

TTAB

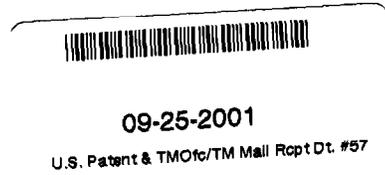
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petitioner's Ref.: 016756/0183



Bridgestone/Firestone Research, Inc.)
)
Petitioner,)
)
v.)
)
Blackstone Worldwide Group Inc.,)
)
Registrant.)

Cancellation No. 31,886
Registration No. 1,837,289



BOX TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

PETITIONER'S MOTION FOR DEFAULT JUDGMENT

Honorable Sir:

In the matter of U.S. Registration No. 1,837,289 for the mark BLACKSTONE, Petitioner Bridgestone/Firestone Research, Inc., (hereinafter "Firestone") respectfully moves the Board pursuant to Fed. R. Civ. P. 55 and 37 C.F. R. § 2.114 for an Order Granting a Default Judgment against Registrant Blackstone Worldwide Group Inc. and as grounds therefor states as follows:

1. Firestone timely filed a Petition to Cancel in this matter on April 12, 2001.
2. On April 27, 2001, the Board instituted Cancellation No. 31,886 and served registrant's counsel with a copy of the Petition to Cancel.

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3. To date, Firestone has not been served with an Answer by Registrant, long past the June 6, 2001 deadline, and there is no evidence that an Answer has been filed with the Board.

4. The Rules governing opposition proceedings provide, “[i]f no answer is filed within the time set, the petition may be decided as in a case of default.” 37 C.F.R. § 2.114(a). The Federal Rule governing default judgments provides “[w]hen a party against whom a judgement for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” Fed. R. Civ. P. 55(a).

5. Because Blackstone Worldwide Group Inc. has failed to file an Answer within the time set by the Board and the Rules, it is in Default, and a Default Judgment should be entered against Blackstone Worldwide Group Inc.

6. Firestone requests that this case be suspended pending the resolution of the matters raised herein in accordance with 37 C.F.R. § 2.127(d).

7. Firestone further requests that in the event the Board determines a Default judgment is not appropriate, in the alternative, new dates for discovery and testimony be set in this matter.

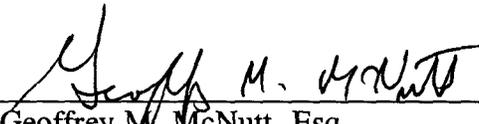
WHEREFORE, Firestone requests that this opposition be sustained by default and that the subject U.S. Registration No. 1,837,289 for the mark BLACKSTONE be cancelled

Cancellation No. 31,886

A sample order is attached.

9/25/07
Date:

Respectfully submitted,
Foley & Lardner



Geoffrey M. McNutt, Esq.
Foley & Lardner
Washington Harbour
3000 K Street, N. W., Suite 500
Washington, DC 20007
Telephone (202) 672-5300

Attorneys for Petitioner