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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 REALTY ONE GROUP, INC., a Nevada  
16 corporation; DAVID TINA, an individual;  
17 and MICHAEL J. NELSON, an individual,

18 Defendants.  
19

Case No.: 2:10-cv-1036

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

20 Righthaven LLC (“Righthaven”) complains as follows against Realty One Group, Inc.  
21 (“Realty One”), David Tina (“Mr. Tina”), and Michael J. Nelson (“Mr. Nelson”; collectively  
22 with Realty One and Mr. Tina known herein 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.  
26  
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.     Realty One is, and has been at all times relevant to this lawsuit, a Nevada  
7 corporation.

8           5.     Mr. Tina is, and has been at all times relevant to this lawsuit, a resident of  
9 Nevada.

10          6.     Mr. Nelson is, and has been at all times relevant to this lawsuit, a resident of  
11 Nevada.

12          7.     Mr. Tina is, and has been at all times relevant to this lawsuit, a licensed real estate  
13 broker in Nevada.

14          8.     Mr. Tina is, and has been at all times relevant to this lawsuit, identified as the  
15 “Corporate Broker at Realty One Group,” as evidenced by Mr. Tina’s LinkedIn webpage,  
16 attached hereto as Exhibit 1.

17          9.     Mr. Nelson is, and has been at all times relevant to this lawsuit, a licensed real  
18 estate agent in Nevada.

19          10.    Mr. Nelson is, and has been at all times relevant to this lawsuit, a real estate agent  
20 engaged by Realty One.

21          11.    Mr. Nelson is, and has been at all times relevant to this lawsuit, subject to the  
22 supervision and control of Mr. Tina, within the scope of Mr. Nelson’s duties as an agent of  
23 Realty One.

24          12.    Mr. Nelson, at all times relevant to this lawsuit, has operated and controlled, and  
25 continues to operate and control, a blog forum at the Internet domain <featuredblog.com> (the  
26 “Domain”), for the benefit of Realty One and under the supervision of Mr. Tina.

27          13.    Mr. Nelson is, and has been at all times relevant to this lawsuit, identified as the  
28 author of the blog forum found at [www.michaeljnelson.featuredblog.com](http://www.michaeljnelson.featuredblog.com) (the content accessible

1 through the Domain and the Domain itself, collectively known herein as the “Website”), by the  
2 Website.

3 14. Mr. Nelson, at all times relevant to this lawsuit, has maintained and continues to  
4 maintain the Website, pursuant to, and in furtherance of Mr. Nelson’s engagement as a real estate  
5 agent of Realty One.

6  
7 **JURISDICTION**

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

10 16. Righthaven is the owner of the copyright in the literary work entitled: “Program  
11 may level housing sale odds” (the “Work”), attached hereto as Exhibit 2.

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

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

16 19. On or about May 10, 2010, the Defendants displayed, and continue to display, an  
17 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 3, on the  
18 website.

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

21 21. The subject matter, at least in part, of both the Work and the Infringement, is a  
22 Fannie Mae program named “First Start,” scheduled to be initiated in Nevada.

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

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

1           24.     The Defendants willfully copied, on an unauthorized basis, the literary work  
2 entitled: “Las Vegas property values at 2000 levels,” attached hereto as Exhibit 4 (the “Las  
3 Vegas Property Article”), from a source emanating from Nevada.

4           25.     On or about April 26, 2010, the Defendants displayed, and continue to display,  
5 the Las Vegas Property Article on the Website.

6           26.     The Defendants’ display of the Las Vegas Property Article was and is  
7 purposefully directed at Nevada residents.

8           27.     The Defendants willfully copied, on an unauthorized basis, the literary work  
9 entitled: “More can qualify for homeownership in Las Vegas,” attached hereto as Exhibit 5 (the  
10 “Homeownership Article”), from a source emanating from Nevada.

11           28.     On or about May 10, 2010, the Defendants displayed, and continue to display, the  
12 Homeownership Article on the Website.

13           29.     The Defendants’ display of the Homeownership Article was and is purposefully  
14 directed at Nevada residents.

15           30.     The Defendants purposefully direct and effectuate the unauthorized reproduction  
16 of Righthaven-owned copyrighted works on the Website.

17           31.     The Defendants purposefully direct activities at Nevada residents, which activities  
18 have resulted in the copyright infringement alleged herein.

19  
20   **VENUE**

21           32.     The United States District Court for the District of Nevada is an appropriate  
22 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to  
23 the claim for relief are situated in Nevada.

24           33.     The United States District Court for the District of Nevada is an appropriate  
25 venue, pursuant to 28 U.S.C. § 1391(b)(3) and § 1400(a), because Mr. Nelson may be found in  
26 Nevada.



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

3 46. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
4 17 U.S.C. § 106(3).

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

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

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

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

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

17 52. Realty One has willfully engaged in the copyright infringement of the Work.

18 53. Mr. Tina has willfully engaged in the copyright infringement of the Work.

19 54. Mr. Nelson has willfully engaged in the copyright infringement of the Work.

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

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

**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 the 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 Tierranet, Inc. 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 twenty-fifth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
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