



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0243
May 9, 2023

Pinwheel Crafts LLC

CLAIMANT

v.

David Follet

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On November 15, 2022, the claimant filed claim 22-CCB-0243 with the Copyright Claims Board (Board). On December 5, 2022, the Board issued an Order to Amend Noncompliant Claim, and on December 6, 2022, the claimant filed an amended claim. On December 17, 2022, the Board found this claim compliant and filed a Notice of Compliance and Direction to Serve.

A claimant has 90 days after receiving the Notice of Compliance to file a proof of service or waiver of service form with the Board. 17 U.S.C. § 1506(g); 37 C.F.R. § 222.5(b)(3)(i); 37 C.F.R. § 222.5(c)(5).

The claimant filed a proof of service form on February 6, 2023. The proof of service stated that service was made on respondent, an individual, “by USPS in accordance with the state law for serving a summons in Idaho.” The claimant also dated and signed the form as the server of the documents. The Board corresponded with the claimant by email, stating that the Board had found no authority under Idaho law permitting service by mail. The Board also noted that a party to a proceeding may not serve the respondent. *See* 17 U.S.C. § 1506(g)(3).

On April 19, 2023, the Board issued an Order to Show Cause noting that the proof of service submitted did not appear to reflect effective service, and giving the claimant the opportunity to explain why the proceeding should not be dismissed. The Board received no new proof of service and no response to the Order to Show Cause. Therefore, the case is dismissed without prejudice and will be closed. 17 U.S.C. § 1506(v)(1). Dismissal without prejudice means the claimant may raise the allegations again by filing a new claim.

Copyright Claims Board