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

Proceeding	92058978
Party	Plaintiff Daniel P. Matthews
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 4,233,433
Mark: BLACK CLOUDS
Issued: October 30, 2012

DANIEL P. MATTHEWS

Petitioner,

v.

BLACK CLOUDS LIMITED LIABILITY
COMPANY

Registrant.

Cancellation No. 92058978

**PETITIONER'S REPLY BRIEF IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to 37 C.F.R. § 2.127 and Fed. R. Civ. P. 56, Petitioner Daniel P. Matthews ("Petitioner") by his attorneys, Giordano, Halleran & Ciesla, P.C., hereby submits this reply brief in further support of his motion for summary judgment. Petitioner respectfully requests that the Trademark Trial and Appeal Board (the "TTAB") grant his petition to cancel Registrant Black Clouds Limited Liability Company's (the "Registrant") registration for the mark BLACK CLOUDS in class 009 (the "Infringing Mark"), United States Trademark Registration No. 4,233,433 (the "Registration").

PRELIMINARY STATEMENT

Despite the fact that Petitioner has submitted a substantial amount of *uncontroverted* evidence demonstrating both (1) Petitioner's prior use of the mark THE BLACK CLOUDS (the "Mark") and (2) a the likelihood of confusion between the Mark and the Infringing Mark, Registrant nonetheless launches several baseless and conclusory arguments without submitting a shred of probative evidence that would create any dispute of material fact. Not only are Registrant's arguments not supported by the law, but they are based solely on speculation and conjecture, and should be summarily rejected.

First, Registrant shockingly argues that Petitioner has not established priority. However, in its opposition brief, Registrant does not submit any evidence to controvert Petitioner's conclusive evidence that he began bona fide use of the Mark in commerce in 2005. Registrant merely launches speculative

and unrealistic explanations for Petitioner's volume of evidence on this point, which is supported by the uncontroverted Certification of the Petitioner. Not only does Registrant render bald unsupported assertions on this point, but Registrant's brief mischaracterizes the evidence submitted by Petitioner and contains numerous falsities in an effort to cover its complete lack of any evidence disputing these established facts.

Second, Registrant contends that Petitioner abandoned his use of the Mark for a period of approximately three years. Again, Registrant does not submit any evidence to support this contention. Registrant simply disputes through speculation and conjecture the veracity of Petitioner's conclusive evidence of his ongoing and continuous use of the Mark in commerce since 2005.

Third, Petitioner argues that there is no likelihood of confusion between the Mark and the Infringing Mark, focusing solely on an alleged difference between their styles of rock music. Registrant's argument fails as a matter of law because its broad description of goods identified in the Registration places no limitations on the genre of sound recordings it offers. Registrant therefore respectfully requests that the TTAB grant summary judgment in favor of Petitioner and cancel Registrant's Registration.

LEGAL ARGUMENT¹

Registrant's opposition presents a wish list of arguments that are wholly unsupported by the factual record or the law. Without submitting an iota of evidence to the contrary, Registrant simply presents as fact mere speculation about unrealistic scenarios that would contradict the hard and fast evidence Petitioner submitted definitively demonstrating his priority of use, which was continuous and uninterrupted.

I. THE EVIDENCE DEMONSTRATES THAT PETITIONER HAS PRIOR RIGHTS

Registrant proffers two unsubstantiated arguments in response to Petitioner's conclusive evidence of priority. However, neither is sustainable. First, Registrant makes the irrelevant and uncorroborated assertion that Petitioner first used the mark in 2008 as opposed to 2005. Not only is this belied by the

¹ For the purposes of this Reply Brief, all definitions established in Petitioner's opening submission are incorporated and applicable herein.

evidence on record, but is a direct admission of Petitioner's priority. Second, Registrant baldly claims that Petitioner abandoned use without submitting any evidence to contradict the clear evidence of record showing Petitioner's continuous use. As set forth more fully below, these arguments fail as a matter of law and fact, and the Board should therefore grant Petitioner's motion for summary judgment.

a. Petitioner First Used the Mark In 2005

Registrant attempts to manufacture through supposition that Petitioner's date of first use "appears to be in 2008." *See* Opposition Brief at 2. Registrant claims that Petitioner has offered "no evidence of said use [before 2008], merely allegations." *Ibid.* It remains unclear on what evidence Registrant bases this bald assertion because all of the evidence submitted by Petitioner demonstrates that his first use of the Mark in commerce occurred on or before November 20, 2005. *See* Petitioner's Exhibits B and C; *Matthews Cert* at ¶¶ 1, 3, 7, 14 and 15. So, not only is this claim completely false and wholly unsupported by the evidence, but it is also irrelevant because Registrant argues that Petitioner's actual first use in commerce occurred in 2008, which is three years before Registrant's admitted November 20, 2011 date of first use, *See* the Registration. Regardless of how one approaches this argument, it should be rejected.

In his opening submission, Petitioner proffered a full accounting of his compact disc sales under the Mark through the online music distributor, CDBaby. *See* Petitioner's Exhibit B; *Matthews Cert* at ¶ 14. On the very first page of this report, Petitioner has demonstrated four sales of compact discs in 2005 under the Mark: (1) a sale of the album "Dead Flowers" under the Mark to Charles Dewey Cole of Toledo, Ohio on November 20, 2005; (2) a sale of the album "Dead Flowers" under the Mark to Michael Riemanapp of Cobb, Wisconsin on November 26, 2005; (3) a sale of the album "Dead Flowers" under the Mark to Joseph Vascimini of Toms River, New Jersey on December 1, 2005; and (4) a sale of the album "Dead Flowers" under the Mark to Lucia Madrid of Mexico on December 7, 2005. *See* Petitioner's Exhibit B.

These sales unequivocally establish that Petitioner began using the Mark in commerce at least as early as November 20, 2005 in connection with the sale of the very goods Registrant first allegedly began

selling in 2011. *See* the Registration. Furthermore, Petitioner has provided the TTAB with ample evidence that he continues to sell his musical works under the Mark, thereby precluding any argument that the 2005 sales were merely “token” sales. Therefore, there is no genuine issue of material fact regarding Petitioner’s date of first use.

b. Registrant’s Claim That Petitioner Abandoned Use of the Mark Is Unsupported by the Evidence of Record

Registrant contends that Petitioner abandoned his use of the Mark from November 2009 to 2013 without proffering any evidence to contradict the overwhelming evidence that Petitioner’s use was continuous and pervasive throughout that period. *See* Opposition Brief at 2. Again, Registrant would like the TTAB to simply take this bald allegation as fact, despite the fact that it is false and wholly unsupported by the clear evidence submitted by Petitioner.

Indeed, when a motion for summary judgment is supported by documentary evidence, the party opposing the motion must come forward with evidence demonstrating the existence of a controversy involving material facts. Fed. R. Civ. P. 56. A failure to do so will normally result in the issuance of summary judgment. *See Williams v. Baltimore & Ohio Railroad Co.*, 303 F.2d 323 (6th Cir. 1962). *See also, Donnelly v. Guion*, 467 F.2d 290 (2nd Cir. 1972). For summary judgment purposes, unsupported speculation is insufficient to create a genuine issue of material fact. *See Francis v. Booz, Allen & Hamilton, Inc.*, 452 F.3d 299, 308 (4th Cir. 2006). *See also, Goldberg v. B. Green & Co., Inc.*, 836 F.2d 845, 848 (4th Cir. 1988); *Felty v. Graves-Humphreys Co.*, 818 F.2d 1126, 1128 (4th Cir. 1987); *Zoby v. American Fidelity Co.*, 242 F.2d 76, 80 (4th Cir. 1957); *Locke v. Commercial Union Ins. Co.*, 676 F.2d 205, 206 (6th Cir. 1982) (per curiam). The Party resisting a motion for summary judgment must present some evidence to indicate that facts are in dispute, and mere contention that an issue is disputable will not suffice. *Chitwood v Feaster*, 54 FRD 204 (W.D.Va. 1972), *vacated on other grounds* 468 F.2d 359 (4th Cir. 1972).

Exhibit C to the Matthews Certification proves that Petitioner’s use of the mark was ongoing throughout the alleged period of non-use. In Petitioner’s Exhibit C, Petitioner has provided 149 pages of

records showing Petitioner's continuous sales of sound recordings under the Mark from April 23, 2006 to July 14, 2014. Shockingly, Registrant disputes the probative value of this report by (1) bizarrely claiming that these are records of "streamed plays, not sales," and (2) and ever more speculating that Petitioner could have made all these purchases himself. *See* Declaration of Ross Hurt ("Hurt Decl."), ¶ 4.

Petitioner's Exhibit C is entitled "Digital Distribution Sales" for a reason: Petitioner received monetary compensation for each and every digital sale referenced therein. Matthews Cert. at ¶ 15. In fact, the precise amount of compensation is referenced next to each and every sale, under the column marked "Payable." Petitioner's Exhibit C. It is immaterial whether the payment derives from streaming, digital download, or hard compact disc media sales – the fact remains that Petitioner made sales of his sound recordings under the Mark, which is undeniably supported by the incontrovertible evidence. Petitioner's testimony in his certification further elaborates on this report of digital distribution sales. *See* Matthews Cert. at ¶ 15. Importantly, Registrant has proffered zero evidence at all, let alone evidence that contradicts Petitioner's established fact of continuous use.

Registrant's argument that Petitioner could be responsible for all of the digital distribution sales referenced in Petitioner's Exhibit C is laughable and a desperate effort to hide the conclusive evidence of continuous use. Hurt Decl. at ¶ 4. Regardless of the fact that this is an absurd conjecture given the volume of streaming sales, Registrant's conjecture and supposition is undeniably insufficient to establish any dispute in this regard. Furthermore, Registrant's illogical conclusion that Petitioner, and only the Petitioner, continually streamed or downloaded his own songs from a host of different websites over the years, absurdly suggests that Petitioner anticipated this cancellation proceeding since as early as April 23, 2006. This makes no sense considering Registrant's alleged first use of the Infringing Mark did not occur until 2011.

Similarly, Registrant attempts to deflect the reality of the evidence, by focusing on one of the many examples of continuous use Petitioner submitted, and contending that it demonstrates abandonment. In support of this toothless allegation, Registrant simply cites the Hurt Declaration at paragraph 1, which is void of facts and simply reiterates the argument contained in the Opposition Brief. Mr. Hurt argues that

Petitioner's evidence shows there were "ZERO sales between November 2009 and 2013; not one. Four years of no sales." Hurt Declaration at ¶ 1. Again, Registrant may wish this to be true, but Petitioner's irrefutable evidence demonstrates otherwise. Exhibit C clearly shows numerous digital sales of individual songs during this period and Exhibit B clearly demonstrates a digital album sale under the Mark during this period: on December 24, 2012, dramatica107@freemail.hu purchased the album "Better Days" under the Mark. See Petitioner's Exhibit B. Indeed, Petitioner is successful in selling his music under the Mark.

Even so, success in sales is not a pre-requisite for establishing use in commerce. Even if one was to indulge Registrant's arguments, the fact remains that Petitioner's evidence proves conclusively that Petitioner certainly offered the songs for sale on a multitude of websites, thus establishing his bona fide and continuous use of the Mark in commerce since 2005. Indeed, as courts have held:

Internet users constitute a national, even international, audience, who must use interstate telephone lines to access defendant's web site on the Internet. The nature of the Internet indicates that establishing a typical home page on the Internet, for access to all users, would satisfy the Lanham Act's "in commerce" requirement.

Planned Parenthood Fed'n of Am. v. Bucci, 1997 U.S. Dist. LEXIS 3338, 11 (S.D.N.Y. Mar. 19, 1997); see also *Bionorica AG v. TechWorld Corporation, Inc.* 2010 TTAB LEXIS 334 (TTAB 2010) (offering goods for sale via the internet can constitute use in commerce, since it is available to a national and international audience who must use interstate telephone or cable lines to access the website). It is fundamental that the creation and maintenance of a universally-available internet webpage constitutes sufficient use for the public to identify or distinguish the marked goods as those of the party adopting the mark, and "places the mark in the public domain, and it attaches the mark to the party's services in a readily accessible manner." *Halo Mgmt., LLC v. Interland, Inc.*, 308 F. Supp. 2d 1019, 1033 (N.D. Cal. 2003). Thus, even if Petitioner had not demonstrated continuous use of the Mark through his actual sales, which he did, Petitioner's continuous offering of his sound recordings for sale through various websites is sufficient to establish unabandoned and continuous use in commerce.

Caselaw cited by Registrant does not hold otherwise. Specifically, Registrant cites a single case for the proposition that Petitioner abandoned use of the Mark for a period of four years: *Paramount Pictures Corp. v. White*, 31 U.S.P.Q.2d 1768 (T.T.A.B. 1994). Just as it has done with the conclusive evidence on record, Registrant mischaracterizes the holding in *Paramount*.

In *Paramount*, the opposer sought to block registration of the applicant's mark THE ROMULANS for goods in the nature of "parlor games namely connect the dots game sets." *Id.* at 1768. The opposer contended that the applicant's "purported game is not a bona fide game but rather is an advertising flier that is distributed by applicant to promote his band." *Id.* at 1769. The parlor game in question was a simple connect the dots game that was printed on a one-page flyer depicting the mark THE ROMULANS. *Id.* at 1770. The applicant was the "principal member of, and the songwriter for, a rock-and-roll musical band called 'The Romulans'" and distributed the games for little or no monetary compensation. *Ibid.* Thus, the *Paramount* court found that the applicant was actually using the mark in question to promote his band and was distributing the parlor games at issue for free for the purpose of promoting his band, not for the purpose of selling goods in the nature parlor games. *Id.* at 1769. Thus, the *Paramount* decision did not even contemplate the issue of abandonment, as Registrant contends, but rather whether the defendant actually used the mark in commerce at all in connection with the goods listed in the registration. Here, there is no suggestion or allegation that Petitioner is using the Mark in connection with goods solely for the purpose of promotion and not for the purpose of actually selling sound recordings. Therefore, the *Paramount* decision is wholly inapplicable to the present matter.

Finally, Registrant points to its "failure to find any indication of Petitioner's existence as a band before it adopted its mark in 2011." Opposition Brief at page 3. Registrant claims that it has performed "several in-depth searches," but the only evidence provided by Registrant is a domain name search run on February 18, 2015 through GoDaddy.com for the single domain "www.theblackclouds.com." *Hurt Declaration* at ¶ 7; Registrant's Exhibit C. There is no investigation or reference to the actual web-sites through which Petitioner's goods are sold. *See* Matthew's Cert at ¶¶ 8, 9, 12, 14, 15, 18, 20; Petitioner's Exhibits B-I. Registrant's failure to conduct adequate research on the availability of the mark has no

bearing on the present cancellation action. Even so, Petitioner has submitted additional evidence clearly showing Petitioner's internet presence under the Mark since at least as early as October 11, 2007 through the present. *See* Marino Cert. at ¶¶ 2-13; Petitioner's Exhibits A-L.

