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TTAB

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February 4, 2008

EO 944 027 219 US

USPTO
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

78/245,219

Re: Trademark Trial and Appeal Board
De Boule Diamond & Jewelry, Inc., Opposer, v. De Beers LV Ltd., Applicant
Consolidated Opposition No.: 91162370

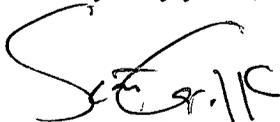
Dear Sir:

In regard to the above-referenced matter, enclosed please find the following items for filing, which were also electronically filed with the Trademark Trial and Appeal Board:

- (1) Opposer's (1) Reply Brief to Applicant's Response in Opposition to Opposer's Motion for Motion for Summary Judgment; (2) Response in Opposition to Applicant's Cross-Motion for Summary Judgment; and (3) Motion to Strike;
- (2) Supplemental Affidavit of Denis J. Boule; and
- (3) Return Receipt Postcard.

Should you have any questions, please do not hesitate to contact the undersigned. In meantime, please date stamp and return the postcard to our offices.

Very truly yours,



Scott T. Griggs
Reg. No. 48,331

Enclosures



02-04-2008

**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

91162469

91164615

91165285

91165465

**OPPOSER'S (1) REPLY BRIEF TO APPLICANT'S RESPONSE IN OPPOSITION TO OPPOSER'S
MOTION FOR SUMMARY JUDGMENT; (2) RESPONSE IN OPPOSITION TO APPLICANT'S
CROSS-MOTION FOR SUMMARY JUDGMENT; AND (3) MOTION TO STRIKE (A) APPLICANT'S
EVIDENCE IN RESPONSE AND OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY
JUDGMENT AND (B) APPLICANT'S CROSS-MOTION FOR SUMMARY JUDGMENT**

Opposer, De Boule Diamond & Jewelry, Inc. ("Opposer" and/or "De Boule"), hereby files this Opposer's (1) Reply Brief to Applicant's Response in Opposition to Opposer's Motion for Summary Judgment; (2) Response in Opposition to Applicant's Cross-Motion for Summary Judgment; and (3) Motion to Strike (a) Applicant's Evidence in Response and Opposition to Opposer's Motion for Summary Judgment and (b) Applicant's Cross-Motion for Summary Judgment, filed by Applicant, De Beers LV Ltd. ("Applicant" and/or "De Beers") in this Proceeding, and in support of same will respectfully show¹:

¹ This Response is based on (a) the facts, exhibits, and other evidence contained in De Boule's Motion for Summary Judgment; and (b) The Supplemental Affidavit of Denis J. Boule in support of Opposer's Motion for Summary Judgment, and attached exhibits, filed simultaneously herewith (the "Supplemental Boule Affidavit"); all of which, are incorporated herein by reference as if set forth at length for all purposes (the "Summary Judgment Evidence");

I.

Motion to Strike Cross-Motion for Summary Judgment

1. Applicant has filed a “Cross-Motion for Summary Judgment” (the “Cross-Motion”) with its Opposition to Opposer’s Motion for Summary Judgment (the “Response”). It does not however, have any claims for affirmative relief on file in this proceeding, weather by way of affirmative defense or counter-claim, and there is therefore, no foundation for any affirmative relief sought by Applicant by way of its Cross-Motion. The Cross-Motion should therefore be stricken. *See Fed. R. Civ. Proc.*, Rule 8, 13

II.

Motion to Strike Applicant’s Evidence in Response and Opposition to Opposer’s Motion for Summary Judgment and Cross-Motion for Summary Judgment

2. Applicant has tendered the Declaration of Hamida Belkadi (the “Belkadi Declaration”) in support of the Response and Cross-Motion. The Belkadi Declaration is however, not competent Summary Judgment evidence, in as much as the declaration is almost entirely based on hearsay and/ or constitutes inadmissible expert testimony which the declarant is not competent to make.

3. In this regard, De Boule objects and accepts to the Belkadi Declaration pursuant to *Fed. R. Civ. Evid.*, Rule 403 and 702, on the following grounds:

(a) The Declarant is the Chief Operating Officer of De Beers Diamond Jewellers U.S. Inc. (“DBDJ”), a United States corporation. *See Belkadi Decl* ¶ 2. Declarant, however, attempts to testify about the structure of a Joint Venture between

entities with whom she is or has not been employed in any capacity, namely, an alleged Joint Venture between a U.K. company, what appears to be a Swiss company, and what is described as a French company, the terms of which the witness has not seen or been a witness or signatory to, and which remains completely unauthenticated, and therefore has no personal knowledge of. *See Belkadi Decl.* ¶ 2

(b) The Declarant further attempts to testify about the same aforementioned apparently Swiss corporation and what the Declarant describes as “the De Beers Group of companies” of which the Declarant likewise clearly has no personal knowledge. *See Belkadi Decl.* ¶ 3

(c) In his regard, the Declarant testifies about events transpiring as early as 1888, 1939, and 1948 at entities with whom she is or has not been employed in any capacity of which the Declarant clearly has no personal knowledge. *See Belkadi Decl* ¶ 3, 4, 5, 6, Exhibit A.

