COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0263
January 2, 2024

Michelle Shocked	*v.*	Gavin McInnes
CLAIMANT		**RESPONDENT**

CORRECTION: SECOND DEFAULT NOTICE TO GAVIN MCINNES

The Copyright Claims Board (Board) is reissuing this Second Default Notice in claim 22-CCB-0263. The attached First Default Notice, issued on December 6, 2023, notified you that you have until **January 5, 2024,** to file written response testimony by the Board ordered deadline. The Board issues this notice to remind you of that deadline. 37 C.F.R § 227.1(b)(2). The Board is issuing this corrected Second Default Notice because the prior Second Default Notice, filed December 20, 2023, incorrectly referred to eCCB registration and filing a response to the claim, as opposed to written response testimony.

You have until January 5, 2024 to file written response testimony. If you need to request more time, you must do so before the response deadline.

As stated in the First Default Notice, if you submit written response testimony by the deadline, the Board will resume proceedings and issue a new scheduling order. 37 C.F.R. § 227.1(c). If you do not submit written response testimony by the deadline, the Board may treat the claimant's submitted direct testimony as the testimony required to proceed with the default determination process. *See id.* §§ 227.1(c) & 227.2(a). The Board will then evaluate the evidence to determine if it justifies a determination in favor of the claimant. Depending on the Board's analysis, it will issue a proposed determination in the claimant's favor or dismissing the proceeding without prejudice (without prejudice means the claim can be filed again in the future). 37 C.F.R. § 227.3(a)(1)-(2).

If the Board issues a proposed default determination in favor of the claimant, you will have 30 days to respond. If you do not respond, the Board will issue the proposed default determination as a final determination against you. 37 C.F.R. § 227.4(a); 37 C.F.R. § 227.5(b).

If you do not pay the claimant any damages that are awarded in the final determination or if you otherwise fail to comply with any relief included in the determination, the claimant may apply to a United States District Court for an order confirming the relief awarded in the final determination and for a judgment for the damages and relief included in the determination.

For more information on procedures in cases of default, see the CCB Handbook chapter on Missed Deadlines. For information on how to ask the Board to reconsider a final determination following a default, see the discussion in that chapter on "Challenging a Determination" at p. 7. You may also seek an order from a United States District Court vacating, modifying, or correcting the determination. *See* 17 U.S.C. § 1508(c).

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.

The Board will mail this notice to the address and any email address we have on file for you. Any specific questions can be directed to asktheboard@ccb.gov.

Copyright Claims Board