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13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 RIGHTHAVEN LLC, a Nevada limited-
17 liability company,

18
19 Plaintiff,

20 v.

21 KEITH COMBS, an individual,

22 Defendant.
23

Case No.: 2:10-cv-02145

24
25 **COMPLAINT AND DEMAND**
26 **FOR JURY TRIAL**

27
28 Righthaven LLC (“Righthaven”) complains as follows against Keith Combs (“Mr. Combs”) on information and belief:

1 **NATURE OF ACTION**

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

3
4 **PARTIES**

5 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-
6 liability company with its principal place of business in Nevada.

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

9 4. Mr. Combs is, and has been at all times relevant to this lawsuit, identified as the
10 owner of the Internet domain found at <blog.technet.com/b/keithcombs> (the “Domain”), as
11 evidenced by the title of the Domain, “Keith Comb’s Blahg.”

12
13 **JURISDICTION**

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

16 6. Righthaven is the owner of the copyright in the illustration entitled: “Vdara death-
17 ray” (the “Work”), attached hereto as Exhibit 1.

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

20 8. Mr. Combs willfully copied, on an unauthorized basis, the Work from a source
21 emanating from Nevada.

22 9. On or about September 28, 2010, Mr. Combs displayed, and continues to display,
23 an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, as
24 part of the content accessible through the Domain (said content accessible through the Domain
25 and the Domain itself collectively known herein as the “Website”).

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

1 11. The subject matter, at least in part, of the Work and the Infringement, is the
2 magnification of the sun's rays off the surface of the Vdara Hotel, located in Las Vegas, Nevada.

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

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

7 14. At all times relevant to this lawsuit, the Infringement, as publically displayed on
8 the Website was and is accessible in Nevada.

9 15. At all times relevant to this lawsuit, the Infringement occurred and continues to
10 occur in Nevada.

11 16. Mr. Combs' display of the Infringement was and is purposefully directed at
12 Nevada residents.

13
14 **VENUE**

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

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

21
22 **FACTS**

23 19. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
24 102(a)(5).

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

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

27 22. On November 24, 2010, the United States Copyright Office (the "USCO")
28 received Righthaven's official submittal for the registration to the Work, including the

1 application, the deposit copy, and the registration fee (the “Complete Application”), Service
2 Request No. 1-524088592, and attached hereto as Exhibit 3 is the official USCO application
3 submittal for the Work depicting the occurrence of the Complete Application.

4 23. On or about September 28, 2010, Mr. Combs displayed, and continues to display,
5 the Infringement on the Website.

6 24. Mr. Combs did not seek permission, in any manner, to reproduce, display, or
7 otherwise exploit the Work.

8 25. Mr. Combs was not granted permission, in any manner, to reproduce, display, or
9 otherwise exploit the Work.

10
11 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

12 26. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
13 25 above.

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

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

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

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

22 31. Mr. Combs reproduced the Work in derogation of Righthaven’s exclusive rights
23 under 17 U.S.C. § 106(1).

24 32. Mr. Combs created an unauthorized derivative of the Work in derogation of
25 Righthaven’s exclusive rights under 17 U.S.C. § 106(2).

26 33. Mr. Combs distributed, and continues to distribute, an unauthorized reproduction
27 of the Work on the Website, in derogation of Righthaven’s exclusive rights under 17 U.S.C. §
28 106(3).

1 c. All financial evidence and documentation relating to Mr. Combs' use of
2 the Work;

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

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

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

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

11 7. Grant Righthaven such other relief as this Court deems appropriate.

12
13 **DEMAND FOR JURY TRIAL**

14 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

15 Dated this ninth day of December, 2010.

16
17 RIGHTHAVEN LLC

18 By: /s/ J. Charles Coons
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