COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0381
August 7, 2024

Gavin O'Neill	*v.*	Sabrina Carroll
CLAIMANT		**RESPONDENT**

ORDER TO SUBMIT ADDITIONAL EVIDENCE

The respondent has failed to appear or participate in this proceeding. On August 5, 2024, Claimant submitted its default papers in this proceeding. Claimant is given until **August 20, 2024**, to submit any more evidence it wishes, any witness statements it wishes, and a supplemental party statement if it wishes—up to five pages in length—to address the three issues below.

First, as Claimant in this proceeding and the claimant in proceeding 23-CCB-0382 filed their cases almost three years after allegedly being told about the alleged infringement on the same date—November 22, 2020—by their "licensing agent" Lauren Kelly, Claimant may submit additional evidence, witness statements, and argument as to Lauren Kelly's role in searching for infringements on Claimant's behalf, when Ms. Kelly discovered the infringement, communications between Ms. Kelly and Claimant, communications with the respondent, and any other evidence, witness statements, and argument as to why Claimant's filing of this case was within the statute of limitations—that is, that under the discovery rule, which looks at when Claimant with due diligence should have discovered the infringing act, Claimant's claim accrued within the three years before the November 10, 2023 filing of this claim.

Second, Claimant has not submitted evidence showing that the individual respondent infringed the work and, while the LLC in question is allegedly no longer in business such that the respondent is now operating the business as a d/b/a/sole proprietorship, the alleged infringement occurred while the LLC was seemingly still licensed and in existence. Therefore, Claimant may submit additional evidence, witness statements, and argument as to why respondent should be held personally liable in this case.

Third, Claimant has submitted certain redacted licenses in support of their request for damages. These licenses are heavily redacted such that, in some instances, it is difficult for the Board to determine their relevance, and at least some of the licenses may be for much different uses than the use in question. Claimant may submit additional licenses (with enough information shown to allow the Board to fully understand their scope), witness statements, and argument relevant to damages. Claimant is cautioned that the most relevant evidence will be licenses showing what Claimant has charged in the past for similar social media uses of the works at issue or similar works of the Claimant.

If you have questions, please contact **asktheboard@ccb.gov**. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. You may also refer the **Presenting Your Case** chapter of the CCB Handbook for more assistance.

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