COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0405
August 22, 2025

Karen Boeker, Karen Holmes, and Rebecca Estenssoro	*v.*	Maryann Nunes and Robert Nunes
CLAIMANTS		**RESPONDENTS**

ORDER TO SUBMIT DEFAULT DIRECT PARTY STATEMENT

The Respondents in Case 24-CCB-0405 have failed to appear or participate in this proceeding before the Copyright Claims Board (Board). After the Claimants paid the second filing fee on May 20, 2025, the Board issued a Scheduling Order and a Second Notice to Register for eCCB, which were also mailed and emailed to the Respondents, on June 4, 2025. These notices set the date and time of the initial conference, required Respondents to register for eCCB by June 30, 2025, and directed them to submit a response by July 7, 2025. The Board received no communication in response.

At the Claimants' request, the Board rescheduled the initial conference. No objection or communication was received from the Respondents. On July 11, 2025, the Board issued a First Default Notice directing Respondents to register for eCCB and file a response by August 11, 2025. The Board issued a Second Default Notice on July 28, 2025, reminding the Respondents of the August 11, 2025 deadline. *See* 37 C.F.R. § 227.1(a)-(b). Both notices were mailed and emailed to the Respondents.

The Board held the initial conference on August 18, 2025. The Claimants appeared, but the Respondents did not. During the conference, the Claimants provided the Board with a new email address for the Respondents. Later that same day, the Board sent the Respondents copies of the prior orders and notices at the additional email address, along with a notice advising them that they were at risk of default and directing them to respond no later than August 21, 2025. The Board received no response.

To date, the Respondents have not registered for eCCB, filed a response, contacted the Board by email or phone, or appeared at any proceeding. Therefore, the Board will proceed according to the regulations governing a default determination. 37 C.F.R. § 227.2(a).

The Board orders the Claimants 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 Claimants' 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. Claimants' 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 Claimants 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.

Claimants are reminded to submit evidence related to the liability of each respondent. Claimants are also reminded to submit any evidence related to damages, regardless of whether the Claimants have selected actual or statutory damages. This may include evidence related to any revenues lost due to the infringement or the value of the copyright, including amounts charged in the past for licensing the work at issue or similar works, if applicable. Please see page 10 of the **Presenting Your Case** Handbook chapter and the **Damages** chapter for more information. 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 Claimants and determine whether the evidence is sufficient to support a finding in their favor. If the Board determines the evidence is sufficient to support a finding for the Claimants, it will prepare a proposed default determination. If the Board determines that the evidence is insufficient to support a finding for the Claimants, it will prepare a proposed default determination dismissing the proceeding without prejudice. 37 C.F.R. § 227.3(a)-(b).

The Claimants are directed to submit all written direct testimony by October 6, 2025.

Copyright Claims Board