



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0015
September 15, 2023

Joe Hand Promotions, Inc.

CLAIMANTS

v.

Rio's Pizza Inc., Clara J. Rio, and John Rio

RESPONDENTS

ORDER TO SUBMIT DEFAULT DIRECT PARTY STATEMENT

The respondents in case 23-CCB-0015 have failed to appear or participate in this proceeding before the Copyright Claims Board (Board). After the claimant paid the second filing fee on June 6, 2023, the Board issued a Scheduling Order and a Second Notice to Register for eCCB, which were both also sent to the respondents by mail on June 28, 2023. The Scheduling Order noted the date and time of the pre-discovery conference and required the respondents to register for eCCB by July 21, 2023, and to submit a response to the claim by July 28, 2023. The Board received no communication from the respondents in response.

On August 9, 2023, the Board held a pre-discovery conference. The claimant appeared before the Board at the pre-discovery conference, but the respondents did not. The claimant provided the Board with additional contact information for the respondents after the conference. The Board issued a First Default Notice on August 10, 2023 ordering the respondents to register for eCCB and file a response by September 11, 2023. The Board issued a Second Default Notice on August 23, 2023 reminding the respondents of the September 11, 2023 deadline. *See* 37 C.F.R. § 227.1(a)-(b). Both the First and Second Default Notices were mailed and emailed to the respondents.

The Board has received no communication from the respondents to date. The respondents have not registered for eCCB, contacted the Board by email or phone, or filed a response to the claim, and did not attend the pre-discovery 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 claimant 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 claimant's 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. claimant's 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 claimant 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.

Claimant is reminded to submit any evidence related to damages, regardless of whether the claimant has 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 claimant and determine whether the evidence is sufficient to support a finding in favor of the claimant. If the Board determines the evidence is sufficient to support a finding for the claimant, it will prepare a proposed default determination. If the Board determines that the evidence is insufficient to support a finding for the claimant, it will prepare a proposed default determination dismissing the proceeding without prejudice. 37 C.F.R. § 227.3(a)-(b).

The claimant is directed to submit all written direct testimony by October 30, 2023. The status conference originally scheduled for October 4, 2023 is cancelled.

Copyright Claims Board