(d) Furthermore, DBDJ was incorporated on September 22, 2003 in the State of Delaware (and was subsequently authorized to do business in the State of New York on February 19, 2004) and the testimony pertaining to what is described in the Belkadi Decl. as “De Beers” is irrelevant and inadmissible as Summary Judgment evidence, as there is no evidence in the record that either DBDJ or De Beers S.A. and “De Beers” are one or the same, or that DBDJ or De Beers S.A. were assigned any of the rights or privileges of “De Beers” in the prior alleged use by De Beers of its business name. Indeed, neither De Beers S.A. nor “De Beers” is the applicant in his proceeding. *Id*

(e) De Boule further objects and accepts to Paragraph 9 of the Belkadi Declaration in that the Declarant attempts to express an expert opinion for which the Declarant is not qualified. *See Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 113 S.Ct. 2786, 508 U.S. 579, 589-91 (1993); *Andrew v. Metro North Commuter R. Co.*, 882 F.2d 705, 708 (2d Cir. 1989); *United States v. Jackson*, 425 F.2d 574,576 (D.C. Cir. 1970). De Boule objects and accepts to the statements in Paragraph 9 in heir entirety for the reason that the Declaration does not state the qualifications, skill or experience of the witness to render such opinions. For example, there is no testimony of the training or expertise of Hamida Belkadi in the jewelry business, how long the Declarant has held her current position, how long the Declarant has been in the jewelry business, the foundation upon which the Declarant bases opinions regarding the attitudes of purchases of fine diamond jewelry expressed in the declaration, etc.

4. The Declaration of Hamida Belkadi should therefore be stricken in its entirety.

III.

The Testimony of Denis J. Boule is Competent Summary Judgment Evidence

5. Applicant objects to the testimony of Denis J Boule, on the basis that he is an officer of De Boule, and therefore allegedly biased, and as to certain opinions expressed by Mr. Boule.

6. Rule 702 affords court wide latitude to admit expert testimony, and such testimony is inadmissible if it does not meet two related requirements: (1) it must be based on the special knowledge of the expert; and (2) it must be helpful to the finder of fact. *See*

Daubert v. Merrell Dow Pharmaceuticals, Inc., 113 S.Ct. 2786, 508 U.S. 579, 589-91 (1993); *Andrew v. Metro North Commuter R. Co.*, 882 F.2d 705, 708 (2d Cir. 1989); *United States v. Jackson*, 425 F.2d 574,576 (D.C. Cir. 1970)(“To warrant the use of expert testimony ... two elements are required. First, the subject of the inference must be so distinctively related to some science, profession, business or occupation as to be beyond the ken of the average layman, and second, the witness must have such skill, knowledge or experience in that field or calling as to make it appear that his opinion or inference will probably aid the trier in his search for truth”).

7. Under general principles of agency law, knowledge by a corporation's officers or agents is generally attributable to the corporation itself. *BCCI Holdings (Luxembourg), S.A. v. Clifford*, 964 F. Supp. 468, 478 (D.D.C. 1997). In addition, Mr. Boule has been in the jewelry business of selling and marketing diamonds and fine jewelry to the general public in the United States for more than twenty-five (25) years. *Boule Affid.*, ¶¶ 4, 5. His skill, knowledge and experience in that field and calling is unchallenged, and he is eminently qualified to testify about the marketing and distribution channels of the jewelry business and consumer perceptions in the field. *See U.S. v. Billings, Crim. App. No. 9900122*, United States Court of Appeals for the Armed Forces, June 5, 2005.

8. Furthermore, Mr. Boule was timely designated as an expert witness in response to discovery in this case. Applicant has had ample opportunity to take Mr. Boule's deposition and cross-examine the witness. It did not take advantage of the opportunity during the several discovery periods in this proceeding. Furthermore, instead

of exercising its right to file a Motion to Request Discovery, pursuant to Rule 56(f) of Federal Rules of Civil Procedure, after being served with De Boulle's Motion for Summary Judgment, it sought an extension of time with which to respond and therefore, waved its opportunity, yet one more time, to take the deposition of Mr. Boulle².

IV.

Applicant's Marks are Confusingly Similar to De Boulle's Registered Marks

9. In its response, Applicant contends that as it has added the words "LOGO", "MONOGRAM", "SIGNATURE", "STAR", and "SO" to the "DB" marks at issue in this Proceeding, there can not be any likelihood of confusion with the registered marks owned by De Boulle, namely the mark "DE B[®] and Design" and the word mark DE BOULLE[®]. This premise is incorrect as a matter of law. De Boulle's DE B[®] mark and the DE BOULLE[®] mark are arbitrary with respect to diamonds, timepieces and jewelry. *See McGregor-Doniger, Inc. v. Drizzle, Inc.*, 599 F.2d 1126, 202 U.S.P.Q. 81 (2d Cir. 1979); J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, §§ 12:26 – 12:29 (4th ed. 2003) Arbitrary marks, such as De Boulle's DE B[®] mark and the DE BOULLE[®] mark, are often referred to as "strong" marks that are given a broad scope of judicial protection against infringement. *Id.* at §11:4 et seq.

10. The question therefore before the Board is whether Applicant's marks and the registered marks, when viewed in their entirety and consideration given to the dominant portions, are similar in terms of appearance, sound, connotation and commercial

² *See* TBMP §528.06 (Request for Discovery to Respond to Summary Judgment); *See also* the detailed discussion in *Opposer's Opposition and Response to Applicant's Motion to Request Discovery*, Document No. 43, filed on October 9, 2007, which is hereby incorporated by reference.

impression. The test is not whether the marks can be distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impressions that confusion as to the source of the goods or services offered under the respective marks is likely to result. The focus is on the recollection of the purchaser, who normally retains a general rather than a specific impression of trademarks. *See Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975). Adding the words “LOGO”, “MONOGRAM”, “SIGNATURE”, “STAR”, and “SO” to the “DB” does not change the recollection of the purchaser or the overall commercial impression and resulting confusion.

