COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0401
June 24, 2025

Nathan Taylor	*v.*	Joseph Silvestro
CLAIMANT		**RESPONDENT**

ORDER TO SUBMIT DEFAULT DIRECT PARTY STATEMENT

The respondent in case 24-CCB-0401 has failed to appear or participate in this proceeding before the Copyright Claims Board (Board). After the claimant paid the second filing fee on April 1, 2025, the Board issued a Scheduling Order and a Second Notice to Register for eCCB, which were both also sent to the respondent by mail and email on April 16, 2025. The Scheduling Order noted the date and time of the initial conference and required the respondent to link themselves to the claim in eCCB by May 9, 2025, and to submit a response to the claim by May 16, 2025. The Board received no communication from the respondent in response.

On May 21, 2025, the Board held an initial conference. The claimant appeared before the Board at the initial conference, but the respondent did not. The Board issued a First Default Notice the same day ordering the respondent to link themselves to the claim in eCCB and file a response by June 20, 2025. The Board issued a Second Default Notice on June 6, 2025, reminding the respondent of the June 20, 2025, deadline. *See* 37 C.F.R. § 227.1(a)-(b). Both the First and Second Default Notices were mailed and emailed to the respondent.

The Board has received no communication from the respondent to date. The respondent has not linked themselves to the claim in eCCB, contacted the Board by email or phone, or filed a response to the claim, and did not attend the initial conference. Therefore, the Board will proceed according to the regulations governing a default determination. 37 C.F.R. § 227.2(a).

The Board orders the claimant to submit written direct testimony in support of a default determination. 37 C.F.R. § 227.2(a). Written direct testimony consists of:

1. a **party statement** describing the claimant's position on the claims, defenses, and any counterclaims as well as the facts and any law the claimant wants to present that support their position;
2. claimant's documentary **evidence**, along with an **evidence list** that identifies and briefly describes each piece of evidence the claimant is submitting; and
3. optional but recommended **witness statements** from people with personal knowledge about the facts – including the party submitting the testimony – in the proceeding. 37 C.F.R. § 222.15(b).

When uploading the written direct testimony, the claimant must certify that it is accurate and truthful.

If you do not submit a witness statement from yourself (which you are highly encouraged to do, especially if you do not have witness statements from others), be sure to include in your party statement a separate section with an account of all of the facts of your case of which you have personal knowledge. The Board cannot rule in your favor unless you have presented evidence (including the facts that you properly set forth in your written testimony) that proves all the elements of your claim. For more information about submitting witness statements, please see page 10 of the **Presenting Your Case** Handbook chapter. Document requirements, guidance, and instructions for submitting your statement are included in a separate handout that will be emailed to you.

The Board will review all written direct testimony submitted by the claimant and determine whether the evidence is sufficient to support a finding in favor of the claimant. If the Board determines the evidence is sufficient to support a finding for the claimant, it will prepare a proposed default determination. If the Board determines that the evidence is insufficient to support a finding for the claimant, it will prepare a proposed default determination dismissing the proceeding without prejudice. 37 C.F.R. § 227.3(a)-(b).

The claimant is directed to submit all written direct testimony by August 8, 2025.

Copyright Claims Board