COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0003
September 22, 2025

Rebecca Estenssoro, Karen Holmes, and Karen Boeker	*v.*	Jennifer Darter
CLAIMANTS		**RESPONDENT**

ORDER TO SUBMIT DEFAULT DIRECT PARTY STATEMENT

The respondent in case 25-CCB-0003 has failed to appear or participate in this proceeding before the Copyright Claims Board (Board). After the claimants paid the second filing fee on June 3, 2025, the Board issued a Scheduling Order and a Second Notice to Register for eCCB (Second Notice), which were both sent to the respondent by mail and email on June 17, 2025. The Second Notice required the respondent to register for eCCB by July 10, 2025. The Scheduling Order noted the date and time of the initial conference and to submit a response to the claim by July 17, 2025.

On August 19, 2025, the Board held an initial conference. The claimants appeared before the Board at the initial conference, but the respondent did not. The claimants provided the Board with a secondary email address for the respondent after the conference. The Board issued a First Default Notice on August 20, 2025, which ordered the respondent to register for eCCB and file a response by September 19, 2025. The Board issued a Second Default Notice on September 4, 2025, which reminded the respondent of the September 19, 2025, deadline. *See* 37 C.F.R. § 227.1(a)-(b). Both the First and Second Default Notices were mailed and emailed to both email addresses for the respondent.

The Board has received no communication from the respondent to date. The respondent has not registered for 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 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 claimants want 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 claimants are 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 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 favor of the claimants. 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 November 6, 2025.

Copyright Claims Board