

**COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

*In re*

**DISTRIBUTION OF CABLE ROYALTY  
FUNDS**

**DOCKET NO. 14-CRB-0007 CD  
(2010-12)**

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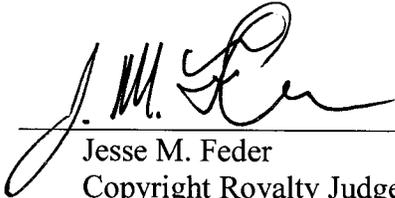
**ORDER DENYING MOTION TO ACCEPT LATE PETITION TO PARTICIPATE**

On March 25, 2015, the Copyright Royalty Board (CRB) received a *Motion to Accept Late Petition to Participate on Behalf of Brush with Life, Inc.* Brush with Life seeks to participate in both Phase I and Phase II of the proceeding.

The CRB commenced the captioned proceeding on December 22, 2014.<sup>1</sup> Petitions to Participate were due on or before January 21, 2015. Nevertheless, the Copyright Royalty Judges (Judges) may, for substantial good cause shown, and if there is no prejudice to the participants that have already filed petitions, accept late petitions to participate any time up to the date that is 90 days before the date on which participants in the proceeding are to file their written direct statements.<sup>2</sup> However, participants whose petitions are filed more than 30 days after publication of notice of commencement of a proceeding are not eligible to object to a settlement reached during the voluntary negotiation period. 37 CFR 351.1(d). The Judges have not yet established a filing date for written direct statements in this proceeding.

CRB Rule 350.4(h) states that “[d]uring the course of a proceeding, each party must serve all motions, objections, oppositions, and replies on the other parties or their counsel by means no slower than overnight express mail on the same day the pleading is filed.” Brush with Life, which is represented by counsel in this matter, failed to serve its Motion on the other parties in this proceeding. Therefore, the Motion is **DENIED** without prejudice. Although Brush with Life is not precluded from refileing the motion and request, if it chooses to do so it must comply with all applicable CRB rules, including Rule 350.4(h).

**SO ORDERED.**

  
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Jesse M. Feder  
Copyright Royalty Judge

Dated: April 22, 2015

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<sup>1</sup> 79 FR 76396.

<sup>2</sup> In its Motion, Brush with Life states that it “became aware of the requirement for filing a Petition to Participate in this matter” in March 2015.