

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

COPERNIC, INC.,

v.

FOREX CAPITAL MARKETS, L.L.C.

CFTC Docket No. 07-1024

ORDER PURSUANT TO
DELEGATED AUTHORITY

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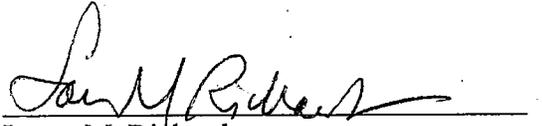
On September 20, 2007, an Administrative Law Judge (“ALJ”) issued an initial decision (“I.D.”) dismissing a reparations complaint filed by Copernic, Inc. (“Copernic”).¹ On October 10, 2007, the deadline for filing (mailing) a notice of appeal, Copernic faxed a notice to the Commission stating: “[p]lease take notice that Copernic, Inc. will appeal.” It also requested an extension of time to submit the filing fee. Copernic represented that it did not receive the initial decision until the afternoon of the due date. Copernic did not certify that it served the notice on respondent Forex Capital Markets, L.L.C. Copernic filed and served the notice of appeal and submitted the filing fee by expedited delivery service on October 12 and the Commission received these on October 16. Despite the flaws, the notification is considered to be timely filed.

Commission Regulation 12.401 requires an aggrieved party to perfect an appeal by filing an appeal brief within 30 days of filing a notice of appeal. Copernic filed an appeal brief on November 16, 2007. Commission Regulation 12.10(a)(2) specifies that a document is filed at

¹ Copernic is a British Virgin Islands corporation with an office in Peru.

the time that it is placed in the mail. November 16 is more than 30 days from either October 10 or 12. Therefore, Copernic missed the filing deadline and its appeal is dismissed as unperfected.

IT IS SO ORDERED.²



Laura M. Richards
Deputy General Counsel
Commodity Futures Trading Commission

Dated:

² By the Commission pursuant to delegated authority, 17 C.F.R. § 12.408 (a)(4). Within seven days after service of this order, a party may file with the Commission a petition for reconsideration of this ruling. *Id.* at § 12.408(c).