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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 THE PRESCRIPTION LLC, a business entity
of unknown origin and nature; and RX
17 ADVERTISING, INC., a business entity of
unknown origin and nature,
18

19 Defendants.

Case No.: 2:10-cv-0852

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

20
21
22 Righthaven LLC (“Righthaven”) complains as follows against The Prescription LLC
23 (“Prescription”) and RX Advertising, Inc. (“RX;” collectively with Prescription known herein as
24 the “Defendants”), on information and belief:

25
26 **NATURE OF ACTION**

27 1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.
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. Prescription is, and has been at all times relevant to this lawsuit, a business entity
7 of unknown origin and nature.

8 5. Attempts to find evidence of the formal organizational status in the respective
9 Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, and
10 Nevada demonstrate that, at least with respect to these states, Prescription is not a formally
11 organized business entity.

12 6. RX is, and has been at all times relevant to this lawsuit, a business entity of
13 unknown origin and nature.

14 7. Attempts to find evidence of the formal organizational status in the respective
15 Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, and
16 Nevada demonstrate that, at least with respect to these states, RX is not a formally organized
17 business entity.

18 8. Prescription is, and has been at all times relevant to this lawsuit, identified by the
19 current registrar, Network Solutions LLC (“Network Solutions”), as the registrant of the Internet
20 domain found at <therxforum.com> (the “Domain”).

21 9. RX is, and has been at all times relevant to this lawsuit, identified by Network
22 Solutions as the administrative contact for the Domain.

23 10. RX is, and has been at all times relevant to this lawsuit, in control of the content
24 accessible through the Domain (said content accessible through the Domain known herein as the
25 “Website”).

JURISDICTION

1
2 11. This Court has original subject matter jurisdiction over this copyright
3 infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

4 12. Prescription purposefully directs activities at Nevada residents, which activities
5 have resulted in the copyright infringement alleged herein.

6 13. RX purposefully directs activities at Nevada residents, which activities have
7 resulted in the copyright infringement alleged herein.

8 14. Righthaven is the owner of the copyright in the literary work entitled, “IRS targets
9 strip clubs, taxis over bonuses” (the “Work”), attached hereto as Exhibit 1.

10 15. At all times relevant to this lawsuit, the Work depicted and depicts the original
11 source publication as the Las Vegas Review-Journal.

12 16. The Defendants willfully copied, on an unauthorized basis, the Work from a
13 source emanating from Nevada.

14 17. On or about April 5, 2010, the Defendants displayed and continue to display an
15 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the
16 Website.

17 18. The Infringement subject matter, at least in part, is Las Vegas, Nevada-based
18 entertainment clubs, taxi drivers, and limousine drivers.

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

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

23 21. The Defendants’ display of the Infringement was and is purposefully directed at
24 Nevada residents.

25 22. The Defendants copied, on an unauthorized basis, the literary work entitled,
26 “Analyst says default likely for Hooters” (the “Hooters Article”), attached hereto as Exhibit 3,
27 from a source emanating from Nevada.
28

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

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

5 45. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
6 17 U.S.C. §106(3).

7 46. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
8 U.S.C. §106(5).

9 47. The Defendants reproduced the Work in derogation of Righthaven's exclusive
10 rights under 17 U.S.C. §106(1).

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

13 49. The Defendants distributed, and continue to distribute, an unauthorized
14 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
15 17 U.S.C. §106(3).

16 50. The Defendants publicly displayed, and continue to display, an unauthorized
17 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
18 17 U.S.C. §106(5).

19 51. Prescription has willfully engaged in the copyright infringement of the Work.

20 52. RX has willfully engaged in the copyright infringement of the Work.

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

24 54. Unless the Defendants are preliminarily and permanently enjoined from further
25 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
26 entitled to preliminary and permanent injunctive relief against further infringement by the
27 Prescription of the Work, pursuant to 17 U.S.C. §502.

28

PRAYER FOR RELIEF

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

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

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

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

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

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

3. Direct Network Solutions and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

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

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

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

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

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

Dated this fourth day of June, 2010.

RIGHTHAVEN LLC

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