



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0236
December 8, 2023

John T Harper, Jr

CLAIMANT

v.

Gary Linkov

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On July 12, 2023, the claimant filed claim 23-CCB-0236 with the Copyright Claims Board (Board). On August 22, 2023, 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).

The claimant failed to file a valid proof of service or waiver of service form within 90 days. The Proof of Service that the claimant filed on November 20, 2023, states that the service packet was served by the claimant, John T Harper, Jr; however, 17 U.S.C. §1506(g)(3) mandates that “personal service of a notice and claim may be effected by an individual who is not a party to the proceeding and is older than 18 years of age.” Therefore, the claimant is ineligible to personally serve the respondent.

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