COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0218
July 16, 2025

Kate Moberg	*v.*	Heather Firca D/B/A MilMie Designs
CLAIMANT		**RESPONDENT**

ORDER DISMISSING CLAIM WITH PREJUDICE

This claim was initially filed with the Copyright Claims Board (Board) on July 23, 2024. Kate Moberg (Claimant) submitted the operative Amended Claim on September 3, 2024. A valid waiver of service was filed on December 11, 2024.

Following the expiration of the opt-out period, the Board issued a Scheduling Order that, among other things, scheduled a Pre-Discovery Conference for March 18, 2025. On March 17, 2025, Claimant notified the Board that she would be unable to attend. As a result, the Board issued an Amended Scheduling Order on March 18, 2025, rescheduling the Pre-Discovery Conference and other subsequent deadlines. The Pre-Discovery Conference was held on April 1, 2025, with both parties in attendance. Based on the claim filing and information given during the conference, the Board realized that the individual Kate Moberg was not a proper claimant, and that the proper claimant would be Johnny Threads, Inc. While the case was allowed to move forward for discovery, Claimant was instructed that the claim would not be allowed to move to the written testimony phase with Kate Moberg as Claimant, and the Board directed Claimant to update her eCCB user profile type to "business owner" or "authorized business representative" of Johnny Threads, Inc. by April 8, 2025, so that the claimant could be changed to properly reflect the claimant as Johnny Threads, Inc. **37 C.F.R. § 228.2(a)**.

Despite this directive, Claimant did not update her user profile. On May 20, 2025, she emailed the Board requesting a 30-day postponement of the May 21, 2025, status conference due to what she termed was a serious personal matter. The following day, however, Respondent informed the Board that, separate from the moving of the conference request, while Respondent had fulfilled their discovery obligations, Claimant had not moved forward with any of her discovery obligations. That same day, the Board directed Claimant to confirm whether she intended to proceed with her claim and to complete her outstanding discovery obligations by June 4, 2025. Claimant did not respond, fulfill her discovery obligations, or update her eCCB user profile by that deadline.

On June 9, 2025, the Board issued a First Failure to Prosecute Notice, instructing Claimant to take the following actions by July 9, 2025:

- Notify the Board at **asktheboard@ccb.gov** whether she intends to proceed with her claim;
- Complete her discovery obligations; and

- Update her eCCB user profile type so that the claimant can be changed to the proper claimant.

The notice warned that failure to complete all required actions by the deadline would result in dismissal of the claim with prejudice. On June 24, 2025, the Board issued a Second Failure to Prosecute Notice reiterating the July 9, 2025, deadline. Copies of both notices were sent to Claimant's email and mailing address on file.

Claimant was unable to complete the necessary tasks by July 9. Claimant and Respondent each also informed the Board on July 16 that Claimant had not provided any discovery to Respondent. Accordingly, the Board hereby dismisses this claim with prejudice. Dismissal with prejudice means the claim cannot be refiled by Claimant Kate Moberg (as opposed to a different, if proper, claimant) either before the Board or in a court. 37 CFR § 228.2(d).

Copyright Claims Board