As set forth above and in Petitioner's opening submission, Petitioner has clearly established prior use of the Mark in commerce without abandonment. The TTAB should therefore grant summary judgment in Petitioner's favor.

II. THE TTAB SHOULD REJECT REGISTRANT'S ATTEMPT TO DISTINGUISH ITS GOODS FROM PETITIONER'S GOODS

Importantly, Registrant does not dispute that (1) the marks are **identical** in terms of appearance, sound, connotation and commercial impression; (2) the goods as described in the Registration are **identical** to the goods offered by Petitioner; and (3) the channels of trade are **identical**. Moreover, Registrant has not contested the well-established principle that the most weight should be given to the first three *du Pont* factors due to the identical nature of the goods, channels of trade, class of consumers, and marks used by the Petitioner and Registrant. Petitioner's Summary Judgment Brief at page 11.

Instead, Registrant's sole argument regarding likelihood of confusion is that the genre of rock music Petitioner incorporates into his sound recordings is different than the genre of rock music Registrant offers in its sound recordings. Not only is Registrant's identification of goods in its Registration not limited and therefore applicable to **all** sound recordings, regardless of genre or style, but its attempt to split hairs of rock music genre is akin to saying that Registrant should be able to adopt the mark LED ZEPPELIN because they do not have a singer. This is not the law and is incredulous.

Registrant contends that a finding of a likelihood of confusion is not warranted as "Petitioner's band has vocals; [Registrant's] does not." Registrant's Exhibit B at ¶ 6. Registrant argues that "any listener of any genre of music would be able to recognize the difference and not find any confusion, just as one would not confuse Beethoven with Alice Cooper." *Ibid*. It is baffling as to why Registrant makes this argument, as its Registration identifies its goods broadly. See the Registration.

It is axiomatic that “[i]n determining likelihood of confusion in an opposition, it is the mark as shown in the application and as used on the goods described in the application which must be considered, not the mark as actually used by applicant.” *Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Asso.*, 811 F.2d 1490, 1493 (Fed. Cir. 1987) (quoting I J. McCarthy, *Trademarks and Unfair Competition*, § 20:4A at 1024 (2d ed. 1984)). Thus, absent specific limitations set forth in the identification of goods, it is inappropriate to engage in dissection of the actual goods sold. *Id.* at 1492-93.

As there is no limitation in the Registration as to the genre or style of artistic performances, or as to the channels of trade through which the Registrant markets its goods, it is deemed to cover all genres, styles, and trade channels, including those into which Petitioner’s goods fall. Accordingly, this argument of distinct styles of the rock genre is wholly inapplicable and misplaced. Registrant may not attempt to narrow the scope of its registration to succeed on this point.²

III. ACTUAL CONFUSION IS NOT REQUIRED FOR A FINDING OF LIKELIHOOD OF CONFUSION

Registrant attempts to make an issue where there is none regarding evidence of actual confusion. Specifically, Registrant cites *Duluth News-Tribune, a Div. of Northwest Publications, Inc. v. Mesabi Pub. Co.*, 84 F.3d 1093, 1098 (8th Cir. 1996), arguing that “the evidence of confusion that Petitioner presents is akin to that of misdirected mail or telephone calls” as discussed in *Duluth*. Opposition Brief at page 3.

In an effort to hide its abject failure to proffer evidence or any argument contradicting the reality that there is a likelihood of confusion based on the first three *du Pont* factors, Registrant points to *Duluth*, to highlight an alleged lack of actual confusion. Unfortunately, even assuming that actual confusion does not exist, this is far from dispositive or even relevant. It has been long-held that “the lack of any occurrences of actual confusion is not dispositive inasmuch as evidence thereof is notoriously difficult to come by and, in any event, the test under Section 2(d) of the Trademark Act is likelihood of confusion rather than actual confusion.” *Gillette Canada Inc. v. Ranir Corporation*, 23 U.S.P.Q.2D (BNA) 1768, 1992 TTAB LEXIS 24, 19-20 (TTAB June 24, 1992).

² It goes without saying that Registrant’s absurd analogy to Beethoven and Alice Cooper is misplaced as well as Alice Cooper did not attempt to name his act Beethoven.

In light of this precedent, a closer reading of the *Duluth* decision actually supports Petitioner's position. There, the plaintiff newspaper filed suit for trademark infringement based upon the defendant's use of a similar name on its newspaper. *Id.* at 1095. Indeed, the *Duluth* court noted that the *Anheuser-Busch* factors (like the *du Pont* factors) "do not operate in a mathematically precise formula; rather, we use them at the summary judgment stage as a guide to determine whether a reasonable jury could find a likelihood of confusion." *Id.* at 1096. The Eighth Circuit analyzed **all** five *Anheuser-Busch* factors. *Id.* at 1096-1099. Registrant focuses only on the fifth actual confusion factor. However, the court importantly found primarily that plaintiff's mark was weak and that the similarity between the marks was not sufficient to confuse a consumer. *Id.* at 1097. The lack of actual confusion is not sufficient to defeat the overwhelming evidence in this case. *See Weiss Associates, Inc. v. HRL Associates, Inc.*, 902 F.2d 1546 (Fed Cir. 1990); *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565 (Fed. Cir. 1983). *See also, Wella Corp. v. California Concept Corp.*, 558 F.2d 1019, 1023 (CCPA 1977); *Application of Bissett-Berman Corp.*, 476 F.2d 640, 642 (CCPA 1973).

CONCLUSION

Based on all arguments set forth herein and those proffered in Petitioner's opening submission, along with the evidence submitted in the Certifications of Daniel P. Matthews and Christopher J. Marino, Esq., Petitioner respectfully requests that the TTAB grant summary judgment in Petitioner's favor and cancel Registrant's Registration.

Respectfully submitted,
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A Professional Corporation
Attorneys for Petitioner Daniel P. Matthews

By: 

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Dated: March 12, 2015

Docs #1860319-v1

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Issued: October 30, 2012

DANIEL P. MATTHEWS

Petitioner,

v.

BLACK CLOUDS LIMITED LIABILITY
COMPANY

Registrant.

Cancellation No. 92058978

Certification of
Christopher J. Marino, Esq.

I, CHRISTOPHER J. MARINO, Esq., of full age upon oath, do hereby certify as follows:

1. I am an attorney at law in the State of New Jersey and an associate of the firm of Giordano, Halleran & Ciesla, P.C. ("GH&C"), counsel for Petitioner Daniel P. Matthews in the above matter and I am duly licensed to practice law in the State of New Jersey and the United States District Court for the District of New Jersey.

2. Attached as Exhibit A is a true and accurate copy of a report generated by the Internet Archive Wayback Machine, <http://archive.org/web/web.php>, (the "Wayback Machine") displaying cached copies of Petitioner's MySpace Music webpage, www.myspace.com/theblackclouds (the "MySpace Page"). The Wayback Machine is a tool that periodically saves copies of websites for preservation.

3. Exhibit B is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of October 11, 2007.

4. Exhibit C is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of August 20, 2008.

5. Exhibit D is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of March 19, 2009.

6. Exhibit E is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of August 4, 2009.

7. Exhibit F is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of February 3, 2011.

8. Exhibit G is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of February 22, 2011.

9. Exhibit H is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of June 2, 2013.

10. Exhibit I is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of August 29, 2013.

11. Exhibit J is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of October 22, 2013.

12. Exhibit K is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of November 14, 2013.

13. Exhibit L is a true and accurate copy of the MySpace Page preserved by the Wayback Machine as of December 26, 2013.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting

therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

EXECUTED this 12th day of March, 2015.


Christopher J. Marino, Esq.

Docs #1858367-v1

EXHIBIT A



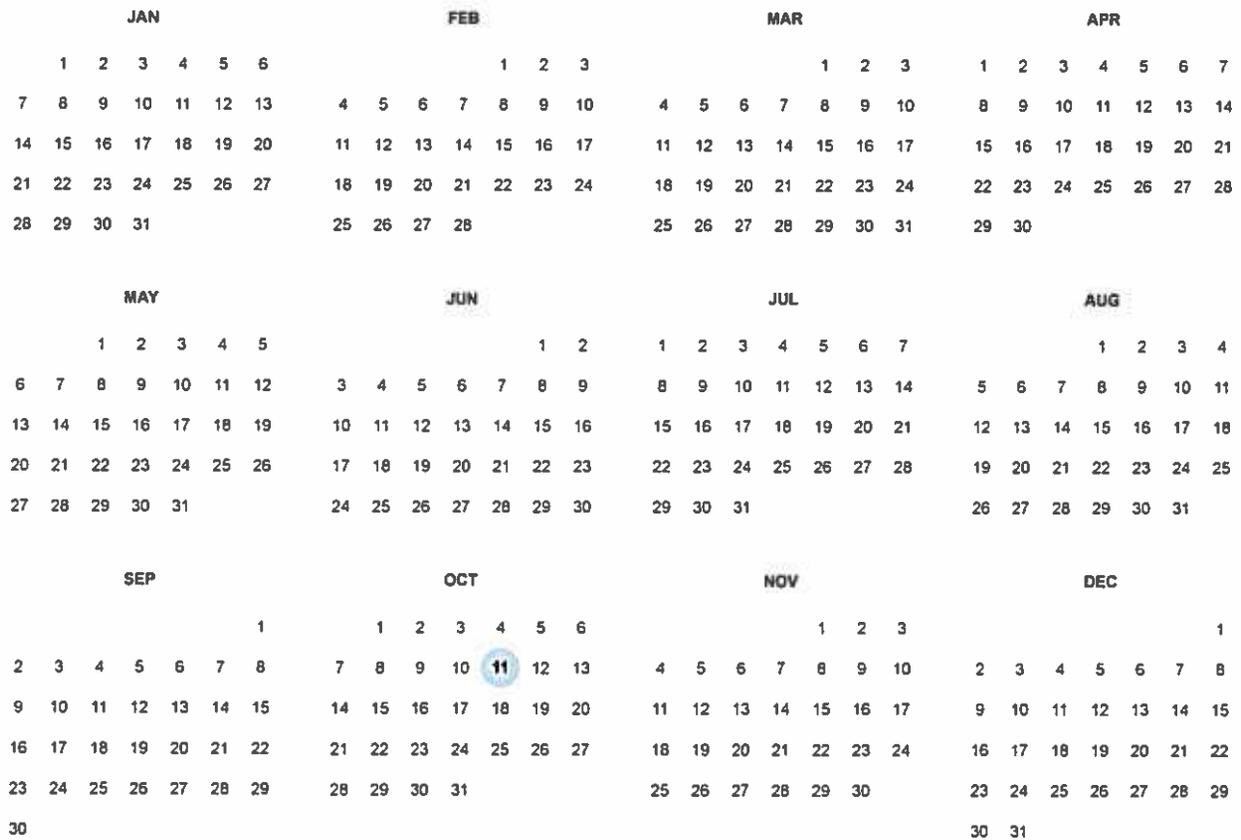
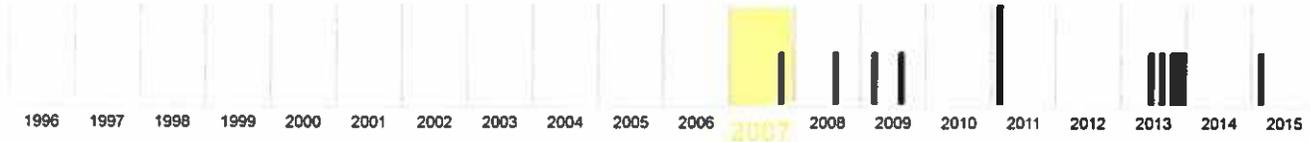
http://www.myspace.com/theblackclouds

BROWSE HISTORY

http://www.myspace.com/theblackclouds

Saved 12 times between October 11, 2007 and February 19, 2015.

PLEASE DONATE TODAY. Your generosity preserves knowledge for future generations. Thank you.



Note

This calendar view maps the number of times http://www.myspace.com/theblackclouds was crawled by the Wayback Machine, not how many times the site was actually updated. More info in the FAQ.

The Wayback Machine is an initiative of the Internet Archive, a 501(c)(3) non-profit, building a digital library of Internet sites and other cultural artifacts in digital form.

Other projects include Open Library & archive-it.org.

