

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: March 5, 2004

Opposition No. **91157554**

GoAmerica, Inc.

v.

Datawave Technologies Co., LLC

By the Trademark Trial and Appeal Board:

Opposer's motion (filed October 23, 2003) for default judgment against applicant for failure to file an answer is hereby granted as conceded.¹ See Trademark Rule 2.127(a).

Accordingly, judgment is hereby entered against applicant, the notice of opposition is sustained, and registration to applicant is refused. See Fed. R. Civ. P. 55.

¹ If a defendant fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of plaintiff. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default.