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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 JERRY RYBURG, an individual; and
17 RYAN BURRAGE, an individual,

18 Defendants.
19

Case No.: 2:10-cv-01283

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

20
21 Righthaven LLC (“Righthaven”) complains as follows against Jerry Ryburg (“Mr.
22 Ryburg”) and Ryan Burrage (“Mr. Burrage”; collectively with Mr. Ryburg known herein as the
23 “Defendants”), on information and belief:

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25 **NATURE OF ACTION**

26 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
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28

PARTIES

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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. Mr. Ryburg is, and has been at all times relevant to this lawsuit, an owner of the
7 Internet domain found at <jerryryburg.com> (the “Domain”), as evidenced by Mr. Ryburg’s
8 Facebook webpage, attached hereto as Exhibit 1.

9 5. Mr. Burrage is, and has been at all times relevant to this lawsuit, identified by the
10 current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant and administrative contact
11 of the Domain.

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13 **JURISDICTION**

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

16 7. Righthaven is the owner of the copyright in and to the literary work entitled: “The
17 TSA’s mini ‘Watch list’” (the “Work”), attached hereto as Exhibit 2.

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

20 9. The Defendants willfully copied, on an unauthorized basis, a substantial and
21 significant portion of the Work from a source emanating from Nevada.

22 10. On or about May 26, 2010, the Defendants displayed, and continued to display
23 until on or about July 23, 2010, an unauthorized reproduction of the Work (the “Infringement”),
24 attached hereto as Exhibit 3, as part of the content accessible through the Domain (said content
25 accessible through the Domain and the Domain itself known herein as the “Website”).

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

1 12. The Defendants' display of the Infringement was and is purposefully directed at
2 Nevada residents.

3 13. The Defendants knew, or reasonably should have known, that websites, such as
4 the Website, are and were at all times relevant to this lawsuit, the habitual subject of postings by
5 others of copyright-infringing content.

6 14. At all times relevant to this lawsuit, the Defendants did not institute any proactive
7 policy of precluding or attempting to preclude the posting by others of copyright-infringing
8 content on the Website.

9 15. At all times relevant to this lawsuit, the Defendants did not institute any proactive
10 policy of monitoring or attempting to monitor the posting by others of copyright-infringing
11 content on the Website.

12 16. At all times relevant to this lawsuit, the Defendants did not institute any proactive
13 policy of deleting or attempting to delete the posting by others of copyright-infringing content on
14 the Website.

15 17. At all times relevant to this lawsuit, the Defendants' failure to institute any
16 proactive policies intended to address the posting by others of copyright-infringing content on
17 the Website constituted and constitutes the Defendants' willful blindness to copyright
18 infringements occurring on the Website.

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20 **VENUE**

21 18. 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 19. The United States District Court for the District of Nevada is an appropriate
25 venue, pursuant to 28 U.S.C. § 1400(a), because the Defendants are subject to personal
26 jurisdiction in Nevada.

FACTS

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

21. Righthaven is the owner of the copyright in and to the Work.

22. The Work was originally published on May 25, 2010.

23. On July 14, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007173597 (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.

24. On or about May 26, 2010, the Defendants displayed, and continued to display until on or about July 23, 2010, the Infringement on the Website.

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

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

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

27. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 26 above.

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

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

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

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

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

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

5 34. The Defendants distributed, and continued to distribute until on or about July 23,
6 2010, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's
7 exclusive rights under 17 U.S.C. § 106(3).

8 35. The Defendants publicly displayed, and continued to publically display, an
9 unauthorized reproduction of the Work on the Website until on or about July 23, 2010, in
10 derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

11 36. Mr. Ryburg has willfully engaged in the copyright infringement of the Work.

12 37. Mr. Burrage has willfully engaged in the copyright infringement of the Work.

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

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

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21 **PRAYER FOR RELIEF**

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

23 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
24 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
25 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
26 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
27 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
28 directing, participating in, or assisting in any such activity;

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

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

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

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

11 3. Direct the current domain name registrar, GoDaddy, and any successor domain
12 name registrar for the Domain to lock the Domain and transfer control of the Domain to
13 Righthaven;

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

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

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

20 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 thirtieth day of July, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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