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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 MICHAEL LEON, an individual; and
 16 MEDBILLZ, an entity of unknown origin and
 nature,

18 Defendants.

Case No.: 2:10-cv-01672

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

21 Righthaven LLC (“Righthaven”) complains as follows against Michael Leon (“Mr.
 22 Leon”) and MedBillz (collectively with Mr. Leon known herein as the “Defendants”) on
 23 information and belief:

26 **NATURE OF ACTION**

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

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. MedBillz is, and has been at all times relevant to this lawsuit, identified by the
7 current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant of the Internet domain
8 found at <veteranstoday.com> (the “Domain”).

9 5. MedBillz is, and has been at all times relevant to this lawsuit, an entity of
10 unknown origin and nature.

11 6. Attempts to find evidence of formal organizational status in the respective
12 Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, and
13 Nevada demonstrate that, at least with respect to these states, MedBillz is not a formally
14 organized business entity.

15 7. Mr. Leon is, and has been at all times relevant to this lawsuit, identified by the
16 content accessible through the Domain (said content accessible through the Domain known
17 herein as the “Website”) as the “Managing Editor” of the Website.

18 8. Mr. Leon reproduced an unauthorized copy of the Righthaven-owned literary
19 work entitled: “Slaying of Army veteran shocks friends” (the “Work”), attached hereto as
20 Exhibit 1, and posted said unauthorized copy (the “Infringement”), attached hereto as Exhibit 2,
21 on the Website.

22 9. MedBillz is, and has been at all times relevant to this lawsuit, the self-proclaimed
23 owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright
24 notice displayed on the Website: “COPYRIGHT © 2010. ALL RIGHTS RESERVED.”
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JURISDICTION

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

4 11. Righthaven is the owner of the copyright in the Work.

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

7 13. The Defendants willfully copied, on an unauthorized basis, the Work from a
8 source emanating from Nevada.

9 14. On or about July 13, 2010, the Defendants displayed, and continue to display, the
10 Infringement on the Website.

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

13 16. The subject matter, at least in part, of the Work and the Infringement, is the fatal
14 shooting of a Las Vegas, Nevada resident at a Las Vegas, Nevada-based Costco.

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

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

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

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23 **VENUE**

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

1 21. The United States District Court for the District of Nevada is an appropriate
2 venue, pursuant to 28 U.S.C. § 1400 (a), because the Defendants are subject to personal
3 jurisdiction in Nevada.
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6 **FACTS**

7 22. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
8 102(a)(1).

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

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

11 25. On September 9, 2010, the United States Copyright Office (the “USCO”)
12 received Righthaven’s official submittal for the registration to the Work, including the
13 application, the deposit copy, and the registration fee (the “Complete Application”), Service
14 Request No. 1-484454258, and attached hereto as Exhibit 3 is the official USCO application
15 submittal for the Work depicting the occurrence of the Complete Application.

16 26. On or about July 13, 2010, Mr. Leon posted the Infringement on the Website, and
17 the indication of Mr. Leon’s posting of the Infringement on the Website is depicted in Exhibit 2,
18 wherein the Infringement states: “July 13, 2010 posted by Michael Leon.”

19 27. On or about July 13, 2010, the Defendants displayed, and continue to display, the
20 Infringement on the Website.

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

23 29. The Defendants were not granted permission, in any manner, to reproduce,
24 display, or otherwise exploit the Work.
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CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

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

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

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

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

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

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

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

37. 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).

38. 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).

39. Mr. Leon has willfully engaged in the copyright infringement of the Work.

40. MedBillz has willfully engaged in the copyright infringement of the Work.

41. 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.

42. Unless the Defendants are 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.

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5 **PRAYER FOR RELIEF**

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

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

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

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

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

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

23 3. Direct GoDaddy, and any successor domain name registrar for the Domain, to
24 lock the Domain and transfer control of the Domain to 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.
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6 **DEMAND FOR JURY TRIAL**

7 Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil
8 Procedure.

9 Dated this twenty-seventh day of September, 2010.
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11 RIGHTHAVEN LLC
12

13 By: /s/ J. Charles Coons
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