11. Further, if the “dominant” portion of the marks is the same, then confusion may be likely, notwithstanding peripheral differences. *Michelin Tire Corp. v. General Tire & Rubber Co.*, 202 U.S.P.Q. 294 (T.T.A.B. 1979) (the rule of comparing marks in their entirety “is not inviolate”: focus should be on dominant portions). Hence, the marks are similar in appearance, sound and commercial impression as to the “DB” marks at issue in this Proceeding, because the dominant portion of each mark is the same. The dominant portion of the stylized DE B[®] mark is the literary portion “deB,” which will be recognized and remembered as simply “DB,” the phonetic equivalent to “DB”, which is the dominant portion of each of Applicant’s marks in issue in this proceeding. That is, the literal portion “DB” of the respective marks is identical in appearance, sound and meaning in the context of diamonds, timepieces and jewelry. *See Weiss Associates Inc. v. HRL Associates*, 902 F.2d 1246, 14 USPQ2nd 1840 (Fed. Cir. 1990); *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (CCPA 1975). Customers who are

familiar DeBoulle's DE B[®] mark will confuse the source of goods because of the phonetic equivalence of "deB" and "DB".

12. The respective goods are identical (diamonds, timepieces and jewelry), the channels of trade are the same (retail outlets and web sites), and the purchasers are the same (the general public). In this context, the degree of similarity necessary to support a conclusion of likely confusion declines. *See Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992).

13. Furthermore as registered trademarks, the DE B[®] and Design mark and the DE BOULLE[®] mark are presumptively valid. *Igloo Products Corp. v. Brantex, Inc.*, 202 F.3d 814, 53 U.S.P.Q.2d 1753 (5th Cir. 2000). In addition, however, De Boulle has provided Applicant with numerous examples of the use of the registered marks in interstate commerce, including web site advertising, in association with sale of diamonds, timepieces and jewelry. *See Boulle Affid.*, ¶ 6, Exhibit K; *Boulle Suppl. Affid.*, ¶¶ 5, 7. In *In Re Dell, Inc.*, 71 U.S.P.Q.2d 1725 (TTAB 2004) (TTAB held web sites qualify as a "display associated with the goods" within the meaning of 37 C.F.R. § 2.56 and 15 U.S.C. § 1127).

V.

Applicant's Marks are Confusingly Similar to De Boulle's Common Law "DB" Mark

14. The same analysis holds true for De Boulle's Common Law "DB" mark, which is a combination of letters applied to the sale of diamonds, timepieces and jewelry in such a way that is neither descriptive nor suggestive. An arbitrary mark consists of a word or symbol that is in common usage in the language, but is arbitrarily applied to the goods in question in such a way that it is not descriptive or suggestive. *McCarthy*, §11:4 et

seq. An arbitrary trademark such as DeBoulle's "DB" comes into being as soon as it is affixed to the goods and the goods are sold and it is considered a strong mark. *Blisscraft of Hollywood v. United States Plastics Co.*, 294 F.2d 694, 131 U.S.P.Q. 55 (2d Cir. 1961).

15. DeBeers is attempting to appropriate DeBoulle's common law mark "DB" in its entirety. The addition of other words, such as "SO," "LOGO," "MONOGRAM," "SIGNATURE" and "STAR" does not change the fact that DeBoulle's common law mark has been appropriated in its entirety. Therefore, in the context of diamonds, jewelry, and timepieces, a purchaser who is familiar with DeBoulle's "DB" goods would immediately assume that De Beers' DB LOGO and DB MONOGRAM goods originated with DeBoulle.

16. Moreover, with respect to dominance, one criteria for determining the dominant portion of a composite mark is that if a buyer would be more likely to remember and use one part of a mark as indicating origin of the goods, then this is the dominant portion of the mark. *Price Candy Co. v. Gold Medal Candy Corp.*, 220 F.2d 759, 105 U.S.P.Q. 266 (C.C.P.A. 1955). Adding the words "LOGO", "MONOGRAM", "SIGNATURE", "STAR", and "SO" to the "DB" does not obfuscate the dominant "DB".

17. With arbitrary marks such as DeBoulle's common law mark "DB", priority of user alone is controlling. *Blisscraft* at 694. De Boulle has further provided Applicant with samples, including web site advertising, of its use in interstate commerce since at least as early as 2000 of its DB mark. See Boulle Affid., Paragraph 8; Boulle Suppl. Affid., Paragraph 3, 5, 6, 7. See *In Re Dell, Inc.* above.

18. It is therefore, disingenuous, at best, for Applicant's counsel to assert that there is no evidence of De Boulle's senior use of its DB mark.

VI.

PRAYER

19. De Boule Diamond & Jewelry, Inc., Opposer, prays that, upon consideration of the facts and authorities set forth in its Motion for Summary Judgment on file herein, the Board enter an Order granting its Oppositions in all respects, denying registration of each of the De Beers Marks, and granting it such other and further relief at law and in equity to which Opposer may show itself justly entitled

This the 4th day of February, 2008.

