

ESTTA Tracking number: **ESTTA340084**

Filing date: **03/31/2010**

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

Proceeding	91193744
Party	Plaintiff Blackwave Media Holdings, LLC
Correspondence Address	Julie Ann Gregory Middleton Reutlinger 2500 Brown and Williamson Tower Louisville, KY 40202 UNITED STATES jgregory@middreut.com
Submission	Motion for Default Judgment
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Date	03/31/2010
Attachments	blackwave creative 77469246 -Motion for Default Jdgmt.pdf ( 3 pages )(100001 bytes )

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

**In Re Trademark Application Serial No.: 77/469,246**

**Mark: BLACKWAVE CREATIVE**

**Filed: 05/08/2008**

**Published: 08/18/2009**

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<b>BLACKWAVE MEDIA HOLDINGS, LLC</b>	)	
	)	
<b>Opposer</b>	)	<b>Opposition No. 91193744</b>
	)	
<b>v.</b>	)	
	)	
<b>BLACKWAVE CREATIVE LLC</b>	)	
	)	
<b>Applicant</b>	)	

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**CERTIFICATE OF TRANSMISSION**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED BY ELECTRONIC MAIL TO THE TRADEMARK TRIAL AND APPEAL BOARD, UNITED STATES PATENT AND TRADEMARK OFFICE, THIS 31st DAY OF MARCH, 2010.

/JULIA RIEHM MCGUFFEY/

**MOTION FOR DEFAULT JUDGMENT**  
**PURSUANT TO 37 C.F.R. §§ 2.105 & 2.106(a)**

Opposer, Blackwave Media Holdings, LLC, pursuant to 37 C.F.R. §§ 2.105 & 2.106(a), moves for default judgment against Applicant, Blackwave Creative LLC, due to Applicant's failure to file an Answer to the Notice of Opposition within the time set by the Trademark Trial and Appeal Board ("the Board"), namely March 24, 2010. In support of same, Opposer states as follows:

After an opposition has been filed, the Board notifies the applicant of the time within which an answer must be filed. 37 C.F.R. § 2.105. If the applicant does not file an answer within the time set by the Board, the opposition may be decided as a case of default. 37 C.F.R. § 2.106(a).

Opposer filed its Notice of Opposition on February 12, 2010. On February 12, 2010, the Board mailed notice to Applicant of the filing of the Notice of Opposition and of the due date for filing its Answer, that being forty days after the mailing date of the notice, namely, March 24, 2010.

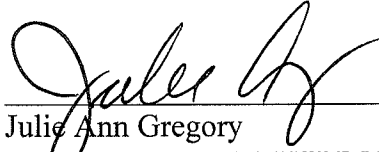
As of the time of this filing on March 31, 2010, Applicant has not filed its Answer to the Notice of Opposition.

Accordingly, the Board should conclude that the Applicant has no intention of responding to Opposer's Notice of Opposition, and has no intention of participating in this opposition proceeding, or further pursuing its application to register the proposed mark BLACKWAVE CREATIVE, Serial No. 77/469,246. To that end, Opposer moves that its Notice of Opposition be sustained and that judgment be entered against Applicant.

WHEREFORE, Opposer, Blackwave Media Holdings, LLC, prays for an order of this Board sustaining its opposition herein and entering judgment against Applicant with prejudice pursuant to 37 C.F.R. §2.106(a) refusing registration of Serial No. 77/469,246.

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Respectfully submitted,



Julie Ann Gregory  
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Counsel for Opposer,  
HCA HealthONE LLC

Dated: 3/31/10

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of this Motion for Default Judgment has been served via US First Class Mail, postage prepaid, on March 31, 2010, on the following counsel of record for Applicant:

Christopher J. Day  
Law Office of Christopher Day  
301 East Bethany Home Road, A-213  
Phoenix, AZ 85012

Attorney of Record for Applicant  
Blackwave Creative LLC



COUNSEL FOR OPPOSER