



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0135
May 2, 2023

Michelle Shocked

CLAIMANT

v.

Jincheng Zhang

RESPONDENT

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (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 **June 1, 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). The claim must include the respondent's address. 37 C.F.R. § 222.2(c)(6).

In the claim form, you listed 901 Cherry Avenue, San Bruno, CA 94066 as the respondent's address. However, other information you have submitted to the Board appears to contradict the accuracy of that address. You allege that the respondent made a misrepresentation in a counter-notice sent to YouTube and you appear to quote the full counter-notice, including an address for the respondent in China. In addition, you listed the San Bruno address as YouTube's address in a separate proceeding pending before the Board, *Michelle Shocked v. Carol H. Chen and YouTube (Google LLC)*, 23-CCB-0148. Those filings indicate that the San Bruno address you provided for the respondent is really YouTube's address and that the respondent may be a resident of China. As a result, the Board may not be able to hear this claim.

In the "Describe the content of the counter-notice" section, you state that the respondent's counter-notice included the following: "I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is

located[.]” However, even if the respondent consented to be sued in a federal court in California, that would not give the Board a basis to hear a claim against a foreign resident.

Because the respondent appears to be a foreign resident, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the foreign resident issue, the Board will engage in a full compliance review, so you should review the [CCB Handbook](#) and make sure the rest of your amended claim is compliant. 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 San Bruno address provided in the claim form is incorrect but the respondent in fact resides in the United States, you should also correct the address in the “Respondent” section. However, if the respondent resides in China, the Board cannot hear the claim and you should not file an amended 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 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