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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.

16 THOMAS CHANDLER, an individual,

17 Defendant.

Case No.: 2:10-cv-1656

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

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 20 Righthaven LLC (“Righthaven”) complains as follows against Thomas Chandler (“Mr.
 21 Chandler”) 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.

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 13, 2010.

25. On September 2, 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. 1-481200348, and attached hereto as Exhibit 3 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.

26. On or about July 14, 2010, Mr. Chandler displayed, and continues to display, the Infringement on the Website.

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

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

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

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

11 37. Mr. Chandler has willfully engaged in the copyright infringement of the Work.

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

15 39. Unless Mr. Chandler is preliminarily and permanently enjoined from further
16 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
17 entitled to preliminary and permanent injunctive relief against further infringement by Mr.
18 Chandler 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 Mr. Chandler, and Mr.
24 Chandler's agents, servants, employees, attorneys, parents, subsidiaries, related companies,
25 partners, and all persons acting for, by, with, through, or under Mr. Chandler, from directly or
26 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the
27 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
28 participating in, or assisting in any such activity;

1 2. Direct Mr. Chandler 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 Mr. Chandler's use
4 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 Mr. Chandler
8 has communicated regarding Mr. Chandler's use of the Work; and

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

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

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

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

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

19 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 twenty-fourth day of September, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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