



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0405

January 30, 2025

Karen Holmes, Karen Boeker,
and Rebecca Estenssoro

CLAIMANTS

v.

Maryann Nunes and Robert Nunes

RESPONDENTS

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended. If you wish to proceed with this claim, you must file a second amended claim by **March 3, 2025**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

To make your second amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

Allegedly Infringed Works – Clarity

You are bringing a claim of copyright infringement of four literary works. It is not clear what copyright-protected material is covered by your copyright registration for one of those works, titled *Ty Pluffies Price Guide*.

You list Copyright Office registration number TX0009458686 for that work, and an effective date of registration of December 5, 2024. Copyright Office records show that the registered work includes a copyright notice that provides a range of dates, “Copyright © 1998-2024,” which appears to indicate that the work includes material published in earlier editions. In an [exhibit](#) filed with the amended claim, you state: “The Ty Pluffies Price Guide, Copyright # TX000945868, is previously published text, registered with the Copyright Department in 2024.” Similarly, in a separate proceeding alleging infringement of the same work (*Holmes et al. v. Haydel*, 25-CCB-0001), you state in an [exhibit](#) filed with the amended claim: “The 2024 Ty Pluffies Price Guide Registered Copyright # TX000945868 is previously published text, as seen in the 3 comparison graphics below. It includes substantial creative material from our 2022 Ty Pluffies Price Guide.”

In an email to the Copyright Office examiner before the registration issued, claimant Karen Holmes stated that “the text in this work ‘Ty Pluffies Price Guide’ was previously published but not registered with the Copyright Office.” Ms. Holmes authorized the examiner to include a statement in the “Material Excluded” section of the registration certificate that disclaims “previously published text” from the material claimed for registration.

The Board may only hear a claim of infringement of material that is covered by a copyright registration or by a pending application for registration that was submitted before the claim. 17 U.S.C. § 1505(a). The TX000945868 registration does not cover any material published before the 2024 version of the work, which includes substantial material published earlier. Because the registration certificate does not identify any particular new authorship material in the 2024 version that was not previously published, it is not apparent which material in the version that the registration covers, if any, the respondents may have infringed.

To address this issue, if you file a second amended claim that includes *Ty Pluffies Price Guide* as one of the allegedly infringed works, you must state or show facts that indicate that the 2024 version of the work covered by the registration includes substantial copyrightable authorship that was not previously published, and that the respondents infringed that material. Alternatively, if material that the respondents infringed is covered by a different registration or application for registration filed before you filed this claim on December 31, 2024, then your second amended claim must identify that registration or application in the “Works infringed” section, and state or show facts that indicate which material covered by that registration or application you contend the respondents infringed.

However, if all of the allegedly infringed material from the 2024 version of the *Ty Pluffies Price Guide* had been published before 2024, and that material is not covered by another registration or pre-claim application for registration, then it cannot be a basis for an infringement claim in this proceeding, and your second amended claim must omit any claim that respondents infringed *Ty Pluffies Price Guide* or the entire proceeding will be dismissed.

Final Amendment

Your amended claim resolves some, but not all, of the compliance issues raised in the January 15, 2025 Order to Amend Noncompliant Claim. The remaining issues, also discussed in this order, must be resolved for the claim to move forward. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the “**Amend claim**” button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents directly related to your claim, and label them clearly.

4. Once you have completed your edits, continue to click through the fillable claim form until you reach the **“Review”** page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select **“Edit”** to revise any entries necessary. Each section of information has an **“Edit”** button, which will take you back to that section so you can make changes. After you make changes, you can click **“Save & review”** to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the **“Digital signature”** box near the bottom of the **“Review filing”** page and click **“Agree & submit.”**

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Board