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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

CONNIE HIPPEN, an individual,

Defendant.

Case No.: 2:10-cv-01454

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Connie Hippen (“Ms. Hippen”), on information and belief:

NATURE OF ACTION

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

PARTIES

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

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

3 4. Ms. Hippen is, and has been at all times relevant to this lawsuit, identified as the
4 owner of the Internet domain found at <deeproootsintotoughtimes.blogspot.com> (the “Domain”),
5 as evidenced by a link on Ms. Hippen’s Twitter.com page that redirects users to the Domain,
6 attached hereto as Exhibit 1.

7 5. Ms. Hippen is, and has been at all times relevant to this lawsuit, identified as the
8 owner of the Domain (the content accessible through the Domain and the Domain itself known
9 herein as the “Website”), as evidenced by a link on Ms. Hippen’s Facebook.com page that
10 redirects users to the Domain, attached hereto as Exhibit 2.

11
12 **JURISDICTION**

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

15 7. Righthaven is the owner of the copyright in and to the literary work entitled:
16 “President: we’re ‘moving forward’” (the “Work”), attached hereto as Exhibit 3.

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

19 9. Ms. Hippen willfully copied, on an unauthorized basis, the Work from a source
20 emanating from Nevada.

21 10. On or about July 12, 2010, Ms. Hippen displayed, and continues to display an
22 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 4, on the
23 Website.

24 11. The subject matter, at least in part, of the Work and the Infringement, is President
25 Obama’s visit to Las Vegas, Nevada in July of 2010.

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

1 13. At all times relevant to this lawsuit, Ms. Hippen knew that the Infringement was
2 and is of specific interest to Nevada residents.

3 14. Ms. Hippen's display of the Infringement was and is purposefully directed at
4 Nevada residents.

5
6 **VENUE**

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

10 16. The United States District Court for the District of Nevada is an appropriate
11 venue, pursuant to 28 U.S.C. § 1400(a), because Ms. Hippen is subject to personal jurisdiction in
12 Nevada.

13
14 **FACTS**

15 17. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
16 102(a)(1).

17 18. Righthaven is the owner of the copyright in and to the Work.

18 19. The Work was originally published on July 11, 2010.

19 20. On August 25, 2010, the United State Copyright Office (the "USCO") received
20 Righthaven's official submittal for the registration of the Work including the application, the
21 deposit copy, and the registration fee (the "Complete Application"), Service Request No. 1-
22 477052668, attached hereto as Exhibit 5.

23 21. On or about July 12, 2010, Ms. Hippen displayed, and continues to display, the
24 Infringement on the Website.

25 22. Ms. Hippen did not seek permission, in any manner, to reproduce, display, or
26 otherwise exploit the Work.

27 23. Ms. Hippen was not granted permission, in any manner, to reproduce, display, or
28 otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

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

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

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

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

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

29. Ms. Hippen reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).

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

31. Ms. Hippen distributed, and continues 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).

32. Ms. Hippen publicly displayed, and continues to publically display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

33. Ms. Hippen has willfully engaged in the copyright infringement of the Work.

34. Ms. Hippen's 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 Ms. Hippen is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus

1 entitled to preliminary and permanent injunctive relief against further infringement by the
2 Defendants of the Work, pursuant to 17 U.S.C. § 502.

3
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 Ms. Hippen, and Ms. Hippen's
7 officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies,
8 partners, and all persons acting for, by, with, through, or under Ms. Hippen, from directly or
9 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the
10 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
11 participating in, or assisting in any such activity;

12 2. Direct Ms. Hippen 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 Ms. Hippen'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 the
19 Defendants have communicated regarding Ms. Hippen's use of the Work; and

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

22 3. Direct the current domain name registrar, Markmonitor.com, and any successor
23 domain name registrar for the Domain to lock the Domain and transfer control of the Domain to
24 Righthaven;

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

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

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

3 7. Grant Righthaven such other relief as this Court deems appropriate.
4

5 **DEMAND FOR JURY TRIAL**

6 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

7 Dated this twenty-sixth day of August, 2010.
8

9 RIGHTHAVEN LLC

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