

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 JOSEPH C. CHU, ESQ.  
4 Nevada Bar No. 11082  
[jchu@righthaven.com](mailto:jchu@righthaven.com)  
5 Righthaven LLC  
9960 West Cheyenne Avenue, Suite 210  
6 Las Vegas, Nevada 89129-7701  
(702) 527-5900  
7 Attorneys for Plaintiff

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

11 RIGHTHAVEN LLC, a Nevada limited-  
12 liability company,

13  
14 Plaintiff,

15 v.

16 RON FUTRELL, an individual,

17 Defendant.  
18

Case No.: 2:10-cv-0813

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

19  
20 Righthaven LLC (“Righthaven”) complains as follows against Ron Futrell (“Mr. Futrell”),  
21 on information and belief:  
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23 **NATURE OF ACTION**

24 1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.  
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1 of the content accessible through the Domain (said content accessible through the Domain  
2 known herein as the “Website”).

3 13. Mr. Futrell’s display of the Infringement was and is purposefully directed at  
4 Nevada residents.

5 14. Mr. Futrell copied, on an unauthorized basis, a substantial and significant portion  
6 of the literary work entitled “Budget shortfall: UNLV athletics face crunch time” (the “Shortfall  
7 Article”), attached hereto as Exhibit 4, from a source emanating from Nevada.

8 15. On or about April 13, 2010, Mr. Futrell displayed and continues to display the  
9 Shortfall Article on the Website.

10 16. Mr. Futrell’s display of the Shortfall Article was and is purposefully directed at  
11 Nevada residents.

12 17. Mr. Futrell purposefully directs and effectuates the unauthorized reproduction of  
13 Righthaven-owned copyrighted works on the Website.

14 18. Mr. Futrell’s unauthorized reproduction of Righthaven-owned copyrighted works  
15 found on the Website is purposefully targeted at Nevada residents.

16  
17 **VENUE**

18 19. 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 20. The United States District Court for the District of Nevada is an appropriate  
22 venue, pursuant to 28 U.S.C. §1391(b)(3) and §1400(a), because Mr. Futrell may be found in  
23 Nevada.

24  
25 **FACTS**

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

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

1 23. The Work was originally published on February 6, 2010 (“Publication Date”).

2 24. On April 30, 2010, the United States Copyright Office (the “USCO”) granted  
3 Righthaven the registration to the Work, copyright registration number TX0007138831 (the  
4 “Registration”) and attached hereto as Exhibit 5 is evidence of the Registration in the form of a  
5 printout of the official USCO database record depicting the occurrence of the Registration.

6 25. FVM is, and has been at all times relevant to this lawsuit, identified by the current  
7 registrar, Register.com, as a registrant of the Domain.

8 26. FVM is, and has been at all times relevant to this lawsuit, identified by  
9 Register.com as an administrative contact for the Domain.

10 27. On or about the Publication Date, Mr. Futrell displayed the Infringement on the  
11 Website.

12 28. Mr. Futrell replaced the Work’s original title, “Mayor’s remarks stir backlash,”  
13 with a new title, “Battle between Oscar and Obama continues.”

14 29. Mr. Futrell did not seek permission, in any manner, to reproduce, display, or  
15 otherwise exploit the Work.

16 30. Mr. Futrell was not granted permission, in any manner, to reproduce, display, or  
17 otherwise exploit the Work.

18  
19 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

20 31. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
21 30 above.

22 32. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17  
23 U.S.C. §106(1).

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

26 34. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
27 17 U.S.C. §106(3).

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

3 36. Mr. Futrell reproduced the Work in derogation of Righthaven's exclusive rights  
4 under 17 U.S.C. §106(1).

5 37. Mr. Futrell created an unauthorized derivative of the Work in derogation of  
6 Righthaven's exclusive rights under 17 U.S.C. §106(2).

7 38. Mr. Futrell distributed, and continues to distribute, an unauthorized reproduction  
8 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C.  
9 §106(3).

10 39. Mr. Futrell publicly displayed, and continues to publicly display, an unauthorized  
11 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
12 17 U.S.C. §106(5).

13 40. Mr. Futrell has willfully engaged in the copyright infringement of the Work.

14 41. Mr. Futrell's acts as alleged herein, and the ongoing direct results of those acts,  
15 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven  
16 cannot ascertain, leaving Righthaven with no adequate remedy at law.

17 42. Unless the Mr. Futrell is preliminarily and permanently enjoined from further  
18 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
19 entitled to preliminary and permanent injunctive relief against further infringement by the  
20 Defendants of the Work, pursuant to 17 U.S.C. §502.

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22 **PRAYER FOR RELIEF**

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

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

3 2. Direct Mr. Futrell to preserve, retain, and deliver to Righthaven in hard copies or  
4 electronic copies:

5 a. All evidence and documentation relating in any way to Mr. Futrell's use of  
6 the Work, in any form, including, without limitation, all such evidence and  
7 documentation relating to the Website;

8 b. All evidence and documentation relating to the names and addresses  
9 (whether electronic mail addresses or otherwise) of any person with whom the  
10 Defendants have communicated regarding Mr. Futrell's use of the Work; and

11 c. All financial evidence and documentation relating to Mr. Futrell's use of  
12 the Work;

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

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

17 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by  
18 Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

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

21 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-eighth 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  
JOSEPH C. CHU, ESQ.  
Nevada Bar No. 11082  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
Attorneys for Plaintiff