COPYRIGHT CLAIMS BOARD

Docket number: 26-CCB-0650
November 12, 2026

Combat Veterans Motorcycle Association, MA2-1, Inc.	*v.*	Scott Deveau
CLAIMANT		**RESPONDENT**

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. 37 C.F.R. § 224.1(c)(2). If you wish to proceed with this claim, you must file a second amended claim by **December 14, 2026**. If you do not file a second amended claim that resolves the issues identified below, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. There is no additional filing fee for an amended claim.

You may also choose to correct or edit any errors or other information in your amended claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible. If your second amended claim is found compliant, you will be notified and directed to proceed with service.

Allegedly Infringing Activity

You are raising a claim of copyright infringement. Your claim must include facts that indicate that the respondent engaged in some activity infringing your copyright, such as reproducing, distributing, or publicly displaying your work, or making a "derivative work," which is a work based on the original work. Your only allegations of supposed infringement in the amended claim are that the respondent reproduced portions of your work to create a derivative work and applied to register a copyright for that derivative version of your work. As the Board explained in the October 22, 2026, Order to Amend Noncompliant Claim:

> However, registering a copyright does not constitute an act of copyright infringement, even if the person or entity who registered the copyright does not own the copyright. Furthermore, the purpose of the act of submitting an application for copyright registration would be for the respondent to claim ownership of the work, and the Board does not hear disputes related entirely to ownership.

If you submit a second amended claim, it must more fully explain how the respondent engaged in activity that infringed the copyright in your work, for example, by copying, distributing, or publicly displaying your work or an unauthorized derivative work, other than by creating a copy of your work and submitting a derivative version as a deposit copy to the Copyright Office. You should be as detailed as possible, specifying what the respondent did in relation to the work you allege was infringed. More information is available in the **Starting an Infringement Claim** chapter of the CCB Handbook.

Noninfringement

You are also raising a claim for a declaration of noninfringement. A noninfringement claim asks the Board to find that your actions do not amount to an infringement of the respondent's copyrighted work. 17 U.S.C. § 1504(c)(2). If someone has accused you of infringing their copyright, a noninfringement claim requests an official declaration that you did not infringe. The claim must describe the reasons why you believe that there is an "actual controversy" about the requested declaration. 37 C.F.R. § 222.2(c)(8)(v). To raise a noninfringement claim, you must show that the respondent's actions make it reasonably likely that the respondent will sue you for infringement.

In the amended claim, you describe the respondent posting an online comment on social media, on a photograph of your work, that "The artwork on that patch is legally protected intellectual property which you do not, and will never, have my permission to use." The respondent's comment included a link to a Copyright Office record of the respondent's copyright registration for a work that you contend is an infringing derivative of your work. You also allege in the amended claim that his comment "implicitly threatened enforcement of Respondent's asserted rights" and that you "reasonably understood this statement as a genuine threat of copyright infringement litigation." However, you have not indicated that the respondent expressly threatened you with legal action. His social media comment may have amounted to an accusation of infringement, but it did not include an ultimatum, demand, or any other indication that the respondent acted or threatened to act on that accusation. You do not allege that the respondent sent takedown notices or cease-and-desist letters or engaged in any other enforcement action before or after his social media comment. Therefore, it does not appear that you faced, or currently face, an reasonably imminent threat of litigation that would support a claim for a declaration of noninfringement.

If you file a second amended noninfringement claim, it must include more facts that indicate that the respondent is reasonably likely to sue you for copyright infringement. If you cannot present such facts that are sufficient to support a noninfringement claim, you should omit it from any amended claim you file.

Final Amendment

Your amended claim does not resolve the issues raised in the October 22, 2026, Order to Amend Noncompliant Claim. The issues discussed above still must be resolved before the claim can move forward. **This is your third and final opportunity to submit a compliant claim in this proceeding. If you raise any claims that your allegations do not support, the entire proceeding will be dismissed.** 17 U.S.C. § 1506(f)(1)(B).

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the "**Amend claim**" button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.

3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the "**Documentation**" page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the "**Review"** page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select "**Edit**" to revise any entries necessary. Each section of information has an "**Edit**" button, which will take you back to that section so you can make changes. After you make changes, you can click "**Save & review**" to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim 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**."

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 only provide 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. You may also refer to the **Compliance Review** chapter of the CCB Handbook for more assistance.

Copyright Claims Board