

Docket number: 25-CCB-0019

February 20, 2025

Collin McLoughlin	V	Kimbo Campers LLC
CLAIMANT		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 **March 24, 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

You have raised a copyright infringement claim before the Board. You list seven allegedly infringed works in the "Works infringed" section of your claim, and you provide 1-14660353945 and 1-14660408759 as the service request numbers for pending applications for copyright registration. Copyright Office records show that those applications only cover five of the seven works listed. They do not cover the works you listed with the titles "Kimbo Infringed Brochure Toolboxes" and "Kimbo Infringed Brochure Camper Truck." Supplemental documents filed with the claim, and your descriptions of those two works in the "Works infringed" section, indicate that they are not works that you claim were infringed; rather, they appear to be the names of claim exhibits intended to show the allegedly infringing use of the other five works listed.

If you file an amended claim, you must remove the entries for the works titled "Kimbo Infringed Brochure Toolboxes" and "Kimbo Infringed Brochure Camper Truck" from the "Works Infringed" section because those are not distinct works covered by the 1-14660353945 and 1-14660408759 applications (unless you identify registrations or other applications for registration for those works that were filed before you submitted this claim on January 14, 2025). However, there is no need to remove the exhibits labeled as <u>Kimbo Infringed Brochure</u>

<u>Toolboxes</u> and <u>Kimbo Infringed Brochure Camper Truck</u> in the supplemental documents section, if you want those exhibits to be considered as part of your amended claim.

In addition, for the five works that *are* covered by the 1-14660353945 and 1-14660408759 applications, your entries in the "Works infringed" section left one digit (the "1" after the dash) off the service request number. In your amended claim, include the complete service request number for each work in its entry in the "Works infringed" section.

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, <u>you must re-upload any documents you wish to include in the amended claim</u> 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 <u>asktheboard@ccb.gov</u>. 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 <u>Pro Bono Assistance</u> page on ccb.gov. You may also refer to the <u>Compliance Review</u> chapter of the CCB Handbook for more assistance.

Copyright Claims Board