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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 IMPERIAL HOTEL MANAGEMENT
 16 COLLEGE, INC., a British Columbia,
 Canada corporation,

18 Defendant.

Case No.: 2:10-cv-01833

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

21 Righthaven LLC (“Righthaven”) complains as follows against Imperial Hotel
 22 Management College, Inc. (“IHMC”) on information and belief:

24 **NATURE OF ACTION**

25 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.

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

4. IHMC is, and has been at all times relevant to this lawsuit, a British Columbia, Canada corporation.

5. IHMC is, and has been at all times relevant to this lawsuit, the owner of the Internet Domain found at <imperialhotelmanagementcollegestudent.blogspot.com> (the “Domain”).

JURISDICTION

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

7. Righthaven is the owner of the copyright in the literary work entitled: “Vdara visitor says ‘death ray’ scorched hair. Chicago lawyer says bag also melted” (the “Work”), attached hereto as Exhibit 1.

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

9. IHMC willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

10. On or about September 29, 2010, IHMC displayed, and continues to display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, as part of the content accessible through the Domain (said content accessible through the Domain and the Domain itself, collectively known herein as the “Website”).

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

1 12. The subject matter, at least in part, of the Work and the Infringement, is the
2 alleged magnification of sunlight caused by Vdara Hotel, located in Las Vegas, Nevada.

3 13. At all times relevant to this lawsuit, IHMC knew that the Work was originally
4 published in the *Las Vegas Review-Journal*.

5 14. At all times relevant to this lawsuit, IHMC knew that the Infringement was and is
6 of specific interest to Nevada residents.

7 15. IHMC's display of the Infringement was and is purposefully directed at Nevada
8 residents.

9
10 **VENUE**

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

14 17. The United States District Court for the District of Nevada is an appropriate
15 venue, pursuant to 28 U.S.C. § 1391(c), because IHMC is subject to personal jurisdiction in
16 Nevada.

17 18. The United States District Court for the District of Nevada is an appropriate
18 venue, pursuant to 28 U.S.C. § 1400 (a), because IHMC is subject to personal jurisdiction in
19 Nevada.

20
21 **FACTS**

22 19. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
23 102(a)(1).

24 20. Righthaven is the owner of the copyright in and to the Work.

25 21. The Work was originally published on or about September 25, 2010.

26 22. On October 6, 2010, the United States Copyright Office (the "USCO") received
27 Righthaven's official submittal for the registration to the Work, including the application, the
28 deposit copy, and the registration fee (the "Complete Application"), Service Request No. 1-

1 498243753, and attached hereto as Exhibit 3 is the official USCO application submittal for the
2 Work depicting the occurrence of the Complete Application.

3 23. On or about September 29, 2010, IHMC displayed, and continues to display, the
4 Infringement on the Website.

5 24. At all times relevant to this lawsuit, the “About Us” page of the Website redirects
6 users to IHMC’s home page found at the Internet Domain: <ihmc.ca> (the “IHMC Domain”).

7 25. IHMC did not seek permission, in any manner, to reproduce, display, or otherwise
8 exploit the Work.

9 26. IHMC was not granted permission, in any manner, to reproduce, display, or
10 otherwise exploit the Work.

11
12 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

13 27. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
14 26 above.

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

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

19 30. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
20 17 U.S.C. § 106(3).

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

23 32. IHMC reproduced the Work in derogation of Righthaven’s exclusive rights under
24 17 U.S.C. § 106(1).

25 33. IHMC created an unauthorized derivative of the Work in derogation of
26 Righthaven’s exclusive rights under 17 U.S.C. § 106(2).

1 34. IHMC distributed, and continues to distribute, an unauthorized reproduction of
2 the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
3 106(3).

4 35. IHMC publicly displayed, and continues to publicly display, an unauthorized
5 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
6 17 U.S.C. § 106(5).

7 36. IHMC has willfully engaged in the copyright infringement of the Work.

8 37. IHMC's acts as alleged herein, and the ongoing direct results of those acts, have
9 caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven
10 cannot ascertain, leaving Righthaven with no adequate remedy at law.

11 38. Unless IHMC is preliminarily and permanently enjoined from further
12 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
13 entitled to preliminary and permanent injunctive relief against further infringement by IHMC of
14 the Work, pursuant to 17 U.S.C. § 502.

15
16 **PRAYER FOR RELIEF**

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

18 1. Preliminarily and permanently enjoin and restrain IHMC, and IHMC's officers,
19 agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all
20 persons acting for, by, with, through, or under IHMC, from directly or indirectly infringing the
21 Work by reproducing the Work, preparing derivative works based on the Work, distributing the
22 Work to the public, and/or displaying the Work, or ordering, directing, participating in, or
23 assisting in any such activity;

24 2. Direct IHMC to preserve, retain, and deliver to Righthaven in hard copies or
25 electronic copies:

26 a. All evidence and documentation relating in any way to IHMC's use of the
27 Work, in any form, including, without limitation, all such evidence and documentation
28 relating to the Website;