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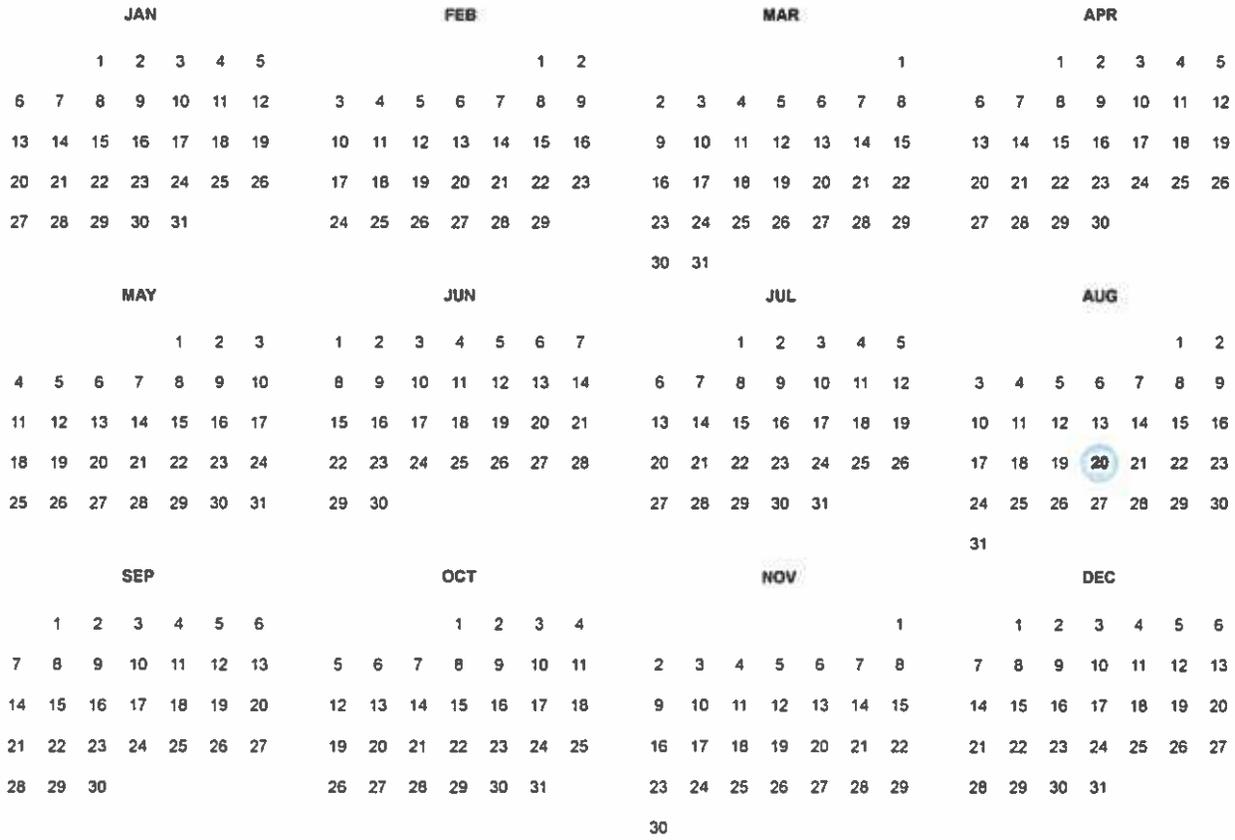
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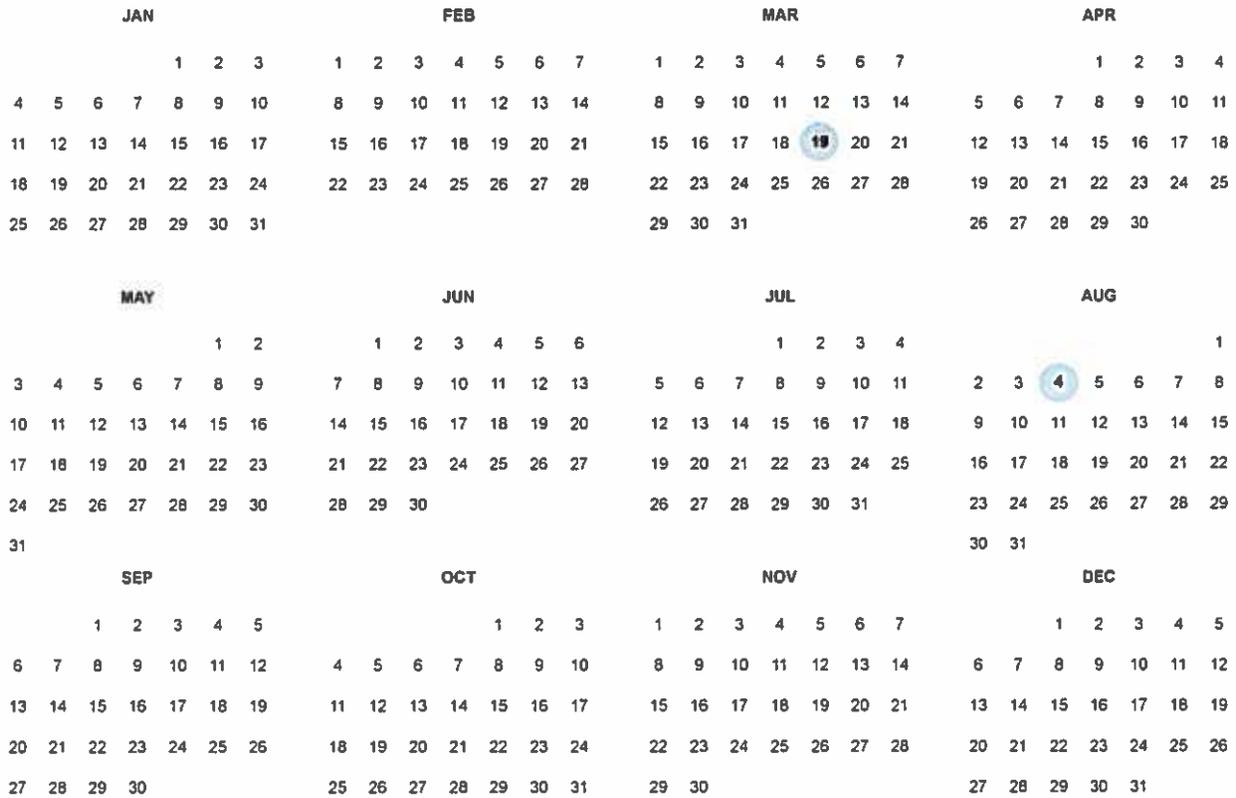
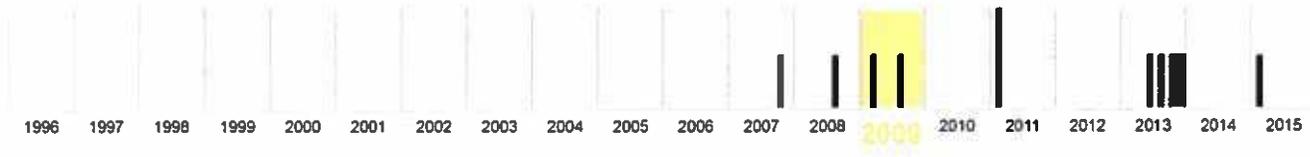
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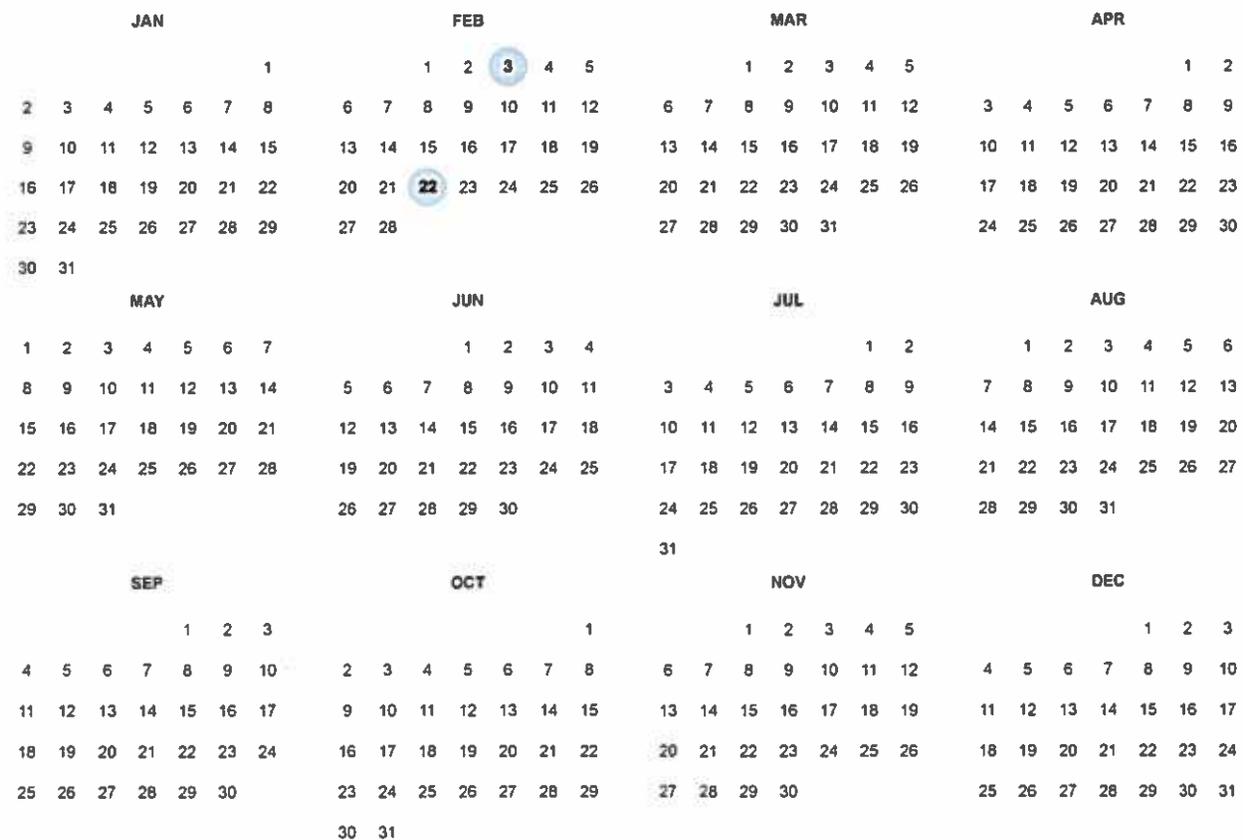
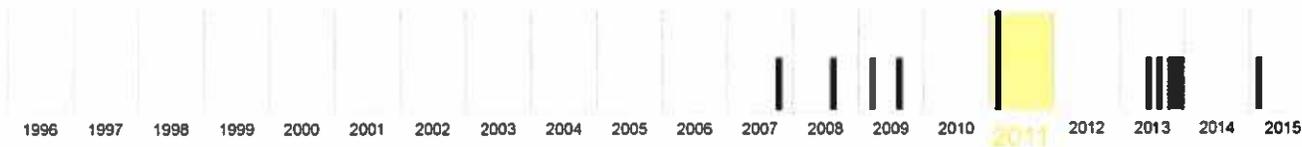
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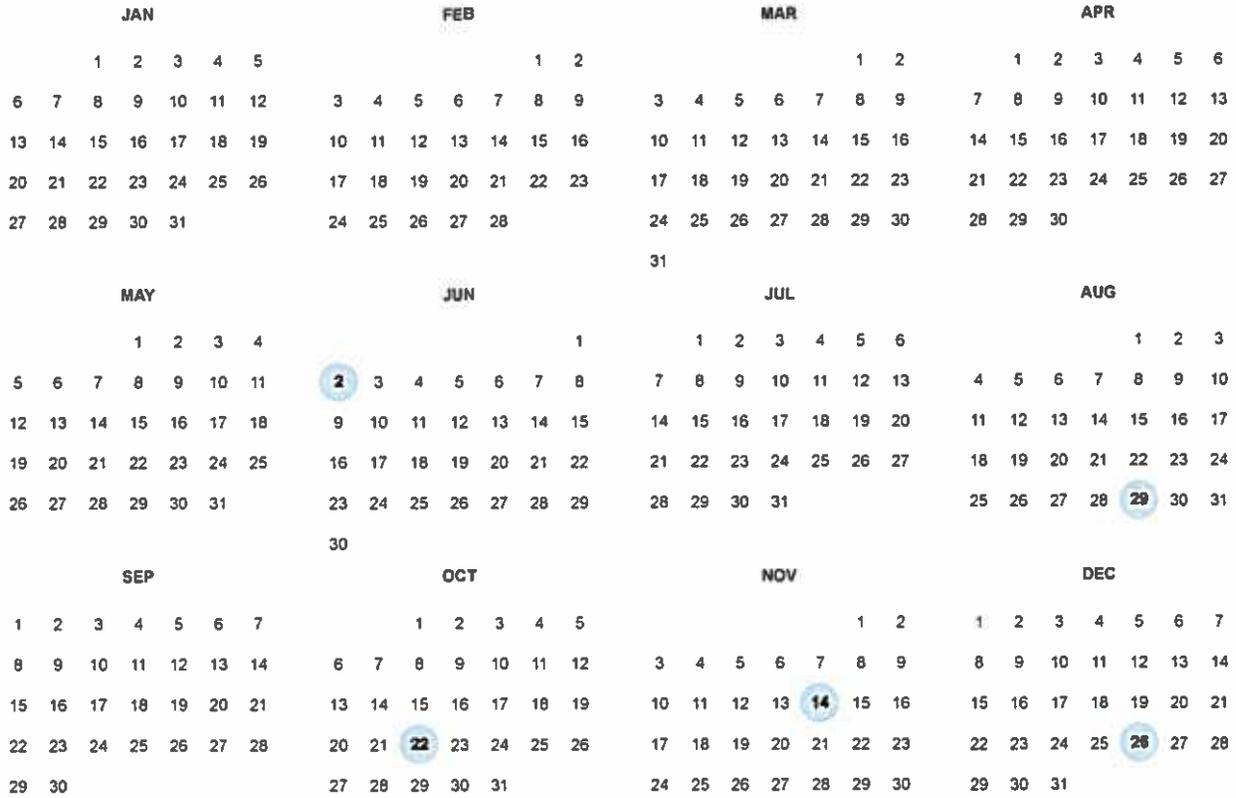
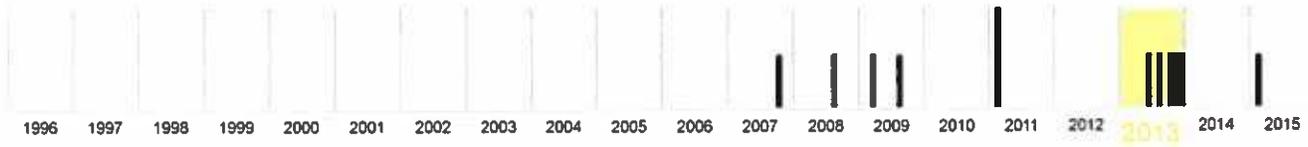
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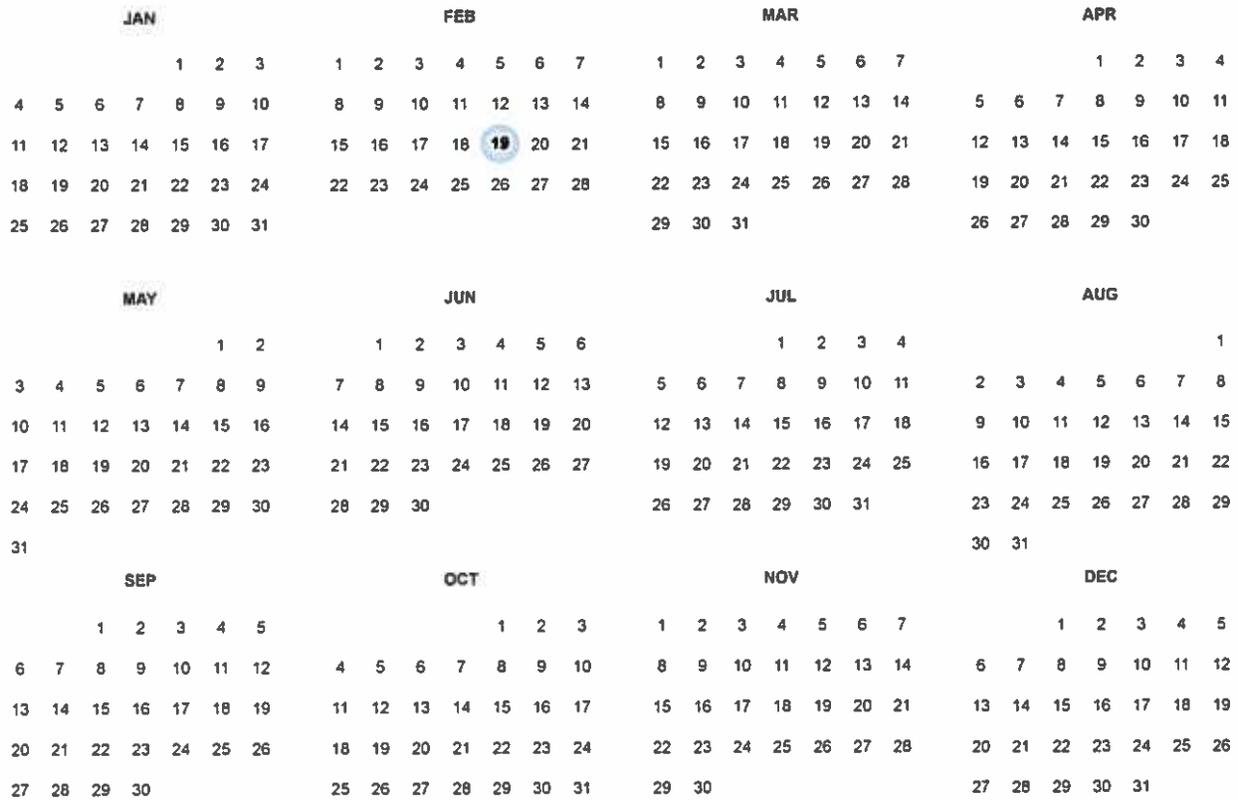
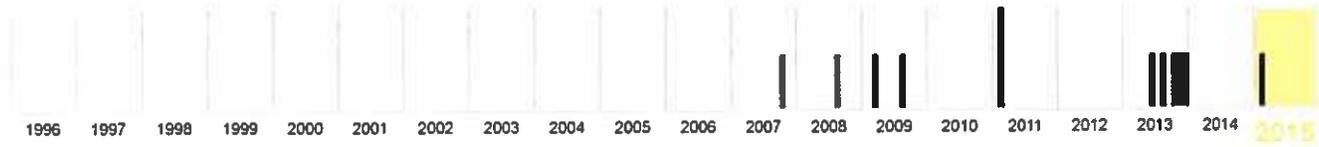
http://www.myspace.com/theblackclouds

