



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0079

March 22, 2023

Elaine Angelica Linga

CLAIMANT

v.

Roann Celis-Capistrano

RESPONDENT

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 **April 21, 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. 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.

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). In the claim form you entered a Pasadena, California address for the respondent. However, other information submitted with your claim appears to contradict that address. You allege that the respondent's lawyer sent you a cease-and-desist email on January 25, 2023; filed a copyright infringement lawsuit against you in federal court in California, on behalf of the respondent, on February 3, 2023; and voluntarily dismissed the lawsuit on February 12, 2023. Supplemental documents that you submitted with the claim include what appear to be copies of the cease-and-desist **email**, and the **complaint** and **notice of dismissal** filed in the California lawsuit. Those documents indicate that the Pasadena address you provided for the respondent is really her lawyer's office address.

It appears that the respondent may be a resident of the Philippines. The California complaint alleged that the respondent "is an established and well-regarded financial expert from the Republic of the Philippines," and "[a]t all times ... was and is an individual residing within the Republic of the Philippines." You also allege that a defamation lawsuit against you, brought by the respondent's employer, "was dismissed in the Republic of the Philippines." This indicates that the Board may not be able hear the claim. In correspondence with Board staff on March 19, 2023,

you acknowledged that the Pasadena address you provided is the respondent's lawyer's address, and stated, "If she can sue me here, I deduced that she agreed to US Jurisdiction and she is being represented here in the US through her lawyer." Her lawsuit against you does not give the Board a basis to hear a claim against a foreign resident.

If you file an amended claim, please include additional information in the "Describe the infringement" section of the claim detailing why you believe that the respondent is a United States resident and that the address you supplied is correct. If the Pasadena address that you provided in the claim form is incorrect and the respondent resides in the United States, then you should also correct the address in the "Respondent" section. However, if the respondent resides in the Philippines, the Board cannot hear the claim and you should withdraw your claim.

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 supplementary 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.