COPYRIGHT CLAIMS BOARD

Docket number: 22-CCB-0183
January 9, 2023

Tom Schirmacher	*v.*	Allora Medical Spa
CLAIMANT		**RESPONDENT**

CORRECTED NOTICE OF PROPOSED DEFAULT DETERMINATION TO ALLORA MEDICAL SPA

The Board issued a Notice of Proposed Default Determination on December 21, 2023. (Dkt. 31). That Notice incorrectly stated that the amount of damages in the Proposed Default Determination was $3,000, when it was actually $7,000. The Board corrects that amount below and is reissuing the Notice and moving the deadline for the respondent to respond from January 22, 2024 to **February 8, 2024**.

The Copyright Claims Board (Board) has issued a proposed default determination in this proceeding against you and in favor of the claimant, Tom Schirmacher. If you do not respond to the proposed default determination, the Board will issue a final determination against you. 17 U.S.C. § 1506(u); 37 C.F.R. § 227.4(a); 37 C.F.R. § 227.5(b).

If it is adopted as a final determination, the proposed default determination will find you liable for copyright infringement and award the claimant damages in the amount of $7,000.00.

Any determination against you, including a monetary award for damages, will be enforceable in a court of law. A United States District Court is required to grant the order and the judgment unless the determination has been vacated, corrected, or modified. A district court may also impose on you the reasonable expenses incurred by the claimant, including attorney's fees, in order to obtain the order and judgment.

To respond you will need to create an eCCB account and link yourself to this claim. You may also contact the Board by email at **asktheboard@ccb.gov** for more guidance about creating an eCCB account. For more information on how to respond to the proposed default determination, see "The Claimant Supports Their Claims: What Happens Next," beginning at p. 6 of the **Missed Deadlines** chapter of the CCB Handbook. Regulations governing the response may be found at **37 C.F.R.§ 227.4(a)** and **37 C.F.R. § 222.15(b)**.

If you respond, the Board will consider your submissions and permit the claimant to submit papers in reply. It will then decide whether to amend the proposed determination and will issue a final determination. If you do not respond, the Board will issue the proposed default determination as a final determination.

Once the final determination is issued, you may request in writing that the determination be vacated, but such a request must be made within 30 days of the issuance of the determination, and must convince the Board that vacating the default determination is "in the interests of justice." See 37 C.F.R. § 227.5(c). You may also seek an order from a United States District Court vacating, modifying, or correcting the determination, but the grounds for granting such an order are limited. See 17 U.S.C. § 1508(c)(3).

The Board is mailing and emailing this notice to all addresses and email addresses that we have on file for you. Any specific questions can be directed to **asktheboard@ccb.gov**. 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.

Copyright Claims Board