BROWSE HISTORY

<http://www.myspace.com/theblackclouds>

Saved 12 times between October 11, 2007 and February 19, 2015.

PLEASE DONATE TODAY. Your generosity preserves knowledge for future generations. Thank you.



Note

This calendar view maps the number of times http://www.myspace.com/theblackclouds was crawled by the Wayback Machine, not how many times the site was actually updated. More info in the FAQ.

The Wayback Machine is an initiative of the Internet Archive, a 501(c)(3) non-profit, building a digital library of Internet sites and other cultural artifacts in digital form. Other projects include Open Library & archive-it.org.

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EXHIBIT B



http://www.myspace.com/theblackclouds

Go

SEP OCT

12 captures

11 Oct 07 - 18 Feb 18

11

2008 2007

Accesos directos:

MySpace

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The Black Clouds



Estados Unidos

Vistas del perfil: 10986

Último inicio de sesión:
11/10/2007

Ver mis: [Estos](#) | [Videos](#)

Para contactar con The Black Clouds

Enviar mensaje

Reenviar a un amigo

Añadir a amigos

Añadir a favoritos

Mensaje instantáneo

Bloquear usuario

Añadir a grupo

Clasificar usuario

URL de MySpace:
<http://www.myspace.com/theblackclouds>

The Black Clouds: Información general

Miembro desde 07/09/2005

Sitio Web de la banda TheBlackClouds.com

The Black Clouds: su último blog [[Suscribirse a este blog](#)]

Marcelino Garcia
Guitar

Chris Conner
Bass

Gregg LoCascio
Drums/Vocals

Past Members:

Rob Blake
Drums 2003-2007

Johnny Larkin
Lead guitar
2004-2006

Doug Z
Bass 2005-2006

Influencias

Influences and Bands we like: Iggy Pop and The Stooges, Nirvana, Mudhoney, The Pixies, Frank Black, The Melvins, Local H, Soundgarden (and any other project Chris Cornell has done), The Sonics, 7 Year Bitch, Foo Fighters, Muddy Waters, Sleater Kinney, The Toadies, Beck, The Who, Flipper, The Beatles, Sonic Youth, Bikini Kill, Jello Biafra, The Dead Kennedys (back when Jello was in the band and they didn't suck), Syd Barrett, Skin Yard, The Velvet Underground, Leadbelly, Fluffy, The Sex Pistols, The Beach Boys, Tom Waits, Ween, TAD, The White Stripes, L7, Le Tigre, The Vines, Queens of the Stone Age, Mr. Bungle, The Dead Boys, Alice in Chains, 13th Floor Elevators, Alice Cooper, The Slits, Elliot Smith, Frank Zappa

Suena como

Your new favorite

Acerca de The Black Clouds



"Buy the 'DEAD FLOWERS' EP Here!"

New bio coming soon. Check us out in the New Line Cinema release "Full of It". It will be in the theaters on March 2, 2007. It features Ryan Pinkston (Spy Kids, Bad Santa, Punk'd), Craig Kilborn, and Carmen Electra. Two songs from the new album will be featured in it. We also appear in the film. I'm not sure if the big screen can handle this much sexy.

Visitor Map
Create your own visitor map!

I'm going to...

RSVP To Vote: M.E.A.N.Y.
Fest. 2007 - MEAN FIDDLER
10/6
Friday, December 14 at The Mean Fiddler

159 people interested:

RSVP Now

The Black Clouds: sus amigos
The Black Clouds tiene 1862 amigos.

Janie

The Sex
Zombies

Santitas



Tipo de discográfica Indie



Ver The Black Clouds- Amigos: Todos | Conectados | Nuevos

The Black Clouds: comentarios de amigos

Estás mirando 50 de 598 comentarios (Ver todos | Comentar)

lily 11 oct 2007 01:47 a.m.



Hi guys!!! Great music!
Enjoy!

M.E.A.N.Y.
FEST 2007

come up for this party if you can Dan



**M.E.A.N.Y. FEST 2007
AND GOING.COM
PRESENT**

**THE FINAL TALES OF
"COLT 45 PARTY"**

BANDS: L.A. BOOTS 'NYC DEBUT' PURPLE CRUSH THE MALL	10/10 STUDIO B 259 BANKER ST. BK DOORS AT 9 FIRST BAND AT 10
DJs: DAVIS DRUMS 'SLAP YOU IN PUBLIC' LAUREN FLAX 'WHITE LIGHTNING' ROBOT BLAIR 'MUSIC FOR ROBOTS'	OPEN COLT 45 BAR 10-11PM AND MIDNIGHT-1AM OPEN JACK BAR 11-12AM 10% OFF FREE WITH RSVP AT WWW.GOING.COM/GOINGTALES

DR. MARY

4 oct 2007 10:43 p.m.



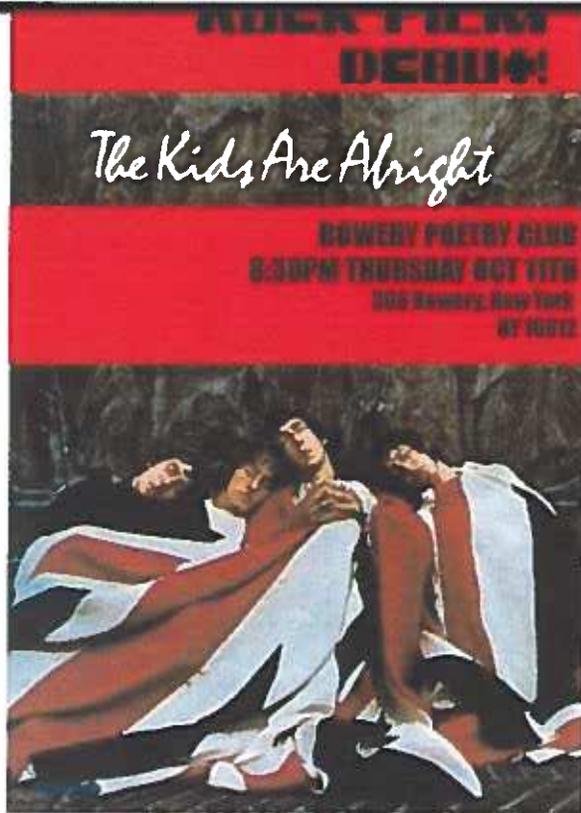
there will be some Jack Daniels swag around for M.E.A.N.Y. FEST I hear!

AMU

2 oct 2007 07:02 a.m.



I hope you guys will come to the first ever MEANY fest rock film:



Popularity 1 oct 2007 07:32 p.m.

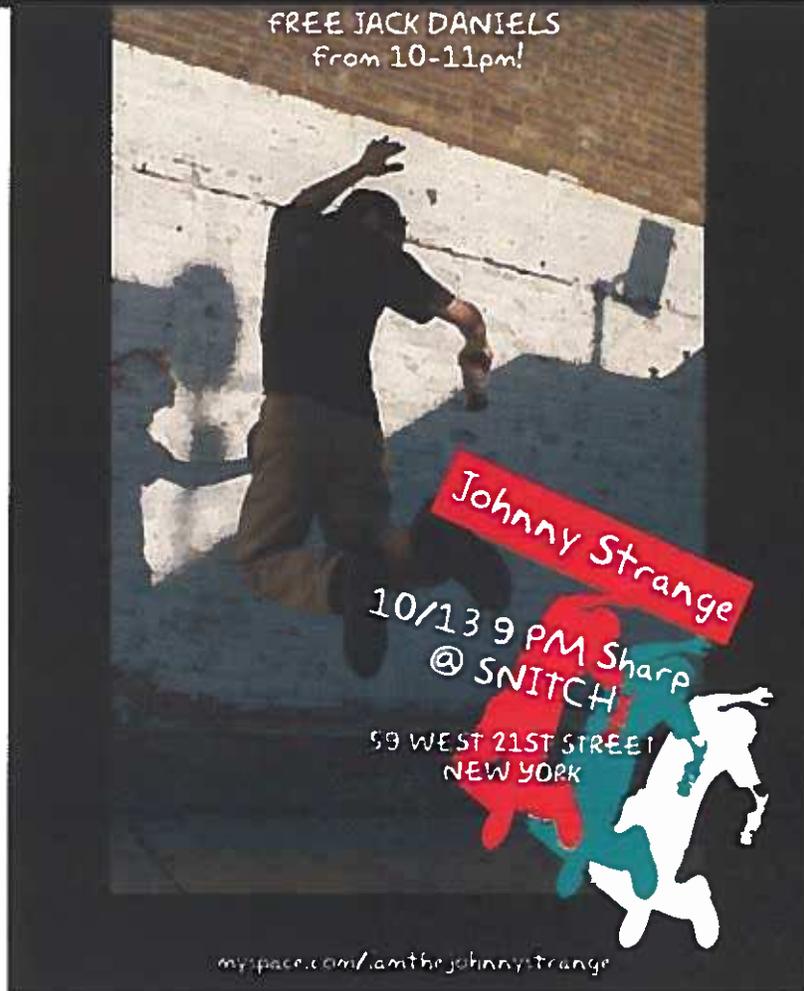


Hey thanks guys. You I'm still impressed every time my media player happens to play one of your songs. You guys are tight.

M.E.A.N.Y. FEST 1 oct 2007 12:09 p.m.



He's jumping because of the JD



The Sex
Zombies

1 oct 2007 08:34 a.m.

Well, I can't get your widget to work either, so....fuck widgets!



DR. MARY

30 sep 2007 11:40 p.m.

It's about time, I was going to report you for discrimination against widgets. Now rsvp on ours just in case!





and let you know about this thing i got today. have you seen those ads for a **FREE \$500 Macy's Gift Card?** man, i was skeptical as hell but i tried one last week, and just today i got mine in the mail! no lie this shit really worked, this is mine:



you should go and get one, all i had to do was enter my email on this site and they sent me it. shiiiiit \$500 for my email? you can have it LOL! anyway go get one while you still can, i heard they're gunna run out. so, if you want your FREE \$500 to Macy's... [CLICK HERE](#)

RLSU IN
PEACE... KISS
OR BLLL!!

24 sep 2007 03:21 p.m.

who?



The Sea
Zombies

21 sep 2007 11:10 a.m.

Hey we are playing some shows with you!



SEX ZOMBIES

No Woman Has Had the Nerve to Try This on Him... and He'll Go Totally Nuts When You Do.

FEEL SEX ZOMBIES INTENSELY

FALL SHOWS

FOLLOW THE SEX ZOMBIES AS THEY LAI WASTE TO TWO STATES!!

9-22-07
Le Grand Fromage
ATLANTIC CITY NJ

10-6-07
the Mean Fiddler
MANHATTAN

10-13-07
the Emerald Tavern
YONKERS NY

10-25-07
Dingbatz
CLIFTON NJ
halloween party
madness!!!

Jessica Alba Sez: visit
WWW.THESEXZOMBIES.COM
for further details!



Asidhucor 21 sep 2007 09:49 a.m.



She was all sixes and sevens!!

THE SEXY 9 sep 2007 04:50 a.m.

What a show- The Black Clouds-- yes!!!!!! Great stuff Dan, see you soon.



SOLSTICE 7 sep 2007 08:06 p.m.



thanx for the comment...keep up the good rock..
----SOLSTICE.

Lukes MUSICI 6 sep 2007 09:17 a.m.

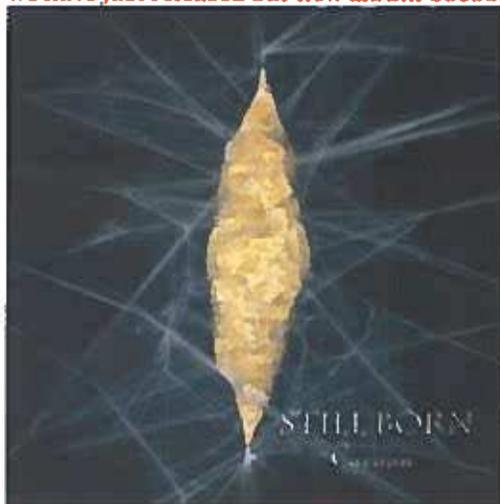


yeps
decided so i can put all my little crations on my main Myspace :)
hows things?
:D

STILL BORN 2 sep 2007 07:02 a.m.



