

1 SHAWN A. MANGANO, ESQ.
Nevada Bar No. 6730
2 shawn@manganolaw.com
SHAWN A. MANGANO, LTD.
3 9960 West Cheyenne Avenue, Suite 170
Las Vegas, Nevada 89129-7701
4 Tel: (702) 683-4788
Fax: (702) 922-3851

5 J. CHARLES COONS, ESQ.
Nevada Bar No. 10553
6 ccoons@righthaven.com
7 *Assistant General Counsel at Righthaven LLC*
JOSEPH C. CHU, ESQ.
8 Nevada Bar No. 11082
jchu@righthaven.com
9 *Staff Attorney at Righthaven LLC*
Righthaven LLC
10 9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
11 (702) 527-5900

12 *Attorneys for Plaintiff Righthaven LLC*

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 AZKAR CHOUDHRY, an individual; and
22 PAK.ORG, an entity of unknown origin and
nature,

23 Defendants.
24

Case No.: 2:10-cv-02155

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

28 Righthaven LLC (“Righthaven”) complains as follows against Azkar Choudhry (“Mr. Choudhry”) and Pak.org (“Pak.org”; collectively with Mr. Choudhry known herein as the “Defendants”) 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. Pak.org is, and has been at all times relevant to this lawsuit, an entity of unknown
10 origin and nature.

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

15 6. Pak.org is, and has been at all times relevant to this lawsuit, identified by the
16 current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant of the Internet domain
17 found at <paklinks.com> (the “Domain”).

18 7. Pak.org is, and has been at all times relevant to this lawsuit, identified by
19 GoDaddy as an administrative contact and technical contact of the Domain.

20 8. Mr. Choudhry is, and has been at all times relevant to this lawsuit, identified by
21 GoDaddy as an administrative contact and technical contact of the Domain.

22 9. Mr. Choudhry is, and has been at all times relevant to this lawsuit, the owner of
23 the Domain.

24
25 **JURISDICTION**

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

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

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

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

7 14. On or about October 8, 2010, the Defendants displayed, and continue to display,
8 an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, as
9 part of the content accessible through the Domain (said content accessible through the Domain
10 and the Domain itself collectively known herein as the “Website”) 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. At all times relevant to this lawsuit, the Defendants knew that the Work was
14 originally published in the *Las Vegas Review-Journal*.

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

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

19 19. At all times relevant to this lawsuit, the Infringement occurred and continues to
20 occur in Nevada.

21 20. The Defendants’ display of the Infringement was and is purposefully directed at
22 Nevada residents.

23
24 **VENUE**

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

1 33. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. § 106(3).

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

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

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

9 37. The Defendants distributed, and continue to distribute, an unauthorized
10 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
11 17 U.S.C. § 106(3).

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

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

16 40. Pak.org has willfully engaged in the copyright infringement of the Work.

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

20 42. Unless the Defendants are preliminarily and permanently enjoined from further
21 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
22 entitled to preliminary and permanent injunctive relief against further infringement by the
23 Defendants of the Work, pursuant to 17 U.S.C. § 502.

24
25 **PRAYER FOR RELIEF**

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

27 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
28 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related

1 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
2 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
3 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
4 directing, participating in, or assisting in any such activity;

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

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

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

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

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

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

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

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

23 7. Grant Righthaven such other relief as this Court deems appropriate.
24
25
26
27
28

DEMAND FOR JURY TRIAL

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

Dated this thirteenth day of December, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons

SHAWN A. MANGANO, ESQ.
Nevada Bar No. 6730
shawn@manganolaw.com
SHAWN A. MANGANO, LTD.
9960 West Cheyenne Avenue, Suite 170
Las Vegas, Nevada 89129-7701
Tel: (702) 683-4788
Fax: (702) 922-3851

J. CHARLES COONS, ESQ.
Nevada Bar No. 10553
ccoons@righthaven.com
Assistant General Counsel at Righthaven LLC

JOSEPH C. CHU, ESQ.
Nevada Bar No. 11082
jchu@righthaven.com
Staff Attorney at Righthaven LLC
Righthaven LLC
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
(702) 527-5900

Attorneys for Plaintiff Righthaven LLC