



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0372
September 16, 2024

Terrell Lipscomb

CLAIMANT

v.

Brian Sher, Jesse Collins, Netflix

RESPONDENTS

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

This claim must be dismissed because a registration was not issued and a complete application was not delivered to the Copyright Office before you filed your claim on November 4, 2023.

The claim alleges infringement of one registration “Pizza Boy Rell.” You described the work as a “[f]eature Screenplay script.” In your claim, you list SR 1-4350609265 as the pending registration number for the work. The application for registration was submitted to the Copyright Office on January 17, 2017. On August 11, 2017, the Copyright Office emailed you to let you know that the Office was unable to examine your work due to the file type of the deposit copy you included with the application. The email gave you 45 days to reply. No reply was received. The Copyright Office closed your registration application on September 26, 2017. On November 8, 2023, the Copyright Claims Board (Board) placed the claim in abeyance pursuant to 37 C.F.R. § 221.1(b) pending a decision on the application for registration of copyright in the work at issue in the proceeding.

On November 20, 2023, you filed a supplemental document entitled “Written Statement 3.” In that document, you stated that “I sent in the same work yesterday in pdf format with the registration number 1-13219565966 that is viewable to be copyrighted.” A Board search of Copyright Office records indicates that the application for registration SR 1-13219565966 (registered as TXu002403259) was filed on November 19, 2023, **after** you filed your claim.

The Board can only hear a copyright infringement claim if, **before** the claim was filed, (1) the Copyright Office issued a registration certificate for the copyrighted work or (2) the legal or beneficial owner of the copyright applied to register the copyright by delivering a completed application, deposit, and fee to the Copyright Office, and the Copyright Office has not refused the application. 17 U.S.C. § 1505(a).

Because the application you included in your original claim was closed and the updated registration application (SR 1-13219565966) was submitted after your claim was filed, the Board dismisses this proceeding without prejudice and closes case 23-CCB-0372. Dismissal without prejudice means the claim can be filed again in the future.