Respectfully submitted,

/Scott Griggs/

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Counsel for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing document upon counsel of record by (1) emailing a true copy thereof on this the 4th day of February, 2008 and (2) mailing a true copy thereof, through the United States Mail, first class, postage prepaid, on this the 4th day of February, 2008, and addressed as follows:

"Saunders, Darren W." darren.saunders@klgates.com

"Rao, Vincent P. II" vincent.rao@klgates.com

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Kirkpatrick & Lockhart Preston Gates Ellis LLP
599 Lexington Avenue
New York, NY 10022-6030

/Scott Griggs/

Scott T. Griggs
Reg. No. 48,331
Counsel for Opposer



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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.
Correspondence Address	SCOTT T. GRIGGS GRIGGS BERGEN LLP 901 MAIN STREET, SUITE 6300, BANK OF AMERICA PLAZA DALLAS, TX 75202 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Scott T. Griggs
Filer's e-mail	scott@griggslaw.com
Signature	/Scott Griggs/
Date	02/04/2008
Attachments	Reply Brief.pdf (11 pages)(36966 bytes)

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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.

Opposition No. 91162370

Opposition No. 91162469

Opposition No. 91164615

Opposition No. 91165285

Opposition No. 91165465

Consolidated under Opposition No. 91165285

**SUPPLEMENTAL AFFIDAVIT OF DENIS J. BOULLE IN SUPPORT OF
OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

STATE OF TEXAS §

§

COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Denis J. Boule, who is personally known to me, and first being duly sworn according to the law upon his oath deposed and said:

1. My name is Denis J. Boule. I am over eighteen years of age, have never been convicted of a crime and am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, all of which are true and correct.
2. I am making this Supplemental Affidavit in support of the Motion for Summary Judgment filed by De Boule Diamond & Jewelry, Inc., the Opposer in this Proceeding ("De Boule").
3. As stated in paragraph 8 of my Affidavit in support of the Motion for

Summary Judgment filed by De Boule in this Proceeding, in or about December 2000, as part of the design of its Web site, De Boule designed the mark "DB", made the subject of its U.S. Trademark Application Serial No. 78/604,056 (the "DB Mark"). Attached hereto, labeled 00689, 00690, 00691, 00703, 00707, and 00708, are true and correct samples of pages from the De Boule catalog, showing the DB Mark as used on the De Boule Web site since December 2000. These enclosed pages, together with numerous other samples from the Web Site were produced to the Applicant in response to its requests for production in this Proceeding.

4 Attached hereto, labeled 00152, is a copy of an advertisement published in Millionaire magazine in December 1999, announcing the imminent launching of the De Boule Web site at <www.deboulle.com>. The enclosed advertisement was also produced to the Applicant in response to its requests for production in this Proceeding.

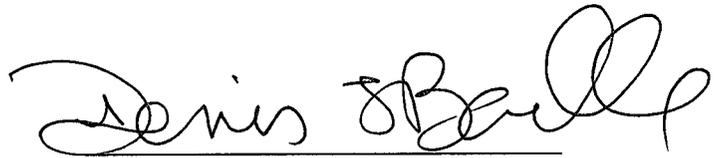
5. Attached hereto, labeled 00485, 00498, 00468, 00503, and 00510, are copies of photographs showing the DB Mark, as well as the DE B[®] and DE BOULLE[®] marks, as used on packing for De Boule's products shipped to customers in Texas and elsewhere in the United States since at least 2000. The enclosed photographs, together with numerous others, showing examples of the use of De Boule's marks on packaging and in-store displays of De Boule's marks were also produced to the Applicant in response to its requests for production in this Proceeding.

6. Attached hereto, labeled 00748, are true and correct copies of samples of labels containing the DB Mark used by De Boule on packing for De Boule's products shipped to customers in Texas and elsewhere in the United States since at least 2000. The enclosed samples of the DB Mark labels were also produced to the Applicant in response

to its requests for production in this Proceeding.

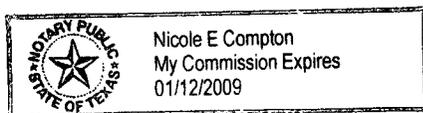
7. Attached hereto, labeled 00724 through 00734, are true and correct copies of samples of a few of De Boulle invoices showing shipments of De Boulle's products to customers located outside the State of Texas, bearing De Boulle's marks, including the DB Mark. The enclosed De Boulle invoice samples were also produced to the Applicant in response to its requests for production in this Proceeding.

FURTHER AFFIANT SAYETH NAUGHT.



Denis J. Boulle

SUBSCRIBED AND SWORN TO BEFORE ME this 1st day of February, 2008,
to certify which witness my hand and official seal.



[NOTARY SEAL]



Notary Public, State of Texas

when it is time for something special. 1-800-454-GEMS

Over the years the fine designers and craftsmen at deBoulle™ have created the exquisite deBoulle Collection™, which can be viewed below. Every piece of fine jewelry we sell is guaranteed against defects in workmanship and materials. All of which combined is presented to you for your unique shopping pleasure. You may view our collection of fine jewelry below, or search our inventory for the selection of your choice.

28 Total Matches Select an item to view

18 karat white gold, 1.08 carat diamond and 7.00 carat sapphire ring.



Designer: deBoulle
\$32,000.00

9.5-10.0mm pearl choker with 18 karat yellow gold clasp of crystal heart with heart shape ruby in center. Diamonds on connec ...



Designer: deBoulle
\$19,500.00

Platinum 4.23 carat diamond earrings.



Designer: deBoulle
\$18,346.00

Handcrafted fish pin set with 77.0 carat opal in 18 karat yellow gold. Accented with approximate 0.66 carat total weight di ...



Designer: deBoulle
\$21,250.00

18 karat white gold ring with 3.20 carat oval sapphire set between pave diamond bars.



Designer: deBoulle
\$12,000.00

Classic loop earrings designed with three rows of 4.48 carat total weight round sapphires and 1.54 carat total weight diamond ...



