



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0405

January 15, 2025

Karen Holmes, Karen Boeker,
and Rebecca Estenssoro

CLAIMANTS

v.

Maryann Nunes and Robert Nunes

RESPONDENTS

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file an amended claim by **February 14, 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. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no additional filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your 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. The claim must state the title of each allegedly infringed work. 37 C.F.R. § 222.2(c)(7)(ii)(A). The claim must also state the Copyright Office registration number for each work; or if it is not yet registered, the service request number of an application for registration that was submitted before the claim was filed. 37 C.F.R. § 222.2(c)(7)(ii)(C)-(D). The Board can only hear the claim if, *before* the claim was filed, (1) the legal or beneficial owner of the copyright applied to register the copyright and (2) a registration certificate for the copyrighted work has either been issued or has not been refused. 17 U.S.C. § 1505(a). Your claim includes confusing allegations identifying the allegedly infringed works, at least one of which appears to be unregistered.

In the “Works infringed” section of the claim, you list a single allegedly infringed work titled *Beanie Babies Price Guide*, registered by the Copyright Office with Registration No. TXu002195630. Your description of the work refers to not only the *Beanie Babies Price Guide* but also three other works: *Beanie Buddies Price Guide*, *Ty Pluffies Price Guide*, and a “Sports Commemoratives checklist.” The TXu002195630 registration covers a group of ten literary works, including works titled *Beanie Babies Price Guide 3 in 1*, *Beanie Buddies Price Guide 3 in 1*, and *Ty Beanie Sports*

Commemoratives Checklist. However, Copyright Office records indicate that the registration does not cover a work titled *Ty Pluffies Price Guide*. In the “Description of harm suffered and relief sought” section of the claim, you seek an award of damages “for each of the 3 Price Guides that have been uploaded to [respondents’] website,” apparently seeking relief for the apparently unregistered *Ty Pluffies Price Guide*. If that work was neither registered nor subject to a pending application for registration that was submitted before you filed this claim, it cannot be a basis for an infringement claim in this proceeding.

If you file an amended claim, you must omit any allegations that the respondents infringed that work, unless you can provide a registration number that was issued, or a service request number for an application for registration that was submitted, before you filed this claim on December 31, 2024. In addition, to clarify the works at issue in an amended claim, you should list each allegedly infringed work separately in its own entry in the “Works infringed” section, including the title and all specified information requested about each work.

Your identification of the allegedly infringed works is also unclear because it appears that the respondents may not have used the versions of the works that the TXu002195630 registration covers. That registration was issued in 2020 for works that were completed in 2020. However, supplemental documents filed with the claim show that both your [online listings](#), and the respondents’ allegedly infringing [eBay listings](#), include a 2024 date for each work at issue. In your amended claim, please state additional facts that indicate how the allegedly infringing works from 2024 relate to the allegedly infringed works from 2020. For example, it appears that you may update your works periodically, as another supplemental document indicates that the *Beanie Babies Price Guide* eBook is displayed [on your website](#) with a “Copyright © 1998-2024” copyright tag; if the allegedly infringing works are copies of 2024 updated versions that include substantial creative material from your registered works, then you may include such facts in your amended claim. In the alternative, if you have a separate registration or application for a more recent edition of any allegedly infringed work that was filed before you filed this claim, you must list that work and registration or application separately as its own entry in the “Works infringed” section of the claim.

Relief Sought

Your copyright infringement claim must describe the harm that you have suffered as a result of the alleged infringement and the relief you are seeking. 37 C.F.R. § 222.2(c)(10). In the “Description of harm suffered and relief sought” section, you request an award of damages, as well as “the removal of all Beanie Babies Price Guides from [respondents’] website, and removal of their response to feedback left on eBay.” Your request that the respondents remove “their response to feedback left on eBay” seeks a form of relief that the Board cannot grant.

The Board can grant only certain types of relief. Unlike a federal court, the Board cannot order a respondent to stop or modify certain activities (sometimes called an “injunction”) *unless* the respondent notifies the Board that, if found liable, they will stop or modify the activity. (Respondents may decide to agree to stop or modify their infringing activities because, if they are found liable, the Board may consider that agreement when it decides how much to award as damages.) In those circumstances only, the Board can order respondents “to cease activity that is found to be infringing, including removing or disabling access to, or destroying, infringing materials.” 17 U.S.C. §

1504(e)(2)(A). More information about the types of relief available from the Board can be found in the [Damages](#) chapter of the CCB Handbook.

The Board is not authorized to order the respondents to remove any feedback response on eBay because, by itself, that feedback response would not be infringing activity. In your amended claim, do not request any relief that the Board cannot grant.

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