



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0308

September 26, 2023

Floatsup, LLC

CLAIMANT

v.

xueyuan 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).

Foreign Respondent

The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). The claim must include the respondent's address, if known. 37 C.F.R. § 222.2(c)(6). Your allegations indicate that you have not complied with these requirements.

As explained in the noncompliance order issued September 22, 2023:

A proper respondent for a claim before the Board is an individual or entity that resides in the United States and is not a state or governmental entity. 17 U.S.C. § 1504(d)(3)-(4). A supplemental document filed with the claim appears to show that the counter-notice was sent by a person or entity with a mailing address in China. **If a foreign resident sent the counter-notice then that person or entity cannot be a proper respondent.**

(Dkt. 2) (emphasis added). You filed the amended claim less than 30 minutes after the noncompliance order was issued yet did not follow its clear warnings and instructions.

Your original claim named Amazon.com Services LLC ("Amazon") as the respondent. You were warned in the noncompliance order, that Amazon was not a proper respondent, and that the proper respondent appeared to be a foreign entity over which the Board did not have jurisdiction. The order made clear that if this were the case, you should not file an amended claim against a foreign respondent and that any amended claim would need a valid United States address for the respondent. You chose to ignore this order.

In your amended claim, you name as the respondent the person or entity that sent the counter-notice to Amazon. The counter-notice, filed as a supplemental document with the amended claim, lists an address for the respondent in “henansheng, zhengzhoushi” that is, Zhengzhou city (“shi”), the capital of the Henan province (“sheng”) of China. The address indicates that it belongs to a foreign resident. Nevertheless, in the “Respondent” section of your amended claim, you name that foreign resident as the respondent. For the respondent’s address, you entered “n/a, n/a, WA 00000,” which is plainly invalid, despite both the warnings in the Board’s noncompliance order and on the Board’s electronic filing system.

The foreign address listed in the counter-notice, and the invalid mailing address that you provide for the respondent, both indicate that the respondent is a foreign resident. The Board may not hear claims against anyone who is not a United States resident. You should only amend your claim if you are raising it against an individual or entity residing in the United States and for whom you can provide a valid mailing address. The only information you have provided for the respondent’s address indicates that the respondent is not located in the United States and that the Board cannot hear the claim.

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