Designer: deBoulle
\$12,000.00



HOME

DIAMONDS

FINE JEWELRY

TIMEPIECES

ACCESSORIES

CUSTOM DESIGNS

The deBoulle Collection

ASCJUS

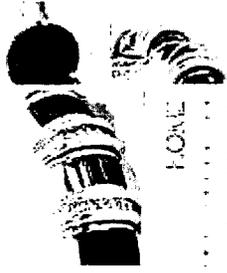
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YOUR FAVORITE

JEWELER'S GUIDE

THE deBoulle D-FLOWLESS GUARANTEE





Over the years the fine designers and craftsmen at deBouille™ have created the exquisite deBouille Collection™, which can be viewed below. Every piece of fine jewelry we sell is guaranteed against defects in workmanship and materials. All of which combined is presented to you for your unique shopping pleasure. You may view our collection of fine jewelry below, or search our inventory for the selection of your choice.

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- DIAMONDS
- FINE JEWELRY
- TIMEPIECES
- ACCESSORIES
- CUSTOM DESIGNS
- The deBouille Collection*
- ABOUT US
- CONTACT US
- YOUR PRIVACY
- JEWELER'S GUIDE

THE
deBouille
 D-FLAWLESS
 GUARANTEE



Select an item to view.

<p>29 Total Marches</p> <p>EMERALDS</p> <p>Platinum 1.83 carat diamond and onyx earrings.</p> <p>Designer: deBouille</p> <p>\$9,160.00</p>		<p>EMERALDS</p> <p>18 karat yellow gold domed emerald and diamond ring. 1.42 carat total weight cabochon emeralds and 1.01 carat total weight p ...</p> <p>Designer: deBouille</p> <p>\$6,600.00</p>		<p>EMERALDS</p> <p>14 karat yellow gold 8.5-9mm 16 inch cultured pearl strand with 14 karat yellow gold eye shape clasp.</p> <p>Designer: deBouille</p> <p>\$5,600.00</p>	
<p>EMERALDS</p> <p>18 karat yellow gold 8 link necklace. 17 inch triple figure 8s with oval connectors. 84.40 grams.</p> <p>Designer: deBouille</p> <p>\$6,250.00</p>		<p>EMERALDS</p> <p>Hoop style earrings in 18 karat yellow gold accented with 0.93 carat total weight diamonds centered in star motifs.</p> <p>Designer: deBouille</p> <p>\$6,200.00</p>		<p>EMERALDS</p> <p>Emerald and diamond earrings crafted in 18 karat white gold featuring 2.03 carat total weight marquise emeralds ...</p> <p>Designer: deBouille</p> <p>\$6,100.00</p>	
<p>EMERALDS</p> <p>Wide platinum and 18 karat yellow gold band featuring three oval cabochon rubies.</p> <p>Designer: deBouille</p> <p>\$5,000.00</p>		<p>EMERALDS</p> <p>18 karat yellow gold oval slightly domed cigar cufflinks. Domed crystal over mother of pearl picture of cohi ...</p> <p>Designer: deBouille</p> <p>\$4,610.00</p>		<p>EMERALDS</p> <p>Sapphire and diamond dome style ring.</p> <p>Designer: deBouille</p> <p>\$4,610.00</p>	

When it is time for something special, 1-800-454-GEMS



HOME

DIAMONDS

FINE JEWELRY

TIMEPIECES

ACCESSORIES

CUSTOM DESIGNS

The deBouille Collection

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deBouille
D-FLOWLESS
GUARANTEE



Over the years the fine designers and craftsmen at deBouille™ have created the exquisite deBouille Collection™, which can be viewed below. Every piece of fine jewelry we sell is guaranteed against defects in workmanship and materials. All of which combined is presented to you for your unique shopping pleasure. You may view our collection of fine jewelry below, or search our inventory for the selection of your choice.

Select an item to view

<p>29 Total Matches</p> <p>18 karat yellow gold Mobe pearl earrings featuring bezel set pear shape Mobe pearls accented with straight and tapered diamond</p> <p>Designer: deBouille</p> <p>\$4,000.00</p>	<p>18 karat yellow gold and platinum, 0.66 carat emerald cufflinks.</p> <p>Designer: deBouille</p> <p>\$4,000.00</p>	<p>18 karat yellow gold and 1.0 carat diamond cigar cufflinks. Cigar shape with red enamel band with red and pave diamond ash e...</p> <p>Designer: deBouille</p> <p>\$3,900.00</p>
<p>18 karat yellow gold ring with a center hammer set 1.05 carat oval cabochon emerald accented by a hammer set small round diam</p> <p>Designer: deBouille</p> <p>\$3,315.00</p>	<p>Platinum 8-8.5mm 0.49 carat princess cut diamond earrings. Pearl stud set above dangling platinum bezel set princess cut diam</p> <p>Designer: deBouille</p> <p>\$2,250.00</p>	<p>18 karat yellow gold rubelite oval cufflinks. HS7D</p> <p>Designer: deBouille</p> <p>\$1,750.00</p>
<p>18 karat yellow and white gold bullet chain cufflinks with white gold on tips of bullets. Bullets on both ends.</p> <p>Designer: Deakin & Francis</p>	<p>18 karat yellow gold band with 1.28 carat hammer set oval cabochon sapphire between two hammer set round diamonds</p> <p>Designer:</p>	<p>Platinum 0.60 carat diamond cross earrings. 22 round diamonds pave set in center of crosses and 2 round diamonds bezel set a ...</p> <p>Designer:</p>

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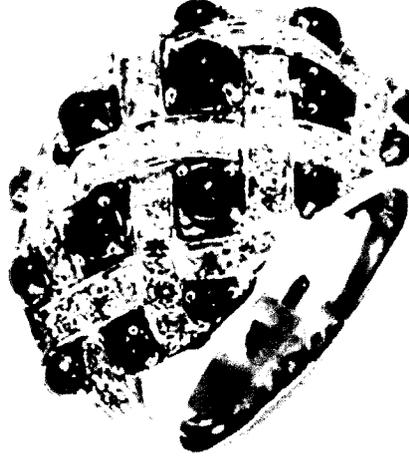
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EAGED1000

18 karat yellow gold domed emerald and diamond ring. 1.42 carat total weight cabochon emeralds and 1.01 carat total weight pave set diamonds.

