



# COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0393  
April 5, 2024

Rebecca S Gallant

CLAIMANT

v.

LADI JOHNSON

RESPONDENT

## ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On November 24, 2023, the claimant filed claim 23-CCB-0393 with the Copyright Claims Board (Board). On November 28, 2024, the Board found this claim compliant and filed a Notice of Compliance and Direction to Serve.

A claimant has 90 days after receiving the Notice of Compliance to file a proof of service or waiver of service form with the Board. 17 U.S.C. § 1506(g); 37 C.F.R. § 222.5(b)(3)(i); 37 C.F.R. § 222.5(c)(5).

The claimant filed a “CCB Proof of Service” on November 28, 2024. The proof of service stated that service was attempted by “US Postal Service in accordance with the state law for serving a summons in Texas” and by serving the Respondent at the Respondent’s residence. The Board contacted the claimant via email on December 15, 2023 to inform the claimant that the proof of service did not provide sufficient information to ascertain whether service was proper. The Board noted that service by mail in Texas is permitted if it is made “by registered or certified mail, return receipt requested” (citing Texas Rule of Civil Procedure 106(a)(2)). It instructed the claimant to include the following information in the proof of service: the date the documents were mailed; the manner of delivery of service or attempted service—that is, whether by registered mail, return receipt requested, or by certified mail, return receipt requested—and that the proof of service must be accompanied by the return receipt with the addressee’s signature (citing Texas Rule of Civil Procedure 107(c)). The claimant failed to respond to this email and failed to provide the Board with the additional information requested.\*

On March 15, 2024, the Board issued an Order to Show Cause noting that the proof of service submitted did not appear to reflect effective service, and giving the claimant the opportunity to explain why the proceeding should not be dismissed. The Board received no new proof of service document and no response to the Order to Show Cause. Therefore, the case is dismissed without prejudice and will be closed. 17 U.S.C. § 1506(v)(1). Dismissal without prejudice means the claimant may raise the allegations again by filing a new claim.

\* In addition to stating that respondent was served by mail, the claimant also checked a box stating that respondent was served “at the Respondent’s residence or usual place of abode located at (address) \_\_\_\_\_ by leaving the Service Packet with (name, if known) \_\_\_\_\_, a person over 18 years of age with suitable discretion who resides there.” In the first blank space, claimant filled in the respondent’s address. Respondent left the second blank space blank. This portion of the proof of service form is intended to be used in cases where the respondent was served by means of substituted service, but claimant did not provide all the information required to document a case of substituted service. Reading the proof of service in context, the Board concludes that claimant likely checked this box in order to state the address to which the service packet was mailed.

