



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0345
April 15, 2025

Joseph R Tomelleri

CLAIMANT

v.

BRABUSLINE INC

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On January 2, 2025, the claimant filed amended claim 24-CCB-0345 with the Copyright Claims Board (Board). On January 10, 2025, 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 February 25, 2025, the claimant filed an affidavit of service indicating that the respondent had been served via the New York Secretary of State. However, the Board has previously been advised that the New York Secretary of State does not serve Copyright Claims Board proceedings, as they are not actions based in New York. *See [Proof of Service](#), Guerrero v. The Rochester Oratorio Society, Inc.*, 23-CCB-0361 (Mar. 15, 2024). On February 26, 2025, the Board notified claimant's counsel by email of the service issue and included additional correspondence from Gary Trechel, Associate Attorney at the New York Secretary of State, confirming that the New York Secretary of State cannot accept service for Board proceedings. The Board advised counsel that service was not valid and that a proper proof of service would need to be filed before the service deadline. No additional proof of service was filed.

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