Designer: deBoule

\$5,600.00

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ECEEC1000

Emerald and diamond earrings crafted in 18 karat white gold featuring 2.03 carat total weight marquise emeralds and 0.27 carat total weight diamonds.

Designer: deBouille

\$5,100.00

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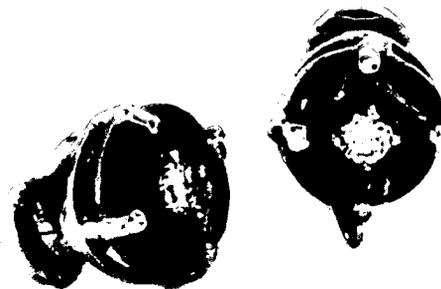
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RIGED1000

Wide platinum and 18 karat yellow gold band featuring three oval cabochon rubies totaling .65 carat, accented by 0.65 carat total weight round diamonds.

Designer: deBoule

\$5,000.00

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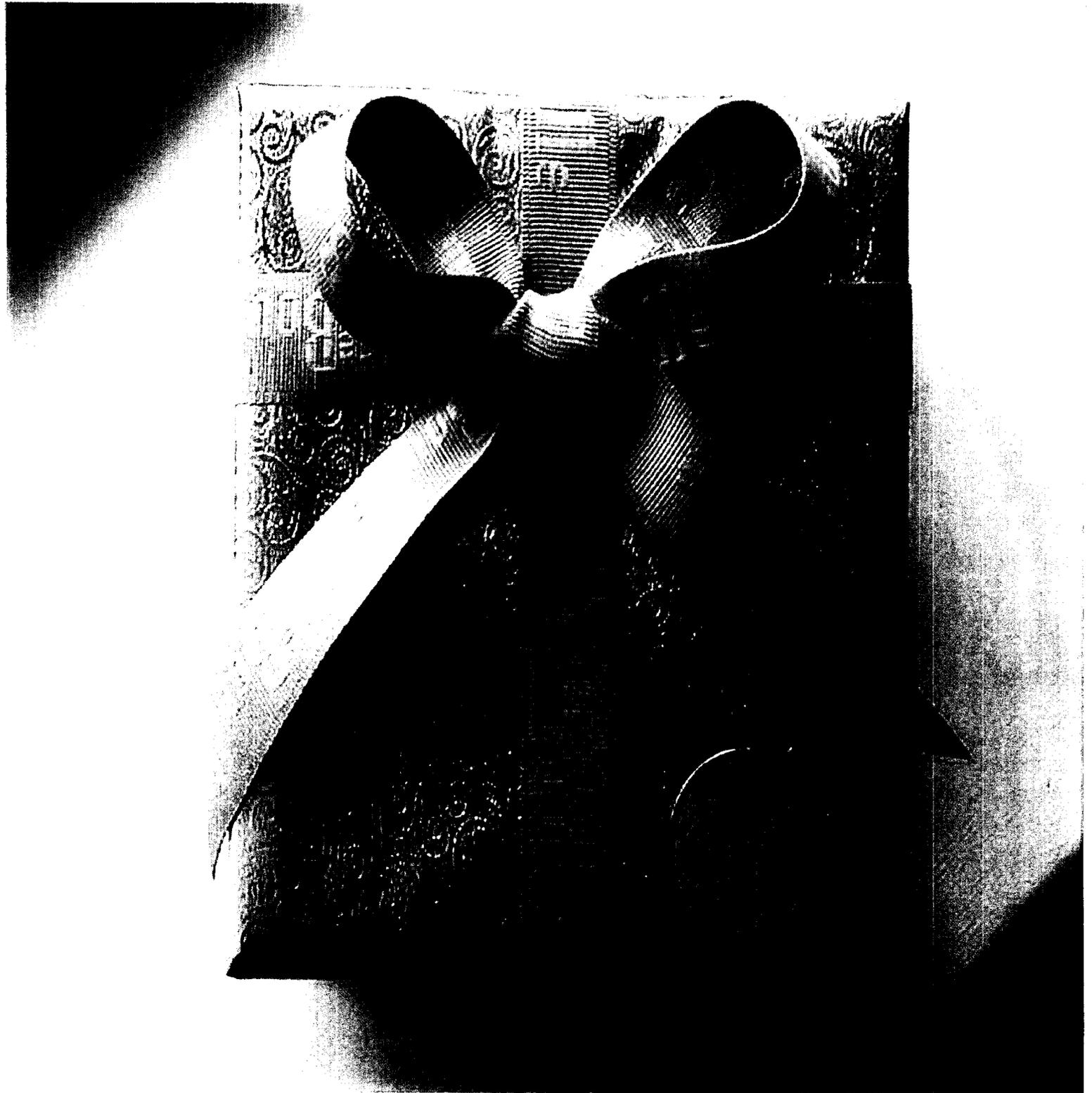
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*Millionaire
Magazine
Dec. 1993*