Hey,
we have just released our new album Cocoon...



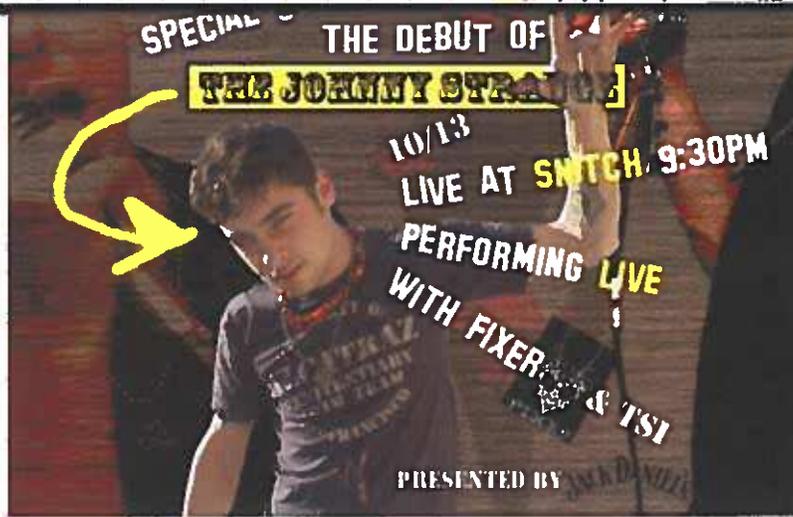
it can be purchased for only 7 Euro + postage or directly on our concerts.
Exclusive samples on

stillborn.com and in lower quality on our Myspace site. Check it out!!!

Greetings Still Born

M.E.A.N.Y. 27 ago 2007 08:35 p.m.





Daniel Pearson 21 ago 2007 07:37 p.m.



Thank you much for your friendship. Cheers!

Possible bitch, Scotch Tape, & Bubble Gum 15 ago 2007 08:36 p.m.



OH YEAH! That's what I'm talkin' 'bout, baby!

Atlanta 15 ago 2007 09:40 a.m.



Yeah baby!!!

GNYS-TV
GNYS-TV.COM 13 ago 2007 09:45 p.m.





CAVERSDUBS 13 ago 2007 12:43 p.m.



Thanx for the add...
How's seattle?
Dig the tunes...

GNYS-TV
ROSEALV.COM

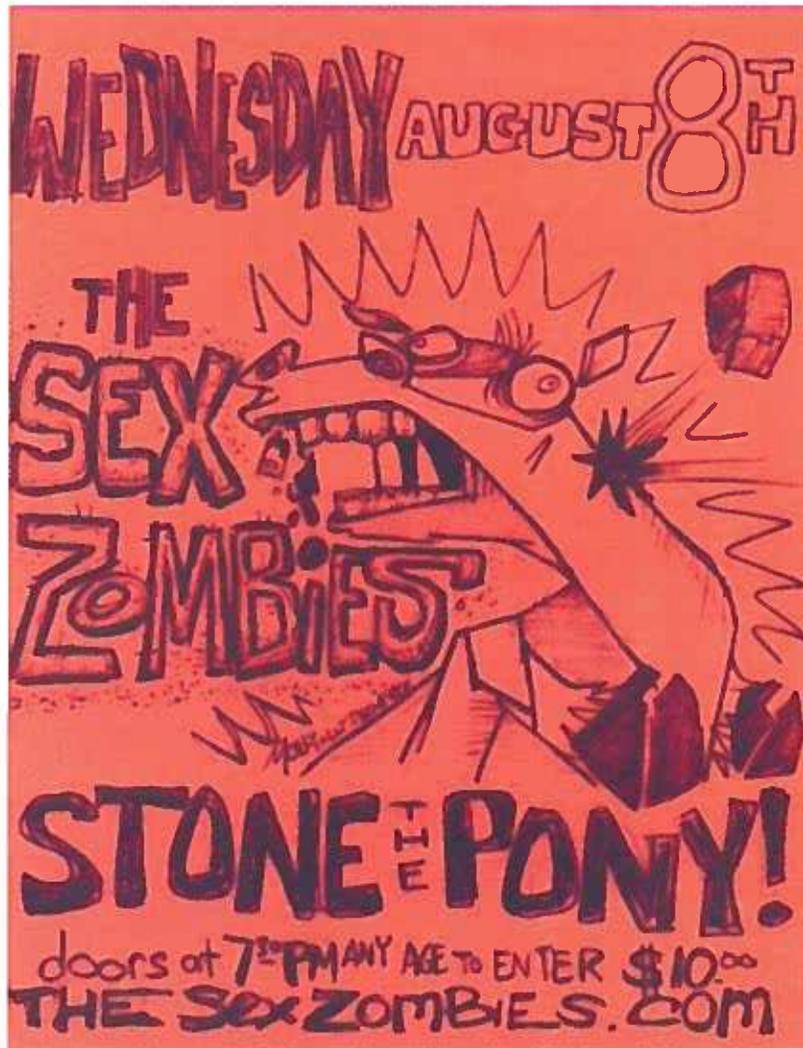
7 ago 2007 07:27 p.m.





The Sex
Zombies

7 ago 2007 02:41 p.m.





ALLI
UNDERGROUND

30 jul 2007 08:17 p.m.



3 New Songs from
"PENTECOST"

Swallow

THE UNDERGROUND

DR. MARY

24 jul 2007 11:39 a.m.



See you guys at the Stone Pony on August 8th, looking forward to the show!

Chemical
Wedding

20 jul 2007 04:32 p.m.

Did Alister's legal team litigate or what?



Suburbia Records

11 Jul 2007 12:06 a.m.



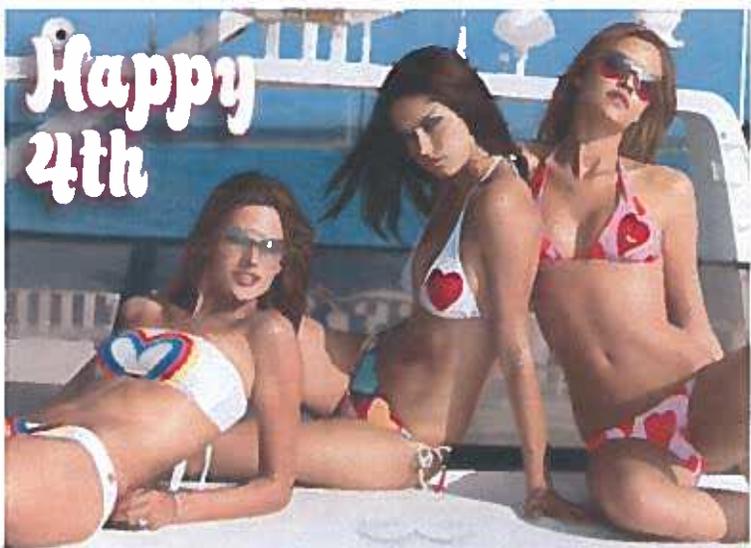
COMING SOON!
NARCOLEPTIC YOUTH
LIMITED EDITION
PICTURE DISC
500 COPIES WITH 2 NEW
RECORDINGS EXCLUSIVE
FROM
SUBURBIA RECORDS!



check out the Suburbia Records
Podcast
Live at The Laundry Room
Featuring Live in studio Guests
FKC Records Recording Artists
"The Krum Bums"

Blue Leather

4 Jul 2007 12:55 p.m.



MySpace Comment Codes

Randall P.

4 Jul 2007 11:02 a.m.

yo dan, how you been man? i'm really diggin that song "decay" , i added it to my profile, haha. we gotta chill soon, sorry i haven't made it to the last couple BBQs. i'll give you a call



dejavu

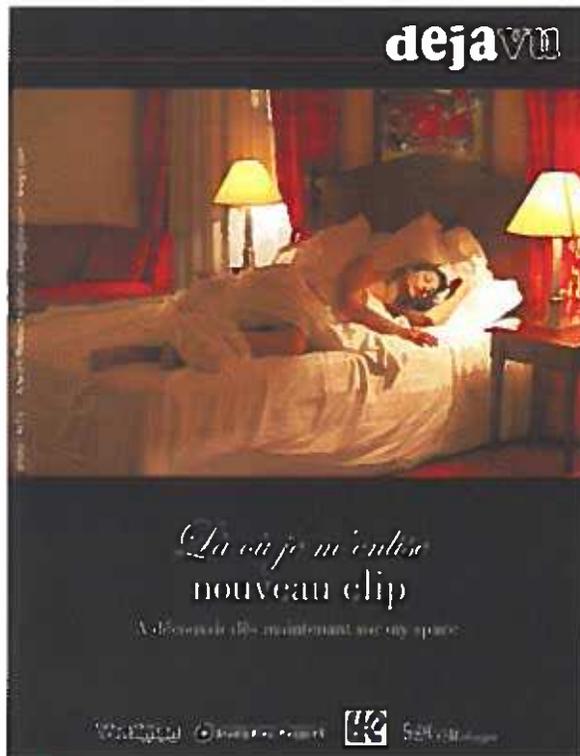
4 jul 2007 03:06 a.m.



Hello,

Le clip de "Là ou je m'enlise" (chanson extraite de notre premier album), réalisé par Venkman prod, est en ligne sur notre page (et aussi un blog avec toutes les photos du tournage)! :-)

A+ bisés
DEJA VU



The Sex
Zombies

13 jun 2007 02:26 p.m.

COME ON OUT AND GET FUCKED!



THE SEX ZOMBIES

advise you to please attend
our show

FRIDAY JUNE 15

RESPONSIBLY

DOORS OPEN AT 9 PM

MUST BE 18 AT THE
DOOR, 21 TO DRINK

MUST BE PRESENT AT
THE BRIGHTON
BAR

LONG BRANCH NJ

SEEN IN THE COMPANY OF THE THICKNESS ARIKAY
SOMC WHORE



CALLISTO
BAMMY

9 jun 2007 11:37 a.m.



right on

lovin the tunes

Carbonated
Print

5 jun 2007 12:38 a.m.

carbonateprint

carbonatedprint

Decays

3 jun 2007 06:05 a.m.





DR_MARY 1 jun 2007 11:07 a.m.



Have a great show tonight!!

Neil Howard 28 may 2007 09:43 a.m.



hey there guys - sorry I missed your show, would love to hear this stuff live...next time then - thanks for the add and keep up the good work...

cheers, Neil

DR_MARY 27 may 2007 05:49 p.m.



Nice show Dan- had a blast. More to come!

The Sex
Zombies

27 may 2007 09:16 a.m.



annette & claire
i miss u guys so
much bff love u!

27 may 2007 09:10 a.m.

no problem u guys ROCK



ENDORPHINS

27 may 2007 05:11 a.m.

sounds good here
thanks for the add
hope you like our style too
see you next dawn
stay bright
endorphins...



annette & claire
i miss u guys so
much bff love u!

26 may 2007 03:16 p.m.

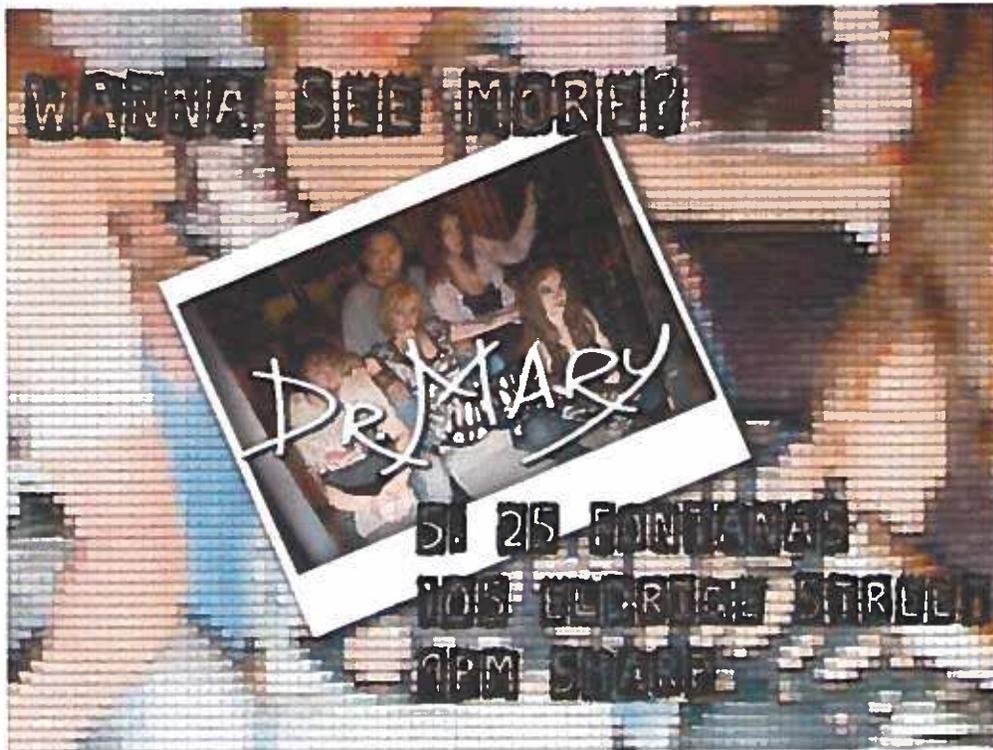
you guys really rock i love the song right where i belong GREAT





DR. MARY 24 may 2007 03:04 p.m.

We can't wait to rock out with the Golden Dawn! Don't miss this show!



DR. MARY 23 may 2007 12:49 p.m.

I hope you have another party soon.I want to go hang out in your graveyard! I need a nice peaceful place!



