



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0385

November 30, 2023

Syed Naqvi

CLAIMANT

v.

Monk Cables

RESPONDENT

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 **January 2, 2024**. 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 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.

Clarity – Allegedly Infringed Works

A copyright infringement claim before the Board must include the title of each allegedly infringed work at issue in the claim. 37 C.F.R. § 222.2(c)(7)(ii)(A). Your amended claim provides inconsistent information about which particular works you claim have been infringed.

In the “Works infringed” section of the claim, you list a single allegedly infringed work, titled “CAT6 PLENUM PATCH PANEL,” which you describe as a “design of our box for products and info graphics picture for product details and description.” However, supplemental documents filed with the amended claim suggest that you may be asserting infringement of three separate works, not one.

Your amended claim lists Registration No. VA0002358615 for the work and includes a record of your application for that copyright registration as a [supplemental document](#). That registration issued for a group of twelve photographs. The following three supplemental documents filed with the amended claim show three of those twelve photographs:

- [Main-BC Register in DMCA and Copy right USA.jpg](#),
- [Main register picture is DMCA AND Copy right usa.jpg](#), and
- [Patch-Panel Register in DMCA and Copy right USA.jpg](#).

However, those file names do not clearly identify the photographs as your allegedly infringed works. You identified those three works, respectively, by the following titles and file names in your application for copyright registration:

- “CAT6 PLENUM SOLD COPPER 100FT” (file name “Main-BC”),
- “CAT6 PLENUM 1000FT BLUE” (file name “Main-CCA”), and
- “CAT6 PATCH PANEL” (file name “Patch-Panel”).

In the amended claim, you also include the following three supplemental documents, which appear to show allegedly infringing uses of each of those three works:

- [infringing pictures 1.jpg](#),
- [infringing cat 6 plenum red.jpg](#), and
- [infringing patch panel.jpg](#).

Because your supplemental documents appear to include images of three allegedly infringed works and three allegedly infringing works, they seem to contradict the listing of a single work in the “Works infringed” section. As a result, your claim is not clear enough for the respondent to evaluate and respond to it. As stated in the November 20, 2023 Order to Amend Noncompliant Claim (emphasis added):

If you file an amended claim, you must clarify these issues so that the Board and the respondent can understand which of your works is at issue. **Make a separate entry in the “Works infringed” section for each allegedly infringed work, including the particular work’s title. For example, if you contend that the respondent infringed the three photographs shown in your supplemental documents, you may identify them by the titles included in the application for registration.** Include the registration number for the registered work in each entry, even if all allegedly infringed works are covered by the same registration.

To proceed on a claim that the respondent infringed those three works, you must list each work separately in the “Works infringed” section of a second amended claim.

In addition, as stated in the same order, “if you include copies of the works as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.” The documents that appear to show your allegedly infringed works are not clearly labeled. If you include those documents in the second amended claim, provide information clearly identifying them in your allegations or in the documents’ file names. For example, if you include the [Main-BC Register in DMCA and Copy right USA.jpg](#) document, which appears to show the work registered with the title “CAT6 PLENUM SOLD COPPER 100FT,” then that title would be a more appropriate file name.

Final Amendment

Your amended claim resolved some, but not all, of the compliance issues raised in the November 20, 2023 Order to Amend Noncompliant Claim. **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.** 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