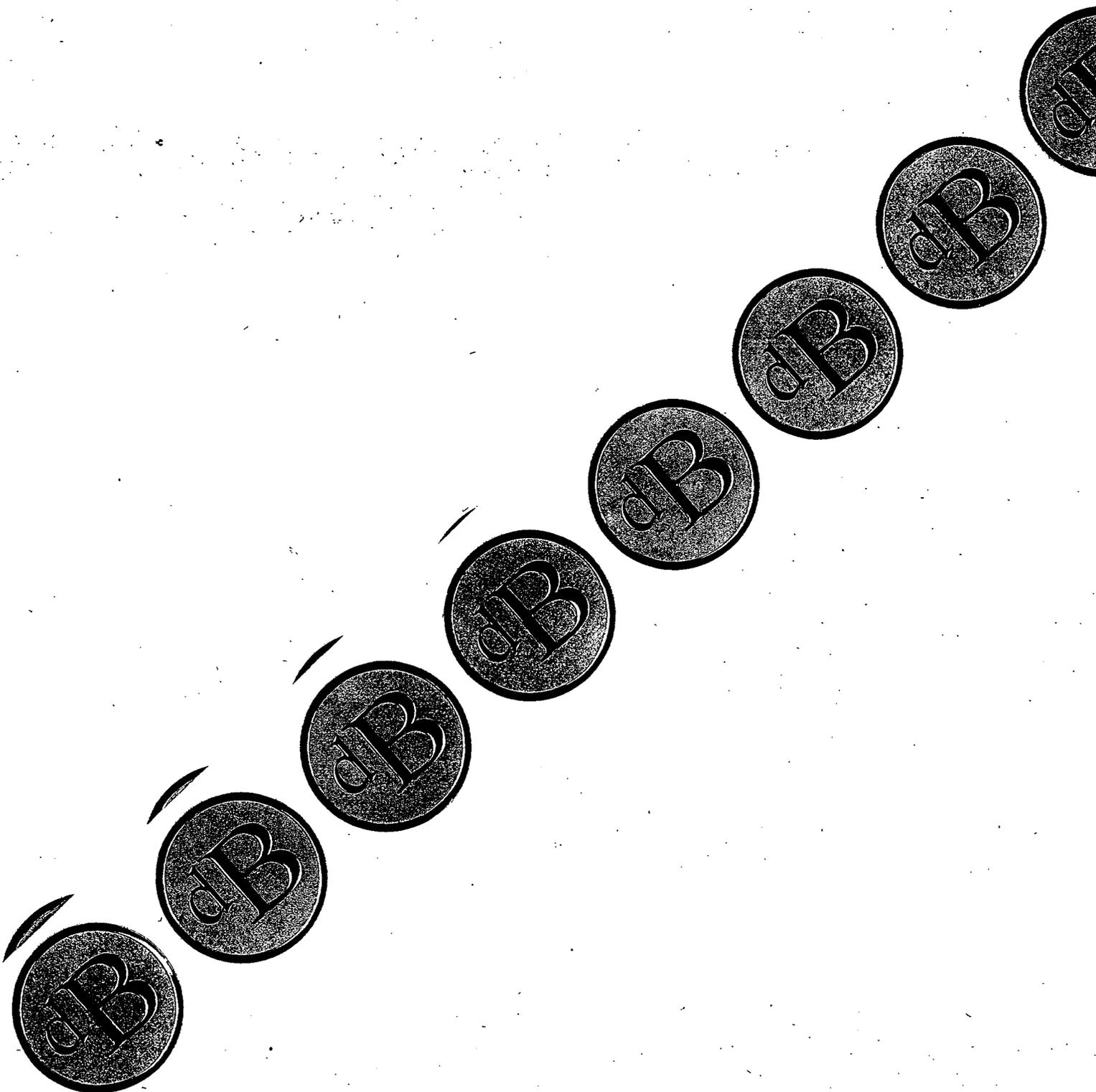






00510

00510



00748

55825

SUWANEE, GA 30024-

SALES PERSON : RH,

Customer #:4438

01/26/01

CAT.	STOCK #	QTY	DESCRIPTION	AMOUNT
WPAPA	1002	1	GNTS 18KRG MASTER CALENDAR W/IVORY ARABIC DIAL DAY	

SUBTOTAL
TAX
TOTAL

TYPE OF TRANSACTION : ACCOUNTS RECEIVABLE					
CASH	CHECK	VISA/MC	AMEX	DISCOVER	CHECK/CREDIT CARD #
0.00	0.00	0.00	0.00	0.00	
OTHERS:	0.00	HOUSE CARDS:	0.00		

00724

57507

SALES PERSON : JB,

Customer #:

05/04/01

CAT.	STOCK #	QTY	DESCRIPTION	AMOUNT
WPAQA	1009	1	GENTS SS ENDURANCE CHRONO MNUAL W/WHITE ARABIC DIA	
WPARA	1001	1	GENTS PLAT ENDURANCE CHRONO W/BLACK ARABIC DIAL W/	

SUBTOTAL :

TAX :

TOTAL :

TYPE OF TRANSACTION :		ACCOUNTS RECEIVABLE			DISCOVER	CHECK/CREDIT CARD #
CASH	CHECK	VISA/MC	AMEX			
0.00	0.00	0.00	0.00	0.00		
OTHERS:	0.00	HOUSE CARDS:	0.00			

00725

Welling, OK 74471

Welling, OK 74471

Welling, OK 74471

Welling, OK 74471

12/17/02	76299	Immediate	DC	AR
1.0	DSFNC-7355			
	PLATINUM 7.00CT SAPPHIRE & 1.47CT DIAMOND RING. OVAL CUT SAPPHIRE SET IN 4 PRONG HEAD FLANKED BY 2 TRILLION DIAS ON PLAT SHANK.			

