

1 J. CHARLES COONS, ESQ.
 Nevada Bar No. 10553
ccoons@righthaven.com
 2 *Assistant General Counsel at Righthaven*
 JOSEPH C. CHU, ESQ.
 Nevada Bar No. 11082
jchu@righthaven.com
 4 *Staff Attorney at Righthaven*
 Righthaven LLC
 5 9960 West Cheyenne Avenue, Suite 210
 Las Vegas, Nevada 89129-7701
 6 (702) 527-5900
Attorneys for Plaintiff

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

11 RIGHTHAVEN LLC, a Nevada limited-liability
 company,

13 Plaintiff,

14 v.

15 GAMINGLAPTOPS, an entity of unknown origin
 16 and nature; TAYLOR HAWES, an individual,

17 Defendants.

Case No.: 2:10-cv-01841

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

19
 20 Righthaven LLC (“Righthaven”) complains as follows against Gaminglaptops
 21 (“Gaminglaptops”) and Taylor Hawes (“Mr. Hawes”; collectively with Gaminglaptops known
 22 herein as the “Defendants”), on information and belief:
 23

24 **NATURE OF ACTION**

25 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
 26
 27
 28

PARTIES

1
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. Gaminglaptops is, and has been at all times relevant to this lawsuit, an entity of
7 unknown origin and nature.

8 5. Attempts to find evidence of formal organizational status in the respective
9 Secretary of State offices of Delaware, California, Illinois, New York, Ohio, Pennsylvania,
10 Texas, Tennessee, and Nevada demonstrate that, at least with respect to these states,
11 Gaminglaptops is not a formally organized business entity.

12 6. Gaminglaptops is, and has been at all times relevant to this lawsuit, identified by
13 the current registrar, Namecheap.com (“Namecheap”), as a registrant, administrative contact, and
14 technical contact for the Internet domain found at <wpparty.com> (the “Domain”).

15 7. Mr. Hawes is, and has been at all times relevant to this lawsuit, identified by
16 Namecheap as a registrant, administrative contact, and technical contact for the Domain (the
17 content accessible through the Domain and the Domain itself known herein as the “Website”).
18

19
JURISDICTION

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

22 9. Righthaven is the owner of the copyright in the literary work entitled: “Hoover
23 Dam bypass traffic faces bottleneck along U.S. Highway 93” (the “Work”), attached hereto as
24 Exhibit 1.

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

27 11. The Defendants willfully copied, on an unauthorized basis, a substantial and
28 significant portion of the Work from a source emanating from Nevada.

1 22. On or about September 19, 2010, the Defendants displayed, and continue to
2 display, the Infringement on the Website.

3 23. The Defendants did not seek permission, in any manner, to reproduce, display, or
4 otherwise exploit the Work.

5 24. The Defendants were not granted permission, in any manner, to reproduce,
6 display, or otherwise exploit the Work.

7
8 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

9 25. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
10 24 above.

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

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

15 28. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
16 17 U.S.C. § 106(3).

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

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

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

23 32. The Defendants distributed, and continue to distribute, an unauthorized
24 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
25 17 U.S.C. § 106(3).

26 33. The Defendants publicly displayed, and continue to publicly display, an
27 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
28 rights under 17 U.S.C. § 106(5).

1 34. Gaminglaptops has willfully engaged in the copyright infringement of the Work.

2 35. Mr. Hawes has willfully engaged in the copyright infringement of the Work.

3 36. The Defendants' acts as alleged herein, and the ongoing direct results of those
4 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
5 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

6 37. Unless the Defendants are preliminarily and permanently enjoined from further
7 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
8 entitled to preliminary and permanent injunctive relief against further infringement by the
9 Defendants of the Work, pursuant to 17 U.S.C. § 502.

10
11 **PRAYER FOR RELIEF**

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

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

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

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

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

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

