COPYRIGHT CLAIMS BOARD

Docket numbers: 22-CCB-0245 & 23-CCB-0134
March 6, 2024

Say It Visually, Inc.	*v.*	America's Real Estate Force Corporation
CLAIMANT		**RESPONDENT**
Say It Visually, Inc.	*v.*	America's Real Estate Brokers, Inc.
CLAIMANT		**RESPONDENT**

ORDER SCHEDULING HEARING

The above-captioned claims arise out of the same facts and circumstances. Claimant filed Claim No. 22-CCB-0245 on November 17, 2022, and filed Claim No. 23-CCB-0134 on April 12, 2023. In the second amended claim filed in 22-CCB-0245, Claimant stated that the infringement started on May 16, 2017, and that Claimant had discovered it "recently." In the claim filed in Claim No. 23-CCB-0134, Claimant stated that the infringement started on August 29, 2018, and that Claimant discovered it while researching the earlier claim.

The timing of the infringement and of its discovery may be relevant to the amount of any damages award.

These cases are in the default stage. The Board may hold virtual hearings in default proceedings at its discretion, and may hold consolidated hearings in proceedings that arise out of the same facts and circumstances. 37 C.F.R. §§ 222.13(a) and 227.4(c). Consolidated proceedings remain separate for purposes of determinations and damages awards. 37 C.F.R. § 222.13(a).

Therefore, the Board will conduct a virtual hearing on **March 19, 2024, 3:00 PM ET**. The parties are directed to attend. A link to the hearing will be sent separately to the parties. If either party has any issues with the date or time, they should let the Board know immediately by sending an email to **asktheboard@ccb.gov**.

Claimant should be prepared to answer questions at that hearing related to its discovery of the infringements in both cases, including how Claimant knows when the infringements started, how it discovered each infringement and when, its prior copyright litigation history, its process, if any, for investigating infringements of its works, what steps it took to investigate the infringements in these cases, and any relationship with respondent(s) or communications with respondent(s).

Claimant may submit any additional evidence it wishes the Board to consider related to these issues in determining damages, either prior to the hearing through eCCB or during the hearing. However, Claimant may only submit additional evidence after the hearing if the Board specifically grants permission.

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