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1 2 3 4 5 6 7	STEVEN A. GIBSON, ESQ. Nevada Bar No. 6656 <u>sgibson@righthaven.com</u> J. CHARLES COONS, ESQ. Nevada Bar No. 10553 <u>ccoons@righthaven.com</u> JOSEPH C. CHU, ESQ. Nevada Bar No. 11082 <u>jchu@righthaven.com</u> Righthaven LLC 9960 West Cheyenne Avenue, Suite 210 Las Vegas, Nevada 89129-7701 (702) 527-5900 Attorneys for Plaintiff				
8	UNITED STATES DISTRICT COURT				
9	DISTRICT OF NEVADA				
10					
11	RIGHTHAVEN LLC, a Nevada limited-	Case No	o.: 2:10-cv-1126		
12 13	liability company,		LAINT AND DEI JRY TRIAL	MAND	
14	Plaintiff,				
15	v.				
16 17	DAVID WILLIAMS-PINKNEY, an individual; and COLLEGESTARTERS, an entity of unknown origin and nature,	1			
18 19	Defendants.				
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21	Disktherren LLC ("Disktherren") som bins status				
22	Righthaven LLC ("Righthaven") complains as follows against David Williams-Pinkney				
23	("Mr. Williams-Pinkney") and CollegeStarters (collectively with Mr. Williams-Pinkney known herein as the "Defendants"), on information and belief:				
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25	NATI	RE OF ACTIO	ON		
26	NATURE OF ACTION 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.				
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		1			

PARTIES

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2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limitedliability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Mr. Williams-Pinkney is, and has been at all times relevant to this lawsuit, identified by the current registrar, Register.com, as the registrant and administrative contact for the Internet domain found at <collegestarters.com> (the "Domain").

5. Mr. Williams-Pinkney is, and has been at all times relevant to this lawsuit, a resident of Nevada.

6. CollegeStarters is, and has been at all times relevant to this lawsuit, the selfproclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible through the Domain (said content accessible through the Domain known herein as the "Website"), as evidenced by a copyright notice displayed on the Website: "© 2009 by CollegeStarters. All Rights Reserved."

7. CollegeStarters is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

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

JURISDICTION

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

10. Righthaven is the owner of the copyright in the literary work entitled: "Millennium Scholarship fund short \$4.2 million for 2011, treasurer says" (the "Work"), attached hereto as Exhibit 1.

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

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

13. On or about May 4, 2010, the Defendants displayed, and continue to display, an unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 2, on the Website.

VENUE

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

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

FACTS

16. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
102(a)(1).
17. Righthaven is the owner of the copyright in and to the Work.
18. The Work was originally published on May 3, 2010.
19. On June 23, 2010, the United States Copyright Office (the "USCO") granted
Righthaven the registration to the Work, copyright registration number TX0007161077 (the "Registration") and attached hereto as Exhibit 3 is evidence of the Registration in the form of a

printout of the official USCO database record depicting the occurrence of the Registration.

20. On or about May 4, 2010, the Defendants displayed, and continue to display, the
 Infringement on the Website.

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

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

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

23. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through22 above.

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

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

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

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

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

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

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

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

32. Mr. Williams-Pinkney has willfully engaged in the copyright infringement of the Work.

33. CollegeStarters has willfully engaged in the copyright infringement of the Work.
34. The Defendants' acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

35. Unless the Defendants are preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to preliminary and permanent injunctive relief against further infringement by the 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 to the Defendants' use of the Work, in any form, including, without limitation, all such evidence and documentation relating to the Website;

1	b. All evidence and documentation relating to the names and addresses			
2	(whether electronic mail addresses or otherwise) of any person with whom the			
3	Defendants have communicated regarding the Defendants' use of the Work; and			
4	c. All financial evidence and documentation relating to the Defendants' use			
5	of the Work;			
6	3. Direct Register.com and any successor domain name registrar for the Domain to			
7	lock the Domain and transfer control of the Domain to Righthaven;			
8	4. Award Righthaven statutory damages for the willful infringement of the Work,			
9	pursuant to 17 U.S.C. § 504(c);			
10	5. Award Righthaven costs, disbursements, and attorneys' fees incurred by			
11	Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;			
12	6. Award Righthaven pre- and post-judgment interest in accordance with applicable			
13	law; and			
14	7. Grant Righthaven such other relief as this Court deems appropriate.			
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17	DEMAND FOR JURY TRIAL			
18	Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.			
19	Dated this ninth day of July, 2010.			
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21	RIGHTHAVEN LLC			
22	By: /s/ Joseph C. Chu			
23	STEVEN A. GIBSON, ESQ. Nevada Bar No. 6656			
24	J. CHARLES COONS, ESQ. Nevada Bar No. 10553			
25	JOSEPH C. CHU, ESQ. Nevada Bar No. 11082			
26	9960 West Cheyenne Avenue, Suite 210 Las Vegas, Nevada 89129-7701			
27	Attorneys for Plaintiff			
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