



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0250

September 29, 2023

Keith F. Bell

CLAIMANT

v.

Perfect Crust Pizza Liners

Nick Hedlund, Jeff Puch, Eric Bam

RESPONDENTS

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is properly amended.

If you wish to proceed with this claim, you must file a second amended claim by **October 30, 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. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); [37 C.F.R. § 224.1\(d\)](#).

To make your second 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 amended 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.

Copyright Infringement – Respondent Clarity

Your copyright infringement claim does not present any facts that state how each of the three individual respondents, Nick Hedlund, Jeff Puch, Eric Bam, used your exclusive rights in the allegedly infringed work without permission.

Copyright law grants exclusive rights to copyright owners. These include the right to reproduce, distribute, and publicly (display/perform) the work, and to make a “derivative work,” which is a work based on the original work. Someone who does one of those activities without the copyright owner’s permission may be infringing the copyright unless they have a legitimate defense.

Although your amended claim is compliant with respect to Perfect Crust Pizza Liners, it does not include any allegations of infringing activity by the individuals (Hedlund, Puch, and Bam) and, therefore, it is not compliant with respect to these respondents.

These individuals were added to your amended claim and are only mentioned in the respondent field. Although

you have listed their titles in the respondent field, your allegations do not offer any detail about the individual respondents or their use of your work in a way that would infringe any exclusive rights. A copyright infringement claim may be also raised against a “secondary infringer” who does not engage in any infringing acts directly, but profits from or facilitates acts of direct infringement by others. Some facts in your amended claim suggest that you may wish to bring a claim of secondary infringement to hold the respondent liable for activities by third parties. To support a claim of secondary infringement, you must provide additional facts about how the respondent acted with relation to these third-party activities.

Secondary infringement claims must be based on either “vicarious liability” or “contributory liability.” Your claim does not include enough facts to support either of these grounds for secondary infringement.

- A vicarious liability claim must state facts that indicate that the respondent had the right and the ability to supervise or control a third party’s infringing activity, and received a direct financial benefit from the infringement.
- A contributory liability claim must state facts that indicate that the respondent knows about a third party’s infringing activity and induces, causes, or substantially contributes to that infringing conduct.

A secondary infringement claim, whether based on vicarious or contributory liability, must allege some underlying direct infringement by a third party.

If you submit a second amended claim, it must include facts that more fully explain how each respondent infringed your allegedly infringed work. To address this issue, your second amended claim must include facts in the “Describe the infringement” section that describe acts infringing your copyrights, specifying how the individual respondents engaged in the infringing activity. You should be as detailed as possible, setting forth what each respondent did in relation to the work you allege was infringed. If you intend to assert a claim of secondary infringement, then your amended claim must explain how the individual respondent’s activities meet the requirements of either vicarious or contributory liability set forth above. The claim must provide enough information to enable each respondent to understand the claim and respond to it.

Alternatively, if you do not contend that the individual respondents participated in the same course of allegedly infringing activity as Perfect Crust Pizza Liners, your second amended claim should omit them as a respondent(s) unless you are detailed and clear about the allegations against Hedlund, Puch, and Bam individually.

Final Amendment

Your amended claim resolved the compliance issues raised in the August 17, 2023, Order to Amend Noncompliant Claim, but introduced a new issue. **This is your third and final opportunity to submit a compliant claim in this proceeding. If your claim remains noncompliant, the entire proceeding will be dismissed without prejudice.** 17 U.S.C. § 1506(f)(1)(B).

To submit a second 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