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

Proceeding	91162370
Party	Plaintiff De Boulle Diamond & Jewelry, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DE BOULLE DIAMOND & JEWELRY, INC.,

Opposer,

v.

DE BEERS LV LTD.,

Applicant.

Consolidated Opposition No.: 91162370

Opposition No.'s: 91162370  
91164615

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MOTION FOR PROTECTIVE ORDER

De Boulle Diamond & Jewelry, Inc., Opposer, respectfully moves the Board for an Order pursuant to 37 CFR § 2.120(f) and TBMP § 412, directing that the following Testimony Depositions noticed by De Beers Diamond Jewellers Limited f/k/a De Beers LV Limited, Applicant, in this Proceeding not proceed until the ruling by the Board on Opposer's Motion to Suspend filed herein on February 3, 2010.:

(a) Hamida Belkadi to be taken on February 4, 2010 at the offices of Applicant's counsel in New York; and

(b) Denis Boulle to be taken on February 19, 2010 at the offices of Applicant's local counsel, in Dallas, Texas.

The parties have been in settlement discussions for some time. The settlement discussions were not successful. On January 22, 2010, Applicant noticed the Testimony Depositions, in the case of the Belkadi deposition upon thirteen (13) days notice without prior consultation with Opposer, as to the date or place of the depositions.

If the Board grants the Motion to Suspend, the Testimony Depositions could be the

moot, as the United States District Court for the Northern District of Texas has jurisdiction to dispose of all of the trademark issues between the parties, including all issues relating to this Proceeding. In addition, the same depositions will be taken in the federal case and to proceed with the presently noticed Testimony Depositions would result in the unnecessary duplication of attorney fees, cost and expense to the parties.

Counsel for Opposer attempted to confer with Darwin Sanders, counsel for Applicant suggesting that Applicant's Testimony period be extended and the Testimony Depositions be continued until after the ruling by the Board on the Motion to Suspend, if necessary, but Mr. Sanders did not respond to the e-mail.

De Boule Diamond & Jewelry, Inc., Opposer, respectfully moves the Board for an Order pursuant to 37 CFR § 2.120(f) and TBMP § 412, directing that the Testimony Depositions of Hamida Belkadi and Denis Boule noticed by De Beers Diamond Jewellers Limited f/k/a De Beers LV Limited, Applicant, in this Proceeding, if still required, not proceed until after the ruling by the Board on Opposer's Motion to Suspend.

Respectfully submitted this 3rd day of February, 2010.

Respectfully submitted,

/s/ Pieter J. Tredoux  
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and

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CO-COUNSEL FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing MOTION FOR PROTECTIVE ORDER by (1) E-mailing a true copy thereof, and (2) mailing a true copy thereof, via United States First Class Mail, postage prepaid, on the 3rd day of February, 2010, addressed as follows:

Darrell Saunders, Esq.  
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/s/ Pieter J. Tredoux  
Pieter J. Tredoux