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

10
11 RIGHTHAVEN LLC, a Nevada limited-
12 liability company,

13 Plaintiff,

14 v.

15 VANNIX COMMUNICATIONS GROUP,
16 INC., a Florida corporation; and ABBY
17 NIXON, an individual;

18 Defendants.

Case No.: 2:10-cv-1035

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

19
20 Righthaven LLC (“Righthaven”) complains as follows against Vannix Communications
21 Group, Inc. (“Vannix”) and Abby Nixon (“Mr. Nixon”; collectively with Vannix known herein
22 as the “Defendants”) on information and belief:
23

24 **NATURE OF ACTION**

25 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
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27
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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. Vannix is, and has been at all times relevant to this lawsuit, a Florida corporation.

7 5. Vannix is, and has been at all times relevant to this lawsuit, identified by the
8 current registrar, Dotster, Inc. (“Dotster”), as the registrant of the Internet domain found at
9 <vanitytours.com> (the “Domain”).

10 6. Mr. Nixon is, and has been at all times relevant to this lawsuit, a resident of
11 Nevada, as evidenced by Mr. Nixon’s Facebook page, attached hereto as Exhibit 1.

12 7. Mr. Nixon is, and has been at all times relevant to this lawsuit, identified as the
13 chief executive officer of Vannix, as evidenced by the Florida Secretary of State business entity
14 database, attached hereto as Exhibit 2.

15 8. Mr. Nixon is, and has been at all times relevant to this lawsuit, identified by
16 Dotster, as the administrative and technical contact for the Domain.

17 9. As of June 18, 2010, Vannix claims ownership of the copyright(s) in the literary
18 works posted as part of the content accessible through the Domain (said content accessible
19 through the Domain and the Domain itself, collectively known herein as the “Website”), as
20 evidenced by a copyright notice displayed on the Website: “Copyright © 2000 – 2010
21 Vanitytours.com.”

22
23 **JURISDICTION**

24 10. This Court has original subject matter jurisdiction over this copyright
25 infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

26 11. Righthaven is the owner of the copyright in the literary work entitled: “Eve, The
27 Nightclub, at CityCenter inspired by actress Eva Longoria Parker” (the “Work”), attached hereto
28 as Exhibit 3.

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

4
5 **FACTS**

6 24. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
7 102(a)(1).

8 25. Righthaven is the owner of the copyright in and to the Work.

9 26. The Work was originally published on March 12, 2010.

10 27. On June 10, 2010, the United States Copyright Office (the “USCO”) granted
11 Righthaven the registration to the Work, copyright registration number TX0007153919 (the
12 “Registration”) and attached hereto as Exhibit 5 is evidence of the Registration from the official
13 USCO database record depicting the occurrence of the Registration.

14 28. On March 17, 2010, the Defendants displayed, and continue to display, the
15 Infringement on the Website.

16 29. The Defendants did not seek permission, in any manner, to reproduce, display, or
17 otherwise exploit the Work.

18 30. The Defendants were not granted permission, in any manner, to reproduce,
19 display, or otherwise exploit the Work.

20
21 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

22 31. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
23 30 above.

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

26 33. Righthaven holds the exclusive right to prepare derivative works based upon the
27 Work, pursuant to 17 U.S.C. § 106(2).
28

1 34. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. § 106(3).

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

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

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

9 38. The Defendants distributed, and continue to distribute, an unauthorized
10 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
11 17 U.S.C. § 106(3).

12 39. The Defendants publicly displayed, and continue to display, an unauthorized
13 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
14 17 U.S.C. § 106(5).

15 40. Vannix has willfully engaged in the copyright infringement of the Work.

16 41. Mr. Nixon has willfully engaged in the copyright infringement of the Work.

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

20 43. Unless the Defendants are preliminarily and permanently enjoined from further
21 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
22 entitled to preliminary and permanent injunctive relief against further infringement by the
23 Defendants of the Work, pursuant to 17 U.S.C. § 502.

24
25 **PRAYER FOR RELIEF**

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

27 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
28 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related

1 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
2 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
3 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
4 directing, participating in, or assisting in any such activity;

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

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

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

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

15 3. Direct Dotster and any successor domain name registrar for the Domain to lock
16 the Domain and transfer control of the Domain to Righthaven;

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

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

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

23 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-fifth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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