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

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

13 Plaintiff,

14 v.

15 DEAN MOSTOFI, an individual;

16 Defendant.
17

Case No.: 2:10-cv-1066

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

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19 Righthaven LLC (“Righthaven”) complains as follows against Dean Mostofi (“Mr.
20 Mostofi”) on information and belief:

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22 **NATURE OF ACTION**

- 23 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
24

25 **PARTIES**

- 26 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-
27 liability company with its principal place of business in Nevada.
28

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

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2 25. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
3 24 above.

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

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

8 28. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
9 17 U.S.C. § 106(3).

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

12 30. Mr. Mostofi reproduced the Work in derogation of Righthaven's exclusive rights
13 under 17 U.S.C. § 106(1).

14 31. Mr. Mostofi created an unauthorized derivative of the Work in derogation of
15 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

16 32. Mr. Mostofi distributed, and continues to distribute, an unauthorized reproduction
17 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
18 106(3).

19 33. Mr. Mostofi publicly displayed, and continues to display, an unauthorized
20 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
21 17 U.S.C. § 106(5).

22 34. Mr. Mostofi has willfully engaged in the copyright infringement of the Work.

23 35. Mr. Mostofi's acts as alleged herein, and the ongoing direct results of those acts,
24 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven
25 cannot ascertain, leaving Righthaven with no adequate remedy at law.

26 36. Unless Mr. Mostofi is preliminarily and permanently enjoined from further
27 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
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1 entitled to preliminary and permanent injunctive relief against further infringement by Mr.
2 Nigam of the Work, pursuant to 17 U.S.C. § 502.

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4 **PRAAYER FOR RELIEF**

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

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

12 2. Direct Mr. Mostofi to preserve, retain, and deliver to Righthaven in hard copies or
13 electronic copies:

14 a. All evidence and documentation relating in any way to Mr. Mostofi's use
15 of the Work, in any form, including, without limitation, all such evidence and
16 documentation relating to the Website;

17 b. All evidence and documentation relating to the names and addresses
18 (whether electronic mail addresses or otherwise) of any person with whom Mr. Nigam
19 has communicated regarding Mr. Mostofi's use of the Work; and

20 c. All financial evidence and documentation relating to Mr. Mostofi's use of
21 the Work;

22 3. Direct 1and1 and any successor domain name registrar for the Domain to lock the
23 Domain and transfer control of the Domain to Righthaven;

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

26 5. Award Righthaven pre- and post-judgment interest in accordance with applicable
27 law; and

28 6. 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 thirtieth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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