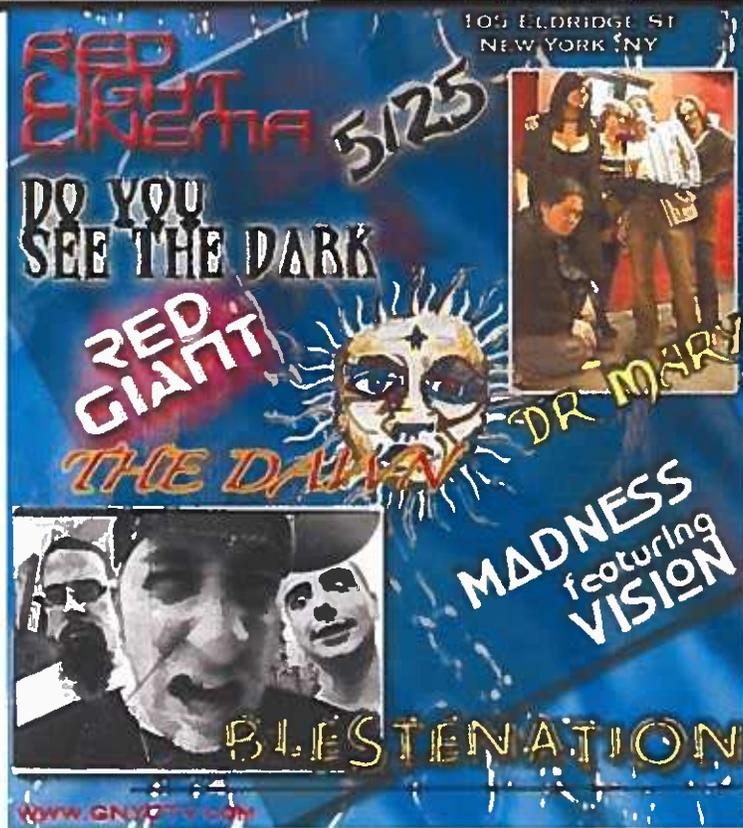
Downside 22 may 2007 04:19 p.m.

you rawkkk
chyeahhhhhhhhhh



GNYC-TV
www.gnyc.com 22 may 2007 03:09 p.m.





the alex skuby band 20 may 2007 11:48 a.m.



YES! Thanks for adding us! Love you stuff too!

The Alex Skuby Band

CHRISTIE 20 may 2007 10:55 a.m.



¿alguien pidió una placa de la rock and roll que derretían de la cara?

Alex C. Johnson 16 may 2007 04:24 a.m.

fun 7" neon blue vinyl record now on sale!

also on itunes.

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Wayback Machine

12 captures

11 Oct 07 - 19 Feb 15

Go

SEP OCT

11

2008 2007



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EXHIBIT C

INTERNET ARCHIVE <http://www.myspace.com/theblackclouds> Go OCT

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Login Sign Up

MYSPACE MUSIC

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The Black Clouds

Rock / Alternative / Grunge

Monmouth County, New Jersey
United States

Profile Views: 32378

Last Login: 8/19/2008

View My: [this](#)
[albums](#)

Contacting The Black Clouds

- [Send Message](#) [Forward to Friend](#)
- [Add to Friends](#) [Add to Favorites](#)
- [IM / Call](#) [Block User](#)
- [Add to Group](#) [Rank User](#)

Upcoming Shows [\(view all\)](#)

- Aug 23 2008 7:00P Matchless Brooklyn, New York
- Sep 13 2008 6:00P Private Birthday Party Show Ocean County

The Black Clouds's Latest Blog Entry [\[Subscribe to this Blog\]](#)

[NYC battle of the bands! Vote for us online! \(view more\)](#)

[Killer Write-up in The Asbury Park Press! \(view more\)](#)

[Radio Stations that you can request us on \(Updated 4/29/08\) \(view more\)](#)

[Buy Wishing Well in CD form or download it at CDBaby Here \(view more\)](#)

[Download our album on iTunes Here \(view more\)](#)

[\[View All Blog Entries\]](#)

MySpace URI
<http://www.myspace.com/theblackclouds>

The Black Clouds: General Info

Member Since 9/7/2005

Band Website TheBlackClouds.com

Rob Vanity
Guitar/Vocals

Chris Conner
Bass

Gregg LoCascio
Drums/Vocals

Past Members:

Marcelino Garcia
Guitar 2006-2008

Rob Blake
Drums 2003-2007

Johnny Larkin
Lead guitar 2004-2006

Doug Z
Bass 2007-2008

Influences

Influences and Bands we like: Iggy Pop and The Stooges, Nirvana, Mudhoney, The Pixies, Frank Black, The Melvins, Local H, Soundgarden (and any other project Chris Cornell has done), The Sonics, 7 Year Bitch, Foo Fighters, Muddy Waters, Sleater Kinney, The Toadies, Beck, The Who, Flipper, Jack Endino, The Beatles, Sonic Youth, Bikini Kill, Failure, Year of the Rabbit, Jello Biafra, The Dead Kennedys (back when Jello was in the band and they didn't suck), Syd Barrett, Skin Yard, The Velvet Underground, Leadbelly, Hüfny, The Sex Pistols, The Beach Boys, Tom Waits, Ween, TAD, The White Stripes, 17, Le Tigre, The Vines, Queens of the Stone Age, Mr. Bungle, The Dead Boys, Alice in Chains, 13th Floor Elevators, Alice Cooper, The Slits, Elliot Smith, Frank Zappa, Pavement



Buy The Black Clouds Records Here

Unleashed in late spring, 2004, New Jersey's Black Clouds play bracing rock music characterized by soaring melodies, dynamic arrangements and superior song craft. Hard, loud and impossibly catchy, the band has won a loyal following by fighting up clubs on both sides of the Hudson River. For fans of classic hard rock and alternative, the Black Clouds aim to bring danger, fun and deep lyricism back to rock and roll. To music lovers, nationwide, who have eagerly awaited the return of danceable, unpretentious rock, the Black Clouds have arrived. With a self-financed, self-produced album released in January of 2008, mixed and mastered by Jack Endino, known best for his work with Nirvana, Soundgarden and Mudhoney, these four motivated young musicians have set their sights very high. They worked ceaselessly to develop a sound that balances the creativity of indie rock with the professional acumen required to achieve mainstream success. -Patrick Veil



Wishing Well is now available at Jack's Music in Red Bank, NJ!



Wishing Well is now available at Underground in Red Bank, NJ!

INTERNET ARCHIVE
Wayback Machine

12 captures
11 Oct 07 - 19 Feb 15

Go

OCT

2007

Supreme rulers of an
that is Rock.

Type of
Label

Indie

Records

Wishing Well is now available at Siren Records in Doylestown, PA!

Dead Flowers Live Acoustic on 106.3 G-Rock with Erin Vogt

*Sigh Alone Live Acoustic on 106.3 G-Rock with Erin Vogt

INTERNET ARCHIVE
Wayback Machine

12 captures
11 Oct 07 - 19 Feb 15

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OCT

2007



The Black Clouds's Friend Space (Top 28)
The Black Clouds has 2425 friends.



12 captures
11 Oct 07 - 19 Feb 15

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2007



THE JOHNSON
STRANGE

EMERSON
THE VERMONT
RECORDINGS



[View The Black Clouds's Friends: All | Online | New](#)

The Black Clouds's Friends Comments

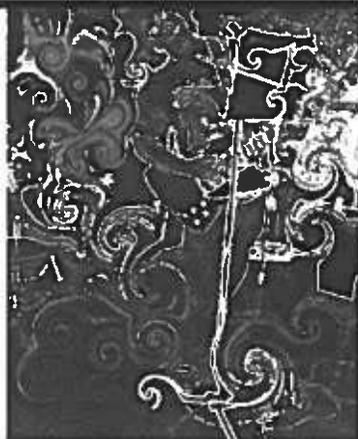
Displaying 50 of 733 comments ([View All](#) | [Add Comment](#))

Mr. P... and
The Adventure
Something

Aug 20 2008 1:25 AM

Aug 20 2008 2:00 AM

Good to see your cleaning house at the battle of the boroughs!!! We are pullin' for you guys way out here!..



Red Star
10/15/08

Aug 18 2008 4:17 PM



NEW BABY WOODROSE 7"



**TWO EXCLUSIVE SONGS AVAILABLE FOR
DOWNLOAD ON ITUNES ETC. AUGUST 1st.
RELEASED ON 7\"/>**

Josh Jones

Aug 18 2008 6:35 AM

fuck ya man!!...keep makin good tunes!!!

Don't sweat the
petty — Pet
the sweaty!

Aug 16 2008 7:51 PM

good show!!

Why didn't you guys tell me you're playing in Brooklyn on the 23rd. I'll be THERE!! I'll try bringing 5 people with me.

[The VIVICONS](#) Aug 3 2008 12:30 AM

Thanks for the add. Here's some video from our last show.

Angel

[July 24, 2008 - The Viva Noh at the Mohawk Place - BUFFALO, NY](#)

Live at the Mohawk Place
After Thursday at the Square (with The Gin Blossoms)
Buffalo, NY
07-24-08

1. Gentlemen Don't Tell
2. Damn the Architecture
3. Bottle and Rope
4. This is Not an Exit
5. Dissolution Soundtrack
6. Her Idle Hands
7. Transmission
8. Sinner in Sunshine
9. So Lively
10. Mapping the Minefields

[The Meltdowns](#) Jul 31 2008 7:37 PM





New EP out! Download it free!

[View Post](#) Jul 24 2008 8:24 AM

thanks, dan!
greetings to new jersey.

tantric cycle

[View Post](#) Jul 25 2008 7:17 PM

ha ha, she has 4 inch heels on so that helps. Hope all is well looks like you've been busy! Gearing up for MI ANY on this end, swamped but good stuff.

[View Post](#) Jul 22 2008 9:24 PM

When you coming back to the pony?

[View Post](#) Jul 19 2008 10:15 PM

ROCK ON!!!!
Glad you like us, we really appreciate it
by the way right where i belong is a really killer tune.

-matt

[View Post](#) Jul 19 2008 2:40 AM

1754000374 Jul 16 2008 5:22 PM



...WE'LL DO THE REST



THANKS FOR THE ADD!
<http://justrockpr.com>

96000 Jul 15 2008 2:14 AM

no problem...i picked up the cd at underground. nice stuff!
any shows?

10000000 Jul 3 2008 5:55 PM

Dan, Chris, & dudes: Killer music! Been digging on ya big time
and sharing your band with friends! Hope to see a live show
soon!
Peace
Dorilicious

your page. You guys should play at the Isognon soon!

3006200: Jul 1 2008 4:20 AM



Dan,
Thanks so much for checking us out and being a friend, we really appreciate that. Good luck with everything!

Best wishes,
Vyom
Narayan

6006530: Jul 1 2008 4:40 AM

good lol
i got season passes so it wont be a problem

6006530: Jul 1 2008 4:42 AM

thanks =]
you guys ever going back to sixflags?

6006530: Jun 30 2008 8:54 PM

Hey thanks for the commen :) write whenever you want!



6006530: Jun 30 2008 8:44 PM

Thany for your add :)
Follow the path of the Nature.
Walk on the Far Plain...
Peace, and keep Rockin'!



Glitch.net.com - Free Image Hosting

Glitch.net.com - Free Image Hosting!

Glitch.net.com - Free Image Hosting!

MT HEAD
11:11

Jun 30 2008 4:21 PM

Great songs, glad we bumped into you.

1000

Jun 30 2008 3:57 AM

Yo guys great fucking show at the saint n guys get better ever show can't wait till the next one

thebottoms

Jun 29 2008 7:06 PM

Last night was good times...keep on rawkin' in the free world...

The Up Collars

Jun 27 2008 11:07 PM

HEY CHECK OUT OUR NEW TUNE!!!
I LOVE THE UPCOLLARS

What's
Woman?

Jun 27 2008 1:00 PM

Like your music as well. Its great to hear music from the heart



EXHIBIT D

Music ▾

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The Black Clouds

Rock / Alternative / Grunge



Monmouth County, New Jersey
United States

Profile Views: 45153

Last Login: 3/18/2009

View My: [pics](#) | [videos](#) | [playlists](#)

Contacting The Black Clouds

- Send Message
- Forward to Friend
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- Add to Favorites
- IM / Call
- Block User
- Add to Group
- Rank User

MySpace URL:

www.myspace.com/theblackclouds

Upcoming Shows [\(view all\)](#)

Mar 21 2009	8:00P	The Salut	Asbury Park, New Jersey
Apr 4 2009	8:00P	John & Peter's	New Hope, Pennsylvania
Apr 9 2009	5:30P	Hot Topic - Monmouth Mall (Acoustic Performance)	Eatontown, New Jersey
Jun 6 2009	8:00P	The Basement	Kingston, New York
Jul 11 2009	8:00P	Bonfire, Camp-out Backyard Party	New Paltz, New York

The Black Clouds: General Info

- Member Since** 9/7/2005
- Band Website** www.theblackclouds.com
- Band Members** Dan Matthews
Guitar/Vocals

The Black Clouds's Latest Blog Entry [\[Subscribe to this blog\]](#)

- Badass Live Band of 2008!!! - The Asbury Park Press** [\(view more\)](#)
- Featured band on 95.9 The Rat's Jersey Rock!** [\(view more\)](#)
- Killer Write-up in The Asbury Park Press!** [\(view more\)](#)
- Radio Stations that you can request us on (Updated 1/13/09)** [\(view more\)](#)

*Cory Moses
Bass*

*Cory King
Drums*

**The Black Clouds
Alumni:**

*Marcelino Garcia
Guitar 2006-2008*

*Rob Blake
Drums 2003-2007*

*Johnny Larkin
Lead guitar 2004-2006*

*Doug Z
Bass 2005-2006*

*Chris Conner
Bass 2006-2008*

*Gregg LoCascio
Drums 2008-2009*

Influences

Influences and Bands we like: Iggy Pop and The Stooges, Nirvana, Mudhoney, The Pixies, Frank Black, The Melvins, Local H, Soundgarden (and any other project Chris Cornell has done), The Sonics, 7 Year Bitch, Foo Fighters, Muddy Waters, Sleater Kinney, The Toadies, Beck, The Who, Flipper, Jack Endino, The Beatles, Sonic Youth, Bikini Kill, Failure, Year of the Rabbit, Jello Biafra, The Dead Kennedys (back when Jello was in the band and they didn't suck), Syd Barrett, Skin Yard, The Velvet Underground, Leadbelly, Fluffy, The Sex Pistols, The Beach Boys, Tom Waits, Ween, TAD, The White Stripes, L7, Le Tigre, The Vines, Queens of the Stone Age, Mr. Bungle, The Dead Boys, Alice in Chains, 13th Floor Elevators, Alice Cooper, The Slits, Elliot Smith, Frank Zappa,

[View all Black Clouds]

About The Black Clouds

You can contact The Black Clouds via Myspace or at mail@theblackclouds.com

Drawing by Megan Gale



"Buy The Black Clouds Records Here"

Unleashed in late spring, 2004, New Jersey's Black Clouds play bracing rock music characterized by soaring melodies, dynamic arrangements and superior song craft. Hard, loud and impossibly catchy, the band has won a loyal following by lighting up clubs on both sides of the Hudson River. For fans of classic hard rock and alternative, the Black Clouds aim to bring danger, fun and deep lyricism back to rock and roll. To music lovers, nationwide, who have eagerly awaited the return of danceable, unpretentious rock, the Black Clouds have arrived. With a self-financed, self-produced album released in January of 2008, mixed and mastered by Jack Endino, known best for his work with Nirvana, Soundgarden and Mudhoney, these four motivated young musicians have set their sights very high. They worked ceaselessly to develop a sound that balances the creativity of indie rock with the professional acumen required to achieve mainstream success.
-Patrick Veil



"Wishing Well is now available at Jack's Music in Red Bank, NJ!"



