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

11 RIGHTHAVEN LLC, a Nevada limited-
 liability company,
 12
 13 **Plaintiff,**
 14
 v.
 15 PAUL ANTHONY PARSON, an individual,
 16
 17 **Defendant.**

Case No.: 2:10-cv-01571
**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

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 20 Righthaven LLC (“Righthaven”) complains as follows against Paul Anthony Parson
 21 (“Mr. Parson”) on information and belief:

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 23 **NATURE OF ACTION**

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

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 26 **PARTIES**

- 27 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-
 28 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. Mr. Parson is, and has been at all times relevant to this lawsuit, the owner of the
4 Internet domain found at <americangunowners.net> (the “Domain”), as evidenced by Mr.
5 Parson’s MySpace page, attached hereto as Exhibit 1.

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8 **JURISDICTION**

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

11 6. Righthaven is the owner of the copyright in the literary work entitled: “Slaying of
12 Army veteran shocks friends” (the “Work”), attached hereto as Exhibit 2.

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

15 8. Mr. Parson willfully copied, on an unauthorized basis, the Work from a source
16 emanating from Nevada.

17 9. On or about July 12, 2010, Mr. Parson displayed, and continues to display, an
18 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 3, as part
19 of the content accessible through the Domain (said content accessible through the Domain
20 known herein as the “Website”).

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

23 11. The subject matter, at least in part, of the Work and the Infringement, is a fatal
24 shooting that occurred in a Las Vegas, Nevada-based Costco.

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

27 13. At all times relevant to this lawsuit, Mr. Parson knew that the Infringement was
28 and is of specific interest to Nevada residents.

1 14. Mr. Parson's display of the Infringement was and is purposefully directed at
2 Nevada residents.

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

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

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

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

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

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21 **VENUE**

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

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

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

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

24. The Work was originally published on or about July 12, 2010.

25. On September 9, 2010, the United States Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration to the Work, including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-484454258, and attached hereto as Exhibit 4 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.

26. On or about July 12, 2010, Mr. Parson displayed, and continues to display, the Infringement on the Website.

27. Mr. Parson did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

28. Mr. Parson was not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

29. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 28 above.

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

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

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

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

3 34. Mr. Parson reproduced the Work in derogation of Righthaven's exclusive rights
4 under 17 U.S.C. § 106(1).

5 35. Mr. Parson created an unauthorized derivative of the Work in derogation of
6 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

7 36. Mr. Parson distributed, and continues to distribute, an unauthorized reproduction
8 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
9 106(3).

10 37. Mr. Parson publicly displayed, and continues to publicly display, an unauthorized
11 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
12 17 U.S.C. § 106(5).

13 38. Mr. Parson has willfully engaged in the copyright infringement of the Work.

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

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

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23 **PRAYER FOR RELIEF**

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

25 1. Preliminarily and permanently enjoin and restrain Mr. Parson, and Mr. Parson's
26 agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all
27 persons acting for, by, with, through, or under Mr. Parson, from directly or indirectly infringing
28 the Work by reproducing the Work, preparing derivative works based on the Work, distributing

1 the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or
2 assisting in any such activity;

3 2. Direct Mr. Parson to preserve, retain, and deliver to Righthaven in hard copies or
4 electronic copies:

5 a. All evidence and documentation relating in any way to Mr. Parson's use
6 of the Work, in any form, including, without limitation, all such evidence and
7 documentation relating to the Website;

8 b. All evidence and documentation relating to the names and addresses
9 (whether electronic mail addresses or otherwise) of any person with whom Mr. Parson
10 has communicated regarding Mr. Parson's use of the Work; and

11 c. All financial evidence and documentation relating to Mr. Parson's use of
12 the Work;

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

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

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

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

21 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 Rule 38 of the Federal Rules of Civil Procedure.

Dated this fourteenth day of September, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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