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January 22, 2025

COPYRIGHT CLAIMS BOARD

101 Independence Avenue SE

Washington, DC 20540

asktheboard@ccb.gov

Re: Further Evidence of Bad Faith Conduct

Chalas v. Freeman, Docket No. 24-CCB-0060

To the CCB board:

I respectfully ask the board to decline Ms. Freeman's request for award of costs due to my alleged bad faith conduct, as set forth in her most recent "Letter Regarding Further Evidence of Bad Faith Conduct".

In her letter, Ms. Freeman states that I provided correspondence between me and my attorneys as a defense that I engaged in bad faith by missing the deadline to submit my evidence. First of all, as I previously explained, I overlooked the 12/24 deadline, and did not do so in bad faith. Second, in no way did I waive any attorney-client privilege by attaching a portion of emails regarding Ms. Freeman's trademark case against me in the state of Washington. Ms. Freeman fails to explain in her letter that the first email in what I attached was from her counsel's office to me and enclosed the papers filed by Ms. Freeman in a case against me in the Western District of Washington on December 11, 2024. My screenshots served to show that in good faith, I attempted to contact my legal counsel about that case. The point of including that limited exchange was to show that I was involved in dealing with that suit at a busy time of year. Nothing substantial was discussed in the emails (which did not relate to the CCB); rather, they

were simply logistical in nature. Certainly they do not disclose any legal advice either for the District of Washington case or for the CCB case. The screenshots also do not show that I was requesting any legal advice. All I asked is whether I should send the District of Washington papers to Mr. Garens at Day Pitney, and whether Day Pitney had a chance to review them. So there is no basis for Ms. Freeman to claim that I waived any privilege.

Even if I had waived privilege (which I did not do), the communications involved the lawsuit filed in the District of Washington, not the CCB case. Ms. Freeman herself calls that case "a separate trademark matter" that has "no bearing whatsoever" on this CCB matter. So even if there had been any waiver, it has nothing to do with this case. As a result, Ms. Freeman's claim that I should produce all communications with counsel about my counsel's opinion on the merits of the CCB matter or whether I engaged in bad faith is without any basis, and should be rejected. I never put any counsel advice at issue in this case, on the overall claim or Ms. Freeman's repeated claims of bad faith. There is no reason for me to provide any communications with my counsel at issue and no reason for me to supplement my discovery responses.

Regarding Ms. Freeman's next complaint, I regret that I missed the guideline regarding double-spacing in my Position Statement. However, page 4 of the CCB's "Presenting Your Case" handbook (located at https://ccb.gov/handbook/Presenting-Your-Case.pdf) limits the position statement to be 12 pages. My position statement would have been well under the limit even if it had been double-spaced. I believe Ms. Freeman is confusing the requirements with the Reply Written Testimony requirements on page 8, which state a limit of 7 pages. I ask the board to consider this a mistake by a layperson, not an act of bad faith by someone with a legal background.

Regarding Ms. Freeman's next issue, my opinions stated in my Position Statement are not defamatory. Before turning to her argument, I believe she is using this filing to dispute the merits of my Position Statement and, on this point, using a bad faith accusation as a ploy to do

so. They are statements of what I observed when I first came upon Ms. Freeman's online store and items for sale, and explain why a reasonable person would assume that Ms. Freeman has no issues with repeatedly infringing on the IP of others for commercial gain. My opinions in a filing cannot be considered defamatory. Likewise, my position on Ms. Freeman's access to my work via Alchemy Merch are my honest opinions, and a declaration that they are in "bad faith" is frivolous. Also, I understand that statements made in legal proceedings like the CCB proceeding are immune from defamation claims.

Regarding Ms. Freeman's final remarks, the board has already twice made its decision to allocate an extension for my filings. Having completed those filings on time, Ms. Freeman's point is moot.

Sincerely,



Lauren Chalas (Claimant)

Proof of Delivery

I hereby certify that on Wednesday, January 22, 2025, I provided a true and correct copy of the CCB Response to Bad Faith Letter to the following:

Laura Freeman, represented by Laura Freeman, served via MANUALEEMAIL

Signed: /s/ Lauren Chalas