



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0376
March 17, 2025

izmo, Inc

CLAIMANT

v.

Dawn Enterprises Inc.

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On December 5, 2024, the claimant filed claim 24-CCB-0376 with the Copyright Claims Board (Board). On December 10, 2024, the Board found this claim compliant and issued 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).

On January 16, 2025, the claimant submitted a proof of service stating that the respondent had been served by Certified Mail in accordance with state law for serving a summons in Ohio. However, Ohio Rule 4.1(A)(1) specifies that service by mail must be carried out by a court clerk. As the Board does not function as a court in this capacity, it cannot perform service on behalf of the claimant. On January 27, 2025, the Board notified the claimant via email regarding this issue and reiterated the deadline for submitting proper proof of service. The claimant failed to file a valid proof of service before the expiration of the 90-day service period.

Therefore, the claimant did not file a valid proof of service or waiver of service form within 90 days. Accordingly, the Board dismisses this proceeding without prejudice and closes this case. 17 U.S.C. § 1506(v)(1). Dismissal without prejudice means the claimant may raise the allegations again by filing a new claim.

Copyright Claims Board