Like

Grand Masters and
Supreme Rulers of all
that is Rock.

Record
Label

Unknown Indie

Type of
Label

Indie



Wishing Well is now available at Siren Records in Doylestown, PA

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Dead Flowers Live Acoustic on 106.3 G-Rock with Erin Vogt

Sigh Alone Live Acoustic on 106.3 G-Rock with Erin Vogt

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2007 2008

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The Black Clouds's Friend Space (Top 29)
The Black Clouds has 2677 friends.

- | | | | |
|--------------------|-------------------------|--------------|-------------------------------------|
| The Sex
Zombies | Scarlet Tesser | jack endline | SweetLeaf
Squidy |
| | | | |
| Vaulties | Cycle of Pain | Stippage | Reverend
Flashback |
| | | | |
| JW | UNDERGROUND | Elmice | Ryan Green &
Auntie
Blackbird |
| | | | |
| Jimmy | Andorign
photography | Nick | SKULL BOY |
| | | | |
| EDSSNIE | Killer Brown | Sonic Youth | GSAC TV
guytv.com |



11Z



Hand Cooled



Mudhoney



Aspirator



Sonny Kent



Megan Code



THE JOHNSA
STRANGE



The Invincible
Gods



DR. MARY



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The Black Clouds's Friends Comments

Displaying 10 of 806 comments ([View All](#) | [Add Comment](#))

[AUSTERO](#)

Mar 19 2009 12:12 AM



hey, thank you! we don't know when we're going yet. But as soon as we know,we'll let you know. Have a nice day.

Thanks, austero

[GAMABRO](#)

Mar 17 2009 12:41 AM





THANKS
FOR THE ADD
ERG



haha

7.



Message



Message



robl



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Message



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... s ...



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The Black Cloud

Album cover for "The Black Cloud" by The Roots. The cover features a black and white photograph of the band members sitting on a log in a wooded area. The title "The Black Cloud" is written in a stylized font at the top. Below the photo, there are navigation links: "Disc | Videos | Playlists".

Track listing for "The Black Cloud" album. The list includes track numbers and titles, such as "1. The Black Cloud" and "2. ...".

Additional information or a secondary track listing for the album.

Lyrics for the first track of the album, starting with the letter "I".

This block contains a list of related albums or tracks. It includes titles like "This Book" and "Bu...", along with star ratings and "view" links for each item.

Additional related content, possibly more album recommendations or a continuation of the track listing.



<p>The Day Zombies</p> <p>THE DAY AFTER TOMORROW</p>	<p>Scud! Fever</p>	<p>8½</p>	<p>Nanette</p>
<p>N.A. A.C.U.S.</p>	<p>Shipwreck</p>	<p>BY</p>	<p>Jack and Jill</p>
<p>Shogun</p>	<p>Shogun</p>	<p>9</p>	<p>J.C.</p>



[View The Black Clouds's Friends: All | Online | New](#)



quarter of a million people. Also, by uploading your video you are automatically entered in the running to be a part of our Friday "Independents Day" e-blast, dedicated to indie artists that exposes your work to a lengthy list of music industry execs.

If you need help or want more information please call Troy at 718.292.9059 ext 14.

Black Lips
"Dirty Hands"
(Indie Rock Metal)

Richie Fields
"Man Enough To Cry"
(Indie Country)
<object width="320" height="240">
Jul 19 2009 11:52 PM

Yesterdays End





Experience



Released by Section 27

Schizophrenic Man

Jul 1 2009 3:53 PM



Welcome back!

Hope you guys start playing again soon. What's your deal with shows, I know you're much bigger than us (we haven't even started! lol) but if you wanna play a low-key house party at some point, my attic is gonna be sweet by the end of this coming month.

Oh we put up some new old bullshit tracks, so lemmy know whatchu think? Hsha alright peace out

Momma B

Jun 26 2009 3:52 AM



WELCOME HOME!! It was so wonderful to hold my son today - Big Hugs for all of you for your safe return from your 2009 tour!! Remember July 19th is my "Welcome Home Dinner" @ 6:30!! Hope you all can make it!! Rest up - you all need it - Give Thanks - you are all home safe and you've made so many new friends!! See you all real soon :) Love, Momma B

Mustang Jack

Jun 25 2009 10:35 PM



Thanx for the add
U GUYS ROCK!!

Liam

Jun 25 2009 10:17 PM



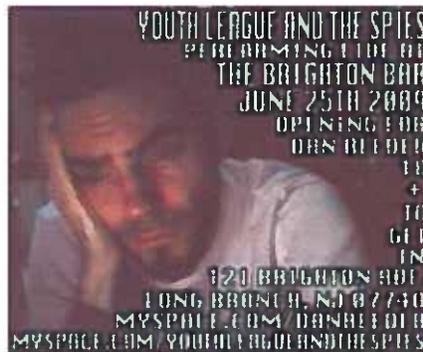
and now for some comic relief...

Don't sweat the petty
Pet the sweaty!! Jun 25 2009 1:43 AM



I had so much fun this past weekend at your show! I dont know what to do with myself now- thanks again

llggwuknosiknosuknoy Jun 24 2009 2:22 AM



Don't sweat the Petty.
Pet the sweaty! ha ha! that's awesome!
Hope the tour's been fun!

Dana Girl

Jun 22 2009 3:51 AM



Thanks so much for everything.. Chad and I had a great time, you guys are amazing..! See ya again soon.. Have fun in Montana! :)

Dana

Don't sweat the petty
Pet the sweaty!! Jun 21 2009 4:11 PM

you guys killed it last night, by far the best performance i've seen by anyone in a very long time!!



Scarlet Fever

Jun 20 2009 11:54 PM



Fuck right bitches! Tonight.....finally....the best show ever!

Danell Anderson

Jun 20 2009 7:02 PM



the black clouds , maklak, and slippage man i thought this show would never come YEAH!

Momma B

Jun 20 2009 3:24 AM



Hi guys :) Been soooo enjoying the photo's and videos posted so all of us can experience your tour with you!! A "Welcome Home Dinner" is planned at my place - band members and the lovely girls for Sunday July 19th 6:30. Can't wait to hear all about the tour!! Rock on guys - enjoy the last few shows and SAFE trip home. Miss you Big!! Love, Momma B

A Diary of Need

Jun 19 2009 9:05 PM



A DIARY OF NEED



Free Show!! Tonight!! Friday June 19th 2009 @ 7:30PM

A Diary of Need - 8PM
The Aviation Orange (NYC) - 9PM
Chemtrail - 10PM
Live at StyleRocket Clothing on the Asbury Park Boardwalk

Live at the Asbury Lanes

**A Diary of Need 6:15PM*
Asbury Park, NJ 07712**

\$12 ADV - \$15 Door!!

Friday June 26th 2009

**Doors @ 7:00PM Schisim (Tool Tribute Band) A Diary of Need
- 8PM w/ special guests 21+ Tix: 10 ADV - 12 Door. [Click for Tix](#)
or Visit www.livenation.com**

Sunday July 26th 2009

Live Nation & Live and Local Present

YES & ASIA

**w/ Specail Guests and A Diary of Need
Venue: Six Flags Great Adventure
Jackson, NJ
Stay Tuned for Ticket Information!!**

**We are gonna try and stream some of these shows, so if you cant make it, you
can watch it here!www.ustream.com/adlaryofneed - **Also Follow us on
twitter [Come out and support Local Music!!](#)**
www.wavegathering.com www.myspace.com/adlaryofneed
www.twitter.com/adlaryofneed**

Deelay =D=

Jun 19 2009 5:37 PM



Tubularrrr!

:D

SIENNA
RELIQUATIONAL

Jun 16 2009 1:33 PM



**Hi There
We are a promo page deidcated to supporting Birmingham
Hardeore Indie boys SIENNA.
Please take a second to check them out. They have an amazing
new track called Invincible and loads of gigs booked up, not
to mention one one 6th July with download/reading and leads
performers The Ghost Of A Thousand.
Appreciate your time.
WWW.MYSPACE.COM/SIENNA**

Thanks

TEAM SIENNA

NCM BROOKING US
TOUR for QCF

Jun 13 2009 8:54 PM



**keep it rockin mother fuckers!!...can't wait till ya come back
to new paltz!!**



see you suckers in 2 days.

brother plague

Jun 11 2009 12:46 AM



wwuuzzz up! you guys should play that improv song all the time. rocked! looks like all is well, keep on rockin! missing you in jersey. over and out.

The Jug Huggers

Jun 10 2009 4:06 PM



you guys fuckin killed it last night at The Basement

[Add Comment](#)

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“ R.I.P. Captain Beafheart ” 3:30 PM Dec 18, 2010

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General info

Genre: Alternative / Grunge / Rock
 Location: Monmouth County, New Jersey, US
 Profile Views: 65822
 Last Login: 2/2/2011
 Member Since: 9/7/2005
 Website: www.TheBlackClouds.com
 Type of Label: Indie

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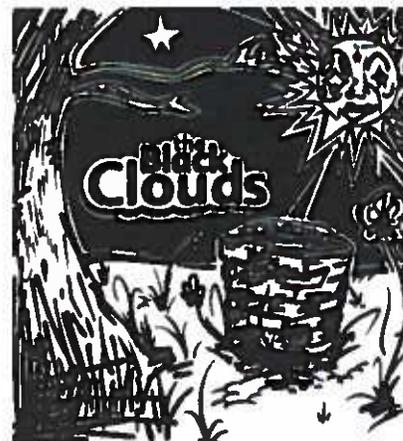
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Bio:

You can contact The Black Clouds via Myspace or at theblackclouds7@gmail.com



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The Black Clouds R.I.P. Captain Beafheart.

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Dec 18

The Black Clouds is now using Myspace for BlackBerry

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Dec 08

The Black Clouds Our show tonight in NYC is canceled. We're really sorry about the inconvenience this may cause. We'll have another show set up in NY soon!

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Sep 18

The Black Clouds Contact us at theblackclouds7@gmail.com for discounted

Sep 02

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via [myspace.com](#)
 We're opening for the Toadies again! We need to sell tickets (and they're cheaper from us) so email us at theblackclouds7@gmail.com to get em!
[See more](#)

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Aug 27

The Black Clouds We're playing tonight at The Saint in Asbury Park with Zelazowa and Mr. Paranoid & The Voices. Gonna be a cool show. Come Hang!

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the Black Clouds - New Mexican Shower
 00:34 | 109 plays | Jun 13 2009

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*Wishing Well is now available at Dynamite Record in Northampton, MA!



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Bigh Alone Live Acoustic on 108.3 G-Rock with Erin Vogt

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Dead Flowers
5 All Songs | Jun 12, 2010

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Post a comment

 Crusher Records SPIDERS from Sweden release debut record on 10-inch vinyl by the end of January, 2011. With members from bands like Witchcraft, Graveyard and Madamm you know you are in for a treat. SPIDERS mix garage punk and early hard rock with bluesy melodies [line_break][line_break]Join our newsletter!
6 days ago

 MARIA DI MAGDALA***OFFI... <http://ourstage.com/profile/mdmprod> <http://sonicbids.com/mariadimagdala>
happy holidays and Merry Christmas to you my friend
I will appreciate to see a comment on my new site
LOVE AND LIGHT MARIA
E9CS4EA0674A8B354C02F43E49B87.jpgBROUILLARD DE NOEL.jpg'
40 days ago

 Digitalrevolutionrecord...  OPEN% 20HEAD% 20TRIP
77 days ago

 Chasing Bright Lights--... hey there... Brit Rock/Folk from Montreal. check us out. cheers. j-d
134 days ago



07 places mapped @ 3:45 am EST Feb 3

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Member Since:
September 07, 2005
Members:

Dan Matthews
Guitar/Vocals

Rob Blake
Guitar/Vocals

Gary Moses
Bass

Cory King
Drums

The Black Clouds Alumni:

Marcelino Garcia
Guitar 2006-2008

Rob Blake
Drums 2003-2007

Johnny Larkin
Lead guitar 2004-2008

Doug Z
Bass 2005-2008

Chris Conner
Bass 2006-2008

Gregg LoCascio
Drums 2008-2009

Influences:

Influences and Bands we like: Iggy Pop and The Stooges, Nirvana, Mudhoney, The Pixies, Frank Black, The Melvins, Local H, Soundgarden (and any other project Chris Cornell has done), The Sonics, 7 Year

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COVER PICTURES FROM THE VISUAL ARTWORK "STUDI PER LA DISPOSIZIONE DEI FRAMMENTI DELL'UOMO" BY LUCIANO APPIGNANI

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His Name Was Iron

Check out HIS NAME WAS IRON's full-length debut record "Charlots For Hire" in online stores everywhere!
162 days ago



!SHILOH! So what's up!
whatta ya think?

Jello was in the band and they didn't suck), Syd Barrett, Skin Yard, The Velvet Underground, Leadbelly, Fluffy, The Sex Pistols, The Beach Boys, Tom Waits, Ween, TAD, The White Stripes, L7, Le Tigre, The Vines, Queens of the Stone Age, Mr Bungle, The Dead Boys, Alice in Chains, 13th Floor Elevators, Alice Cooper, The Sits, Elliot Smith, Frank Zappa, Pavement
Sounds Like:

Grand Masters and Supreme Rulers of all that is Rock.

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The Sex Zo... SweetBeef... Vanities



NCM ON U... jack endino Scarlet Fever



Un Titled Slippage indie Onth...



Senium John Agnelio Gregg LoC...



