COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0108
May 26, 2023

Cheryl Miller	*v.*	Nathaniel Ladson
CLAIMANT		**RESPONDENT**

SECOND ORDER EXTENDING OPT-OUT PERIOD

On March 29, 2023, the Copyright Claims Board (Board) issued an Order Extending Opt-Out Period until April 28, 2023, and on the same day, the Board sent the respondent a second notice as a reminder that an official government legal proceeding was filed against them. On May 3, 2023, the Board issued an Order for Claimant to Pay Second Filing Fee and For All Parties to Register for eCCB, and the claimant paid the second filing fee on the same day.

On May 18, 2023, the Board received a paper opt-out form in the mail from the respondent. 37 C.F.R. § 223.1(c)(2). The form was postmarked on April 24, 2023, which is within the extended opt-out period set by the Board. 37 C.F.R. § 223.1(e)(2). Due to procedural delays, the Board received the opt-out form on May 18, 2023. Upon review, the Board notes that the respondent failed to check the appropriate box on the form certifying "under penalty of perjury that the foregoing is true and correct." 37 C.F.R § 223.1(b)(5).

The Board communicated with the respondent via phone on May 24, 2023. The respondent is aware of the deficiency of the paper opt-out form and will either opt-out online or complete a new paper opt-out form.

To avoid any doubt, under these exceptional circumstances and due to the legislative intent that proceedings before the Copyright Claims Board be voluntary, the Board finds that it is in the interests of justice to extend the opt-out period for the respondent in this case for an additional ten days, until **June 5, 2023**, for the sole purpose of permitting respondent to file a corrected opt-out notification. 17 U.S.C. § 1506(i); 37 C.F.R. § 223.1(f).

Copyright Claims Board