COPYRIGHT CLAIMS BOARD

Docket number: 25-CCB-0562
November 2, 2026

Kenneth McKee	*v.*	Alex Pagan
CLAIMANT AND COUNTERCLAIM-RESPONDENT		**RESPONDENT AND COUNTERCLAIMANT**

NOTICE OF COMPLIANT COUNTERCLAIM AND AMENDED SCHEDULING ORDER

The Copyright Claims Board (Board) finds that the second amended counterclaim filed by respondent Alex Pagan complies with the Board's statutory and regulatory requirements. 37 C.F.R. § 224.1(a). Finding the counterclaim compliant means that the counterclaim and the proceeding can move forward. The compliance finding does not mean that the Board agrees with any of the statements made or answers given in the counterclaim. It also does not indicate how the Board will rule on the claim or the counterclaim.

A claimant may not opt out of a counterclaim. The Board orders claimant Kenneth McKee (McKee) to file a response to the counterclaim (Response) by **December 2, 2026**, using the response form provided on eCCB. 37 C.F.R. § 222.10(a). Further, the Board amends the Scheduling Order to reset the deadlines and provide updated instructions for the active phase of the proceedings. 37 C.F.R. § 222.11(d)(1).

EVENT	**DEADLINE**
Claimant files Counterclaim Response	December 2, 2026
Pre-Discovery Conference	Wednesday, December 16, 2026, at 3:00 PM ET
Service of responses to standard interrogatories and production of documents in response to standard requests	February 1, 2027
Status Conference	Wednesday, February 3, 2027, at 11:30 AM ET

NEXT STEPS: There are four steps in this stage of the active phase:

- **Counterclaim Response**: The counterclaim-respondent files a Response to the counterclaim. This is the counterclaim-respondent's first opportunity to give the Board information about their defenses to the allegations made by the counterclaimant.
- **Pre-Discovery Conference**: A Copyright Claims Officer holds a conference to discuss the claim and counterclaim, explain the discovery process, and answer any questions you may have. You will not be required to travel for any portion of a Board proceeding.
- **Discovery**: The parties exchange information and documents relevant to the issues in the case.

- **Status Conference**: The Copyright Claims Officer holds a conference to discuss the status of discovery, next steps, and any questions you may have.

Preparing and Submitting a Counterclaim Response

A counterclaim, like a claim, is a legal filing that includes a statement of alleged facts and a request for relief. While claims are brought by claimants against respondents, counterclaims are brought by respondents against claimants. The Response is an opportunity for McKee to present his side of the story and raise any defenses that he may have to the counterclaim. In the Response, McKee can dispute any of the facts or arguments in the counterclaim that he believes are incorrect and explain why he believes they are wrong. McKee can also raise defenses, which are reasons why he believes he should not be held responsible for the counterclaim.

The Response must be submitted through a form in eCCB, which will ask for basic information about McKee's position in the case and any relevant defenses. Consult the **Misrepresentation Response** chapter of the CCB Handbook to learn about the elements of misrepresentation claims, consider some questions for preparing the Response, and review potential available defenses, and consult the **Counterclaims** chapter, especially page 6.

To submit the Response:

1. Log into your eCCB account. On your dashboard, click the "**Respond to counterclaim**" button and select the proceeding from the drop-down menu.
2. Once you have provided the requested information, you will reach the "**Review**" page. This page includes all information you have provided in the Response up to this point. Carefully double-check the information on this page. If you have any corrections, you can select "**Edit**" on any section to revise your entry. After you make changes, click "**Save & review**" to return to the Review page. Please review your Response carefully. There are only limited opportunities to request an amendment to your Response.
3. Once you have completed your review and any revisions, you must confirm that the information is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the "**Digital signature**" box near the bottom of the "**Review filing**" page and click "**Agree & submit**."

Preparing for and Participating in the Pre-Discovery Conference

This proceeding remains in the active phase. A Copyright Claims Officer will hold a virtual conference with the parties to discuss the claim and counterclaim, how the steps of the proceeding will work, and whether the parties are interested in voluntarily resolving the claim and counterclaim through a settlement conference. This pre-discovery conference gives you the opportunity to help the Officer understand your initial positions on the legal and factual issues of the case. It is also an opportunity to inform the Officer about any documents and evidence you may need from the other side. The conference will be held virtually by Zoom. The Board will issue the link to the parties by email ahead of the conference.

Before the pre-discovery conference, you should:

1. Prepare a short summary of your side of the case.

2. Think of questions you may have for the Officer.
3. Consider what documents you have related to your case and what documents you think are missing.
4. Think about whether you are interested in settlement.

More information about discovery will be provided to you at the pre-discovery conference. You can review the Discovery chapter of the CCB Handbook **here**.

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can provide only legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the Pro Bono Assistance page on ccb.gov.

Copyright Claims Board