



COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0108
May 30, 2023

Cheryl Miller

CLAIMANT

v.

Nathaniel Ladson

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The respondent submitted an opt-out notice for this claim within the extended opt-out period set by the Copyright Claims Board (Board). 17 U.S.C. § 1506(i); 37 C.F.R. § 223.1(f). However, due to procedural delays, the Board received the opt-out form nearly a month after the postmark date. Additionally, the submitted form had a technical error. The Board extended the opt-out period to June 5, 2023 to allow the respondent an opportunity to submit a corrected form. 37 C.F.R. § 223.1(f). The respondent submitted a correct online opt-out form by the new deadline. Therefore, the Board dismisses the claim without prejudice and closes case 22-CCB-0108. 37 C.F.R. § 223.1(a). The second filing fee will be refunded to the claimant.

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).

Copyright Claims Board