

KAB

Docket No. 16513.045

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In The Matter of Application Serial No. 76/420,774
Published in the Official Gazette of April 15, 2003

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BMG SONGS, INC., :

Opposer, :

v. : Opposition No. 91158707

ASTRO AMERICA, LLC, :

Applicant. :

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BOX TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MOTION FOR DEFAULT JUDGMENT

MOTION

Pursuant to Trademark Rule 2.106(a), Opposer hereby moves for a default judgment in this proceeding because Applicant has failed to file a timely answer. In the alternative, if this proceeding is re-opened, Opposer requests that the discovery and trial periods be reset.

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on

February 9, 2004 Phyllis Buchalter

(Date of Deposit)

(Print name)

Phyllis Buchalter
(Signature)

02-09-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

MEMORANDUM

Opposer's motion for default judgment should be granted because Applicant has failed to submit an answer to the Notice of Opposition. The order instituting this opposition was mailed by the Trademark Trial and Appeal Board on December 8, 2003. As the answer was due January 17, 2004, and no answer has been filed or received, and no good cause shown, a default judgment should be entered.

In the event, however, that this proceeding is reopened, Opposer requests that the discovery and trial periods be reset.

Dated: New York, New York
February 9, 2004

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing MOTION FOR DEFAULT JUDGMENT was served on Applicant by sending a copy by first class mail, postage prepaid, to Applicant's counsel on February 9, 2004, addressed as follows:

Christopher J. Day, Esq.
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Joel S. Turtle, Esq.
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Dated: February 9, 2004



Anna M. DePalo