Under Gro... Ryan Gree... Jared M



James Cur... findorion p... The Saint



Nick The Invinc... LONNIE

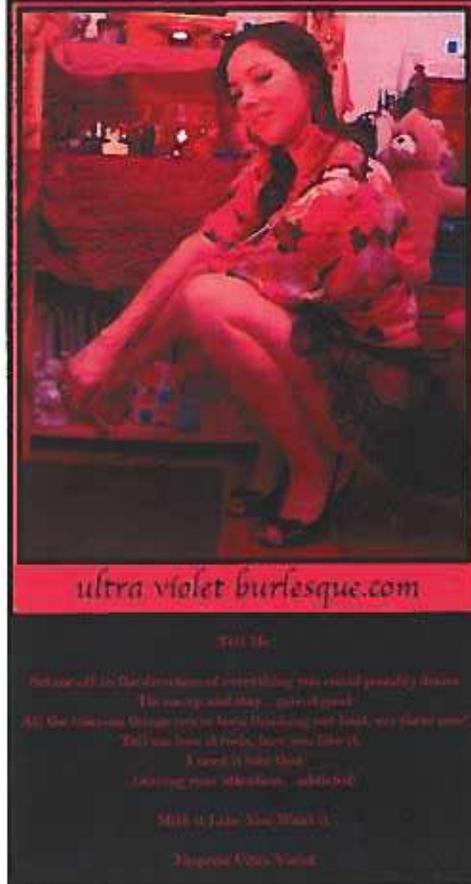
Leighann ... Killer Brown Sonic Youth

Before Cars Megan Gale QNYC-TV ...

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 She The Slut (new poems)
 hey
 come check out my first official music video!
 It's for the song "Blackout"
 which is raw as fuck
 along with the rest of my poetry and music
 lemme know if you dig it
 right on.
 179 days ago

 Ultra Violet Burlesque

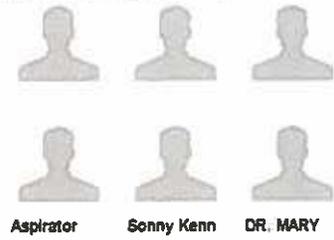


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 Aspirator Sonny Kenn DR. MARY

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“ We're playing a last minute show at The Saint in Asbury Park this Friday (2/11). Come hang out. You can find more info here: <http://link.ms/Jgy56> ” Mood: pretty 8:04 AM Feb 9

The Black Clouds Friend

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- Videos
- Blog
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- Comments
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General info

Genre: *Alternative / Grunge / Rock*
 Location: *Monmouth County, New Jersey, US*
 Profile Views: *86522*
 Last Login: *2/20/2011*
 Member Since: *9/7/2005*
 Website: www.TheBlackClouds.com
 Type of Label: *Indie*

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The Black Clouds Feb 09
 We're playing a last minute show at The Saint in Asbury Park this Friday (2/11). Come hang out. You can find more info here: <http://link.ms/Jgy56>

Mood: pretty ☺

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The Black Clouds Dec 18
 R I P Captain Beefheart.

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The Black Clouds Dec 08
 is now using Myspace for BlackBerry

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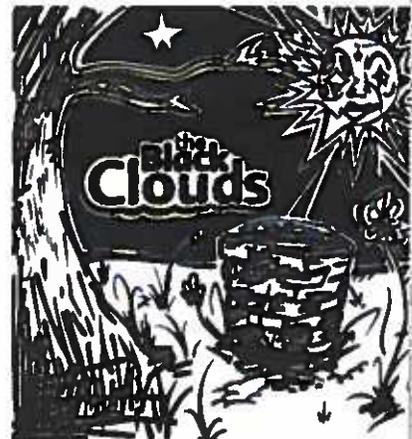
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Bio:

You can contact The Black Clouds via Myspace or at theblackcbuds7@gmail.com



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Wishing Well is now available at Jack's Music in Red Bank, NJ!



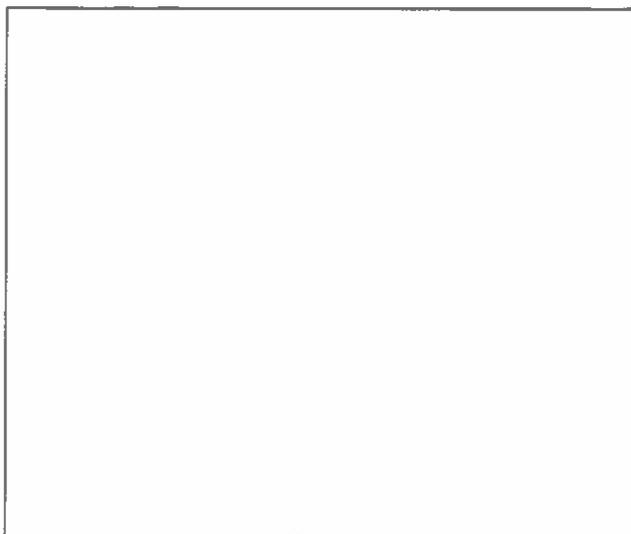
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Dead Flowers
5 All Songs | Jun 12, 2010

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... FREE BAND VENUE LISTINGS BY STATE ...

yesterday
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825 Records ..

825 Records artist Fleet Walker will be playing an acoustic set at Bar East in NYC on Feb 26th at 8pm. Hope to see you there!!

6 days ago
- 

Crusher Records SPIDERS from Sweden release debut record on 10-inch vinyl by the end of January, 2011. With members from bands like Witchcraft, Graveyard and Madamm you know you are in for a treat. SPIDERS mix garage punk and early hard rock with bluesy melodies [line_break][line_break]Join our newsletter

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- 

MARIA DI MAGDALA***OFFI... <http://ourstage.com/profile/fmdmprod> <http://sonicbids.com/mariadimagdala>

happy holidays and Merry Christmas to you my friend

I will appreciate to see a comment on my new site

LOVE AND LIGHT MARIA

E9C54EA0674A6B354C02F43E49B87.jpgBROUILLARD DE NOEL.jpg"

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- 

Digitalrevolutionrecord... OPEN% 20HEAD% 20TRIP

97 days ago
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Chasing Bright Lights--... hey there... Brit Rock/Folk from Montreal. check us out. cheers. j d

154 days ago
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Engine Of Saturation Re... KID ATARI AND HIS MATE KAIDE PRESENTS THIS EP OF PROGRESSIVE DRUMN BASS WHERE THE TENSION OF THE BEATS TO TRANSFORM IN AN ORIGINAL D'NB COME ON

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COVER PICTURES FROM THE VISUAL ARTWORK "STUDI PER LA DISPOSIZIONE DEI FRAMMENTI DELL'UOMO" BY LUCIANO APPIGNAN

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Engine Of Saturation Re... GREATEST HITS OF NORSE/SLH CALLED ANT2



116 places mapped 10:38 pm 15 Feb 22

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Member Since:
September 07, 2005

Members:

Dan Matthews
Guitar/Vocals

Rob Blake
Guitar/Vocals

Gary Moses
Bass

Cory King
Drums

The Black Clouds Alumnl...

Marcellino Garcia
Guitar 2006-2008

Rob Blake
Drums 2003-2007

Johnny Larkin
Lead guitar 2004-2006

Doug Z
Bass 2006-2006

Chris Conner
Bass 2006-2006

Gregg LoCasolo
Drums 2006-2009

Influences:

Influences and Bands we like: Iggy Pop and The Stooges, Nirvana, Mudhoney, The Pixies, Frank Black, The Melvins, Local H, Soundgarden (and any other project Chris Cornell has done), The Sonics, 7 Year

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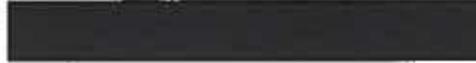
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His Name Was Iron



Check out HIS NAME WAS IRON's full-length debut record "Charlots For Hire" in online stores everywhere!
182 days ago



ISHILOH! So what's up!
whatta ya think?

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Jello was in the band and they didn't suck), Syd Barrett, Skin Yard, The Velvet Underground, Leadbelly, Fluffy, The Sex Pistols, The Beach Boys, Tom Waits, Ween, TAD, The White Stripes, L7, Le Tigre, The Vines, Queens of the Stone Age, Mr. Bungle, The Dead Boys, Alice In Chains, 13th Floor Elevators, Alice Cooper, The Sits, Elliot Smith, Frank Zappa, Pavement
Sounds Like:

Grand Masters and Supreme Rulers of all that is Rock.

Shows & Events

No upcoming shows/events

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Friends (29)

The Black Clouds has 3238 friends.

[View All Online New](#)



The Sex Zo...



SweetBeef ...



Vanities



NCM ON U...



jack endino



Scarlet Fever



Un Titled



Slippage



Indie Onth...



Senium



John Agnelo



Under Gro...



Ryan Gree...



Jared M



James Cur...



findorion p...



The Saint



Nick



The Invincl...



LONNIE



Leighann ...

Killer Brown

Bonic Youth

Before Cars

Megan Gale

GNYC-TV ...

Aspirator

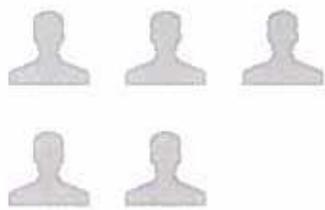
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- Celebrity

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- Justin Bieber haircut
- Kim Kardashian
- Super Bowl Commercials
- Curators
- Lady Gaga
- Eminem
- Born This Way

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IGN

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The Black Clouds

The Black Clouds Radio

Profile

Music

Photos

Videos

Shows

Blog

Stream

Friends

Comments

Music

Featured Songs Albums Playlists

FEATURED SONG

No Reason

Album:
Released: Jan 1, 2010
Label:

PLAY ALL (19)

- No Reason** 3:03 511 plays
- All or Nothing** 2:56 304 plays
- Rid of Me** 2:34 249 plays
- Nothing Left To Take** 2:58 8,195 plays
- Sigh Alone** 3:17 5,236 plays

Total Plays: 34,328 / Plays Today: 5

See All Featured ▶

Shows & Events

No upcoming shows/events

Bring The Black Clouds Worldwide!

Info

Contact:

You can contact The Black Clouds at theblackclouds7@gmail.com or on Facebook here: www.facebook.com/pages/The-Black-Clouds/101315741799

Members:

Dan Matthews
Guitar/Vocals

Rob Blake
Guitar/Vocals

Gary Moses
Bass

Open Player

Top Friends

The Black Clouds has 3268 friends

- The Sex Zo...
- SweetBeef...
- NCM ON U...
- jack endino
- Un Titled
- Slippage



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FEB 2 2013

The Black Clouds Alumni:

Marcelino Garcia
Guitar 2006-2008

Rob Blake
Drums 2003-2007

Johnny Larkin
Lead guitar 2004-2006

Doug Z
Bass 2005-2006

Chris Conner
Bass 2006-2008

Gregg LoCasio
Drums 2008-2009

Senium

John Agnelo



Ryan Green...



James Curran



The Saint



Nick



LONNIE



Leighann B...



Sonic Youth



Before Cars



GNYC-TV g...



Aspirator



DR. MARY



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Red Bank, NJ*

**Wishing Well is now available at Jack's Music in*



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EASY STREET RECORDS
SEATTLE, W.A.

**Wishing Well is now available at Easy Street Records in Seattle, WA!*

Dead Flowers Live Acoustic on 106.3 G-Rock with Erin Vogt

Sigh Alone Live Acoustic on 106.3 G-Rock with Erin Vogt

Open Player

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map logo

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- [Celebrity](#)
- [Television](#)
- [Events](#)
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- [IM](#)

What's Trending

- [Timberlake "I'm Ready"](#)
- [Justin Timberlake New Song](#)
- [Justin Timberlake New Song 20](#)
- [Justin Timberlake Suit & Tie](#)
- [Justin Timberlake Jay-Z New S](#)
- [JT and Jay-Z Suit & Tie](#)
- [Justin Timberlake & Timbaland](#)
- [The 20/20 Experience](#)

What's Trending

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- [Justin Timberlake 2013 Single](#)
- [Justin Timberlake New Track](#)
- [Jay-Z Suit and Tie](#)
- [Stream JT's New Song](#)
- [Stream Timberlake's Suit & Tie](#)
- [JT, Jay-Z, Timbaland, Shawn C](#)
- [Exclusive Justin Timberlake Sui](#)

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Music | **My Playlists** | Music Videos | Charts | Music News | Events



The Black Clouds

The Black Clouds Radio

Profile

Music

Photos

Videos

Shows

Blog

Stream

Friends

Comments

Music

Featured **Songs** Albums Playlists

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[Open Playlist](#)

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The Sex Zoo	SweetBeef
NCM ON U	jack endino
Un Titled	Silpage



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2
2011 2013

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Music | **My Playlists** | Music Videos | Charts | Music News | Events



The Black Clouds

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- Profile
- Music**
- Photos
- Videos
- Shows
- Blog
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- Friends
- Comments

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 Un Titled	 Slppage



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The Black Clouds

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Top Fans

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Radio

2K 3,237

Spring Lake, NJ

Top 8



- 02 Let The St
- 03 In The Ga
- 04 Right Whe
- 05 Sigh Alone
- 06 Decay
- 07 Nothing Lc
- 08 All or Not
- 09 Rid of Me
- 10 No Reasor

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The Black Clouds

Music

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- 10 No Reasor

GIORDANO, HALLERAN & CIESLA, P.C.
125 Half Mile Road, Ste. 300, Red Bank, N.J. 07701
(732) 741-3900
Attorneys for Petitioner, Daniel P. Matthews

DANIEL P. MATTHEWS

Petitioner,

v.

BLACK CLOUDS LIMITED LIABILITY
COMPANY

Registrant.

UNITED STATES PATENT AND
TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL
BOARD

CANCELLATION NO. 92058978

CERTIFICATE OF SERVICE

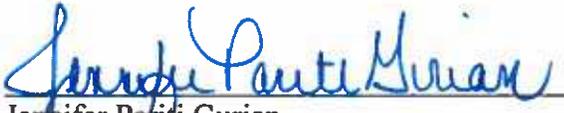
Jennifer Pariti Gurian, of full age, does hereby certify as follows:

1. I am a paralegal of Giordano Halleran & Ciesla, P.C., attorneys for Petitioner, Daniel P. Matthews.
2. On March 12, 2015, I caused the Daniel P. Matthews Reply Brief In Support of Motion for Summary Judgment to be served as follows via First Class Mail:

Black Clouds Limited Liability Company
3449 Dartmoor Lane
Olney, Maryland 20837

Barbara L. Waite, Esq
Law Office of Barbara L Waite PC
1425 K Street, NW,
Suite 350
Washington, DC 20005

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.


Jennifer Pariti Gurian

Dated: March 12, 2015