



# COPYRIGHT CLAIMS BOARD

DOCKET NO. 22-CCB-0140

## United States Copyright Claims Board

Southern Fatty Media, LLC

CLAIMANT

V.

Premier Event Management LLC, Attn: Bill Burke

RESPONDENT

### ORDER DISMISSING CLAIM WITHOUT PREJUDICE

PLEASE READ CAREFULLY

The respondent submitted a paper opt-out form for this claim by sending it via United Parcel Service (UPS) to the Copyright Claims Board (Board) within the 60-day opt-out period. 17 U.S.C. § 1506(i); 37 C.F.R. § 223.1(c)(2). The respondent's deadline to opt out was December 19, 2022. The envelope with the opt-out form was deposited with and dispatched by UPS on December 5, 2022 and arrived in Washington on December 8, 2022 but because of delays in delivery of mail, see Compendium of Copyright Office Practices, Third Edition, § 1508.6, it was not received by the Board until December 22, 2022. Because the opt-out form was dispatched by a commercial carrier prior to the 60-day deadline, the respondent submitted a timely opt-out. 37 C.F.R. § 223.1(e)(2).

Because the Board was unaware of the opt-out notice until December 22, the Board followed its usual procedure and filed an Order to Pay Second Filing Fee and For All Parties to Register for eCCB on December 20, 2022. 37 C.F.R. § 222.7(a)(1). The claimant paid the second filing fee on December 20 and will be refunded the entire fee of \$60.00. 37 C.F.R. § 201.3(g).

The Board dismisses the claim without prejudice and closes case 22-CCB-0140. 37 C.F.R. § 223.1(a).

A claim that is dismissed by the Board without prejudice following the submission of an opt-out notice may then be filed in federal court. However, if the claimant attempts to refile a claim with the Board against the same respondent, covering in substance the same acts and the same theories of recovery as in this proceeding, the Board will again dismiss the claim, unless the claimant can demonstrate that the respondent affirmatively agreed to have the dispute resubmitted to the Board for resolution. 37 C.F.R. § 223.1(i).

Date: December 28, 2022

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