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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 PENNWELL CORPORATION, an Oklahoma
17 Domestic For Profit Business Corporation,

18 Defendant.
19

Case No.: 2:10-cv-1128

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

20
21 Righthaven LLC (“Righthaven”) complains as follows against PennWell Corporation
22 (“PennWell”) 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
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. PennWell is, and has been at all times relevant to this lawsuit, an Oklahoma
7 Domestic For Profit Business Corporation.

8 5. PennWell is, and has been at all times relevant to this lawsuit, identified by the
9 current registrar, eNom Inc. (“eNom”), as the registrant, administrative contact, and technical
10 contact for the Internet domain found at <pennenergy.com> (the “Domain”).

11 6. PennWell is, and has been at all times relevant to this lawsuit, the self-proclaimed
12 owner of the copyright(s) in the work(s) posted as part of the content accessible through the
13 Domain (said content accessible through the Domain known herein as the “Website”), as
14 evidenced by a copyright notice displayed on the Website: “Copyright © 2010: PennWell
15 Corporation.”

16
17
18 **JURISDICTION**

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

21 8. Righthaven is the owner of the copyright in the literary work entitled: “Utility
22 argues for digital meters” (the “Work”), attached hereto as Exhibit 1.

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

25 10. PennWell willfully copied, on an unauthorized basis, the Work from a source
26 emanating from Nevada.

1 11. On or about May 18, 2010, PennWell displayed, and continues to display, an
2 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the
3 Website.

4 12. The subject matter, at least in part, of the Work and the Infringement, is Nevada
5 power company NV Energy’s proposal of an integrated resource power plan to the Public
6 Utilities Commission of Nevada.

7 13. At all times relevant to this lawsuit, PennWell knew that the Work was originally
8 published in the *Las Vegas Review-Journal*.

9 14. At all times relevant to this lawsuit, PennWell knew that the Infringement was
10 and is of specific interest to Nevada residents.

11 15. PennWell’s display of the Infringement was and is purposefully directed at
12 Nevada residents.

13 16. PennWell’s contacts with Nevada are continuous and systematic because
14 PennWell is sponsoring an energy-related conference located in Las Vegas, Nevada on
15 December 6-8, 2011, and said conference is advertised on the Website, evidence of which is
16 attached hereto as Exhibit 3.

17 17. PennWell’s contacts with Nevada are continuous and systematic because
18 PennWell published and publishes, on the Website, information of specific interest to Nevada
19 residents about energy-related Nevada-based construction projects, and such contacts have been
20 in existence at least in excess of six months.

21 18. PennWell’s contacts with Nevada are continuous and systematic because
22 PennWell published and publishes, on the Website, information of specific interest to Nevada
23 residents about Yucca Mountain and the Nevada political issues related thereto, and such
24 contacts have been in existence at least in excess of six months.

25 19. PennWell’s contacts with Nevada are continuous and systematic because
26 PennWell published and publishes, on the Website, information of specific interest to Nevada
27 residents about NV Energy, including information about NV Energy’s technology and energy
28 plan proposals, and such contacts have been in existence at least in excess of six months.

