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

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

13
14 Plaintiff,

15 v.

16 STERN AND COMPANY, INC., a suspended
17 California corporation; and STEVE D.
STERN, an individual,

18 Defendants.
19

Case No.: 2:10-cv-0851

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

20
21 Righthaven LLC (“Righthaven”) complains as follows against Stern and Company, Inc.
22 (“Stern Co.”) and Steven D. Stern (“Mr. Stern;” collectively with Stern Co. known herein as the
23 “Defendants”), on information and belief:
24

25 **NATURE OF ACTION**

26 1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.
27
28

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. Mr. Stern is, and has been at all times relevant to this lawsuit, a resident of
7 Nevada.

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

11 6. Mr. Stern is, and has been at all times relevant to this lawsuit, identified as the
12 “Founder at Stern and Company,” as evidenced by Mr. Stern’s LinkedIn webpage, attached
13 hereto as Exhibit 1.

14 7. Stern Co. is, and has been at all times relevant to this lawsuit, a suspended
15 California corporation.

16 8. Stern Co. is, and has been at all times relevant to this lawsuit, identified as the
17 owner of www.asternglance.com (the content accessible through the Domain and the Domain
18 itself, collectively known herein as the “Website”), on the Website.

19
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. Mr. Stern purposefully directs activities at Nevada residents, which activities have
24 resulted in the copyright infringement alleged herein.

25 11. Stern Co. 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, “Agency seeks
28 damages from failed bank’s officials” (the “Work”), attached hereto as Exhibit 2.

1 13. At all times relevant to this lawsuit, the Work depicted and depicts the original
2 source publication as the Las Vegas Review-Journal.

3 14. The Defendants willfully copied, on an unauthorized basis, the Work from a
4 source emanating from Nevada.

5 15. On or about February 25, 2010, the Defendants displayed and continue to display
6 an unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 3, on
7 the Website.

8 16. At all times relevant to this lawsuit, the Infringement depicted and depicts the
9 original source publication as the Las Vegas Review-Journal.

10 17. At all times relevant to this lawsuit, the Defendants knew that the Work was
11 originally published in the Las Vegas Review-Journal.

12 18. The Infringement subject matter, at least in part, is the Community Bancorp, a Las
13 Vegas, Nevada-based bank holding company.

14 19. At all times relevant to this lawsuit, the Defendants knew that the Infringement
15 was and is of specific interest to Las Vegas, Nevada residents.

16 20. The Defendants copied, on an unauthorized basis, a substantial and significant
17 portion of the literary work entitled, "Silver State Credit Union to close branches" (the "Silver
18 State Article"), attached hereto as Exhibit 4, from a source emanating from Nevada.

19 21. On or about April 30, 2010, the Defendants displayed and continue to display the
20 Silver State Article on the Website.

21 22. The Defendants' display of the Silver State Article was and is purposefully
22 directed at Nevada residents.

23 23. The Defendants copied, on an unauthorized basis, a substantial and significant
24 portion of the literary work entitled, "Jobless rate stays 13 percent" (the "Jobless Article"),
25 attached hereto as Exhibit 5, from a source emanating from Nevada.

26 24. On or about March 9, 2010, the Defendants displayed and continue to display the
27 Jobless Article on the Website.

1 (the “Registration”) and attached hereto as Exhibit 6, is evidence of the Registration in the form
2 of a printout of the official USCO database record depicting the occurrence of the Registration.

3 36. As of June 1, 2010, Stern Co. claims ownership of the copyright(s) in the literary
4 works posted on the Website as evidenced by a copyright notice displayed on the Website: “(c)
5 2002 – 2009 Stern and Company.”

6 37. No later February 25, 2010, the Defendants reproduced the Infringement on the
7 Website.

8 38. The Defendants replaced the Work’s original title, “Agency seeks damages from
9 failed bank’s officials,” with a new title, “LVRJ: FDIC SEEKS DAMAGES FROM
10 COMMUNITY BANK OFFICERS AND DIRECTORS.”

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

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

15
16 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

17 41. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
18 40 above.

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

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

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

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

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

1 a. All evidence and documentation relating in any way to the Defendants'
2 use of 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 GoDaddy and any successor domain name registrar for the Domain to lock
10 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.
18

19 **DEMAND FOR JURY TRIAL**

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

21 Dated this fourth day of June, 2010.

22 RIGHTHAVEN LLC

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24 By: /s/ J. Charles Coons
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