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

11 RIGHTHAVEN LLC, a Nevada limited-
 liability company,

13 Plaintiff,

14 v.

15 HAWAII TOURISM ASSOCIATION, INC., a
 16 Hawaii domestic profit corporation; and
 17 JUERGEN T. STEINMETZ, an individual,

18 Defendants.

Case No.: 2:10-cv-01543

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

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 21 Righthaven LLC (“Righthaven”) complains as follows against Hawaii Tourism
 22 Association, Inc. (“Hawaii Tourism Association”) and Juergen T. Steinmetz (“Mr. Steinmetz”;
 23 collectively with Hawaii Tourism Association known herein as the “Defendants”) on information
 24 and belief:

25
 26 **NATURE OF ACTION**

27 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
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1 12. The Defendants willfully copied, on an unauthorized basis, the Work from a
2 source emanating from Nevada.

3 13. On or about July 29, 2010, the Defendants displayed, and continue to display, an
4 unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 3, on the
5 Website.

6 14. The subject matter, at least in part, of the Work and the Infringement, is the
7 commercial popularity of a pawn shop located in Las Vegas, Nevada.

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

10 16. At all times relevant to this lawsuit, the Defendants knew that the Infringement
11 was and is of specific interest to Nevada residents.

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

14 18. The Defendants willfully copied, on an unauthorized basis, the literary work
15 entitled: "Many don't back legalization of brothels, hash bars or tourism" (the "Legalization
16 Article"), attached hereto as Exhibit 4, from a source emanating in Nevada.

17 19. On or about August 30, 2010, the Defendants displayed, and continue to display,
18 the Legalization Article on the Website.

19 20. The Defendants' display of the Legalization Article was and is purposefully
20 directed at Nevada residents.

21 21. The Defendants' contacts with Nevada are continuous and systematic because the
22 Defendants displayed and display, on the Website, advertisements of specific interest to Nevada
23 residents, including, without limitation, advertisements for "Las Vegas Homes," Nevada-based
24 political candidates, "Las Vegas Office Space," Las Vegas-based check-cashing, "Las Vegas
25 Events," Las Vegas restaurant coupons, and Las Vegas airfare discounts, evidence of which is
26 attached hereto as Exhibit 5.

VENUE

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

5 23. The United States District Court for the District of Nevada is an appropriate
6 venue, pursuant to 28 U.S.C. § 1391(c), because Hawaii Tourism Association is subject to
7 personal jurisdiction in Nevada.

8 24. The United States District Court for the District of Nevada is an appropriate
9 venue, pursuant to 28 U.S.C. § 1400 (a), because the Defendants are subject to personal
10 jurisdiction in Nevada.

11
12
13 **FACTS**

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

16 26. Righthaven is the owner of the copyright in and to the Work.

17 27. The Work was originally published on or about July 29, 2010.

18 28. On September 2, 2010, the United States Copyright Office (the “USCO”)
19 received Righthaven’s official submittal for the registration to the Work, including the
20 application, the deposit copy, and the registration fee (the “Complete Application”), Service
21 Request No. 1-481234828, and attached hereto as Exhibit 6 is the official USCO application
22 submittal for the Work depicting the occurrence of the Complete Application.

23 29. On or about July 29, 2010, the Defendants displayed, and continue to display, the
24 Infringement on the Website.

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

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

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

32. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 31 above.

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

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

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

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

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

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

39. 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).

40. 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).

41. Hawaii Tourism Association has willfully engaged in the copyright infringement of the Work.

42. Mr. Steinmetz has willfully engaged in the copyright infringement of the Work.

43. 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.

