Exhibit 2.

1           13.     The Defendants copied, on an unauthorized basis, a substantial and significant  
2 portion of the Work from a source emanating from Nevada.

3           14.     On or about February 10, 2010, the Defendants displayed and continue to display  
4 an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 3, on  
5 the Website.

6           15.     The Defendants’ display of the Work was and is purposefully directed at Nevada  
7 residents.

8           16.     The Defendants’ contacts with Nevada are systematic and continuous because the  
9 Defendants published and publish, on the Website, content emanating from Nevada-based daily  
10 publications.

11           17.     The Defendants’ contacts with Nevada are systematic and continuous because the  
12 Defendants published and publish, on the Website, articles of specific interest to Las Vegas,  
13 Nevada residents concerning the hospitality and tourism industry.

14           18.     The Defendants’ contacts with Nevada are systematic and continuous because the  
15 Defendants published and publish, on the Website, a gaming newsletter of specific interest to Las  
16 Vegas, Nevada residents concerning gaming industry news and updates.

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18   **VENUE**

19           19.     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           20.     The United States District Court for the District of Nevada is an appropriate  
23 venue, pursuant to 28 U.S.C. §1391(c), because Ozean is subject to personal jurisdiction in  
24 Nevada.

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26   **FACTS**

27           21.     The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C.  
28 §102(a)(1).

1 22. Righthaven is the owner of the copyright in the Work.

2 23. The Work was originally published on February 9, 2010.

3 24. On April 30, 2010, the United States Copyright Office (the "USCO") granted  
4 Righthaven the registration to the Work, copyright registration number TX0007138816  
5 (the "Registration") and attached hereto as Exhibit 4, is evidence of the Registration in the form  
6 of a printout of the official USCO database record depicting the occurrence of the Registration.

7 25. As of May 25, 2010, Mr. Wahl is, and has been at all times relevant to this  
8 lawsuit, the owner of Ozean.

9 26. No later than February 10, 2010, the Defendants displayed the Infringement on  
10 the Website.

11 27. The Defendants did not seek permission, in any manner, to reproduce, display, or  
12 otherwise exploit the Work.

13 28. The Defendants were not granted permission, in any manner, to reproduce,  
14 display, or otherwise exploit the Work.

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16 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

17 29. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
18 28 above.

19 30. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17  
20 U.S.C. §106(1).

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

23 32. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
24 17 U.S.C. §106(3).

25 33. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
26 U.S.C. §106(5).

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

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

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

6 37. The Defendants publicly displayed and continue to display an unauthorized  
7 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
8 17 U.S.C. §106(5).

9 38. Ozean has willfully engaged in the copyright infringement of the Work.

10 39. Mr. Wahl has willfully engaged in the copyright infringement of the Work.

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

14 41. Unless the Defendants are preliminarily and permanently enjoined from further  
15 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
16 entitled to preliminary and permanent injunctive relief against further infringement by Mr. Wahl  
17 of the Work, pursuant to 17 U.S.C. §502.

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19 **PRAYER FOR RELIEF**

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

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

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

1           a.       All evidence and documentation relating in any way to Defendants' use of  
2 the Work, in any form, including, without limitation, all such evidence and  
3 documentation relating to the 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 the  
6 Defendants have communicated regarding the Defendants' use of the Work; and

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

9           3.       Direct Namebargain and any successor domain name registrar for the Domain to  
10 lock the Domain and transfer control of the Domain 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 costs, disbursements, and attorneys' fees incurred by  
14 Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

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

17           7.       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 May, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
STEVEN A. GIBSON, ESQ.  
Nevada Bar No. 6656  
J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
Attorneys for Plaintiff

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