



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0309

September 26, 2023

Floatsup, LLC

CLAIMANT

v.

??? n/a

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims 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 **October 26, 2023**. 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). A second amended claim will not be compliant unless it resolves the issues identified below. 37 C.F.R. § 224.1(c)(2).

Respondent Information

The claim must include the respondent's name. 37 C.F.R. § 222.2(c)(5). It must also include the respondent's address, "unless the claimant certifies that a respondent's address is unknown at the time to the claimant and that the claimant has a good-faith belief that the statute of limitations for the claim is likely to expire within 30 days from the date that the claim is submitted, and describes the basis for that good-faith belief." 37 C.F.R. § 222.2(c)(6). Your amended claim does not comply with these requirements.

Your original claim named Amazon.com Services LLC ("Amazon") as the respondent. In your amended claim, you instead list "??? n/a" as the respondent. Copies of the counter-notice sent to Amazon, which you filed as supplemental documents with both the claim and the amended claim, list "???" as the "Full Legal Name" of the person or entity that sent the counter-notice, but that name is plainly invalid. In the "Respondent" section of your amended claim, you list the respondent's address as "n/a, n/a, WA 00000," which is also plainly invalid.

You have not certified that the respondent's address is unknown or that you have a good-faith belief that the statute of limitations period for the claim is about to expire, and the amended claim does not indicate that it will expire soon. The limitations period for your claim runs for three years from the date the claim accrued. 17 U.S.C. § 1504(b)(1). The claim accrued when Amazon informed you of the counter-notice. With the counter-notice, Amazon told you, "We will allow this material to become accessible, unless you provide us with notice that a lawsuit

has been filed against the counter-noticing party within 10 business days.” It appears that you filed the claim less than 10 business days later to avoid Amazon reinstating the content in dispute, well short of the three-year period.

In order to identify the name and address of a proper respondent, you may consider obtaining a subpoena from a federal district court directed to Amazon pursuant to 17 U.S.C. § 512(h). As explained in the noncompliance order issued on September 22, 2023, a “proper respondent for a claim before the Board is an individual or entity that resides in the United States.” (Dkt. 2.) The Board may not hear claims against anyone who is not a United States resident. 17 U.S.C. § 1504(d)(4). You should only amend your claim if you are raising it against an individual or entity residing in the United States for whom you can provide a valid name and mailing address.

Final Amendment

Your amended claim remains noncompliant. **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 a second 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 Attorney