12/17/02	76299	Immediate	DC	AR
1.0	DSFNC-7355			
	PLATINUM 7.00CT SAPPHIRE & 1.47CT DIAMOND RING. OVAL CUT SAPPHIRE SET IN 4 PRONG HEAD FLANKED BY 2 TRILLION DIAS ON PLAT SHANK.			

00726

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Juno Beach, FL 33408

Juno Beach, FL 33408

Juno Beach, FL 33408

Juno Beach, FL 33408

09/23/02

75842

Immediate

DJB

AR

1.0

DMGGR-6266

14K WG 2.01CT DIAMOND TOE RING

09/23/02

75842

Immediate

DJB

AR

1.0

DMGGR-6266

14K WG 2.01CT DIAMOND TOE RING

00727

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Invoice's Balance:

Mobile, AL 36606

Mobile, AL 36606

Mobile, AL 36606

Mobile, AL 36606

CSH

DJB

79123

07/16/03

1.0 DMENR-9296
 14KWG 2.02CTW DIA STUD EARRINGS. TWO 1.01CT
 ROUND DIAS BOTH GIA HSI1 SET IN 4 PRONG
 BASKETS W/SCREW BACKS.
 GIA#S 12750543 & 12750533

CSH

DJB

79123

07/16/03

1.0 DMENR-9296
 14KWG 2.02CTW DIA STUD EARRINGS. TWO 1.01CT
 ROUND DIAS BOTH GIA HSI1 SET IN 4 PRONG
 BASKETS W/SCREW BACKS.
 GIA#S 12750543 & 12750533

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Total Payments:

00728

Greenwood Village, CO 80121

Greenwood Village, CO 80121

Greenwood Village, CO 80121

Greenwood Village, CO 80121

06/24/04 85297

DC

CSH

1.0 MCBER-9675

18KWG 2.40CTW ROUND DIA STUD EARRINGS SET
IN 3 PRG BASKETS.
*****TESS

1

06/24/04

85297

DC

CSH

1.0 MCBER-9675

18KWG 2.40CTW ROUND DIA STUD EARRINGS SET
IN 3 PRG BASKETS.
*****TESS

1

00729

Sub Total:

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Sub Total:

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Total Payments:

New York, NY 10011

New York, NY 10011

New York, NY 10011

New York, NY 10011

11/29/04	87512	immediate	D/B	AR
1.0	SCEMC-13794			
	18KWG 2.72 CT SAPPHIRE AND 0.66 CT DIAMOND			
	DANGLE EARRINGS. OVAL BEZEL SET SAPP			
	SURROUNDED BY PAVE DIAMS W/BEZEL SET			
	ROUND DIAM BENEATH THEN BEZEL SET OVAL			
	SAPP SURROUNDED BY PAVE DIAMS DANGLING			

11/29/04	87512	immediate	D/B	AR
1.0	SCEMC-13794			
	18KWG 2.72 CT SAPPHIRE AND 0.66 CT DIAMOND			
	DANGLE EARRINGS. OVAL BEZEL SET SAPP			
	SURROUNDED BY PAVE DIAMS W/BEZEL SET			
	ROUND DIAM BENEATH THEN BEZEL SET OVAL			
	SAPP SURROUNDED BY PAVE DIAMS DANGLING			

00730

Sub Total:
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Sub Total:
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 Total Payments:
 Invoice's Balance:

Juno Beach, FL 33408

Juno Beach, FL 33408

Juno Beach, FL 33408

Juno Beach, FL 33408

03/19/05	89679	RH, DJB	CSH	03/19/05	89679	RH, DJB	CSH
1.0	MCGMC-14684 PLAT 5.62CTW DIA BAND W/CHANNEL SET BAGUETTES ALONG CNTR W/PAVE DIAS ON SCALLOP EDGES. SZ 6			1.0	MCGMC-14684 PLAT 5.62CTW DIA BAND W/CHANNEL SET BAGUETTES ALONG CNTR W/PAVE DIAS ON SCALLOP EDGES. SZ 6		
1.0	WABBE-11644 LDS SS/18KYG OP DATEJUST W/WHITE ROMAN DIAL 18KYG FLUTED BEZEL ON SS/18K JUBILEE BRACELET			1.0	WABBE-11644 LDS SS/18KYG OP DATEJUST W/WHITE ROMAN DIAL 18KYG FLUTED BEZEL ON SS/18K JUBILEE BRACELET		
1.0	WBACE-15566 GNTS SS NAUTILUS LRG W/BLACK ROMAN DIAL, DATE, PWR RESERVE ON SS BRACELET MVT 3231967			1.0	WBACE-15566 GNTS SS NAUTILUS LRG W/BLACK ROMAN DIAL, DATE, PWR RESERVE ON SS BRACELET MVT 3231967		
1.0	WBAPA-11439 GNTS 18KWG "TRAVEL TIME" W/WHITE ARABIC DIAL 2 SUB-DIALS ON BLACK CROCO STRAP MVT 3086776			1.0	WBAPA-11439 GNTS 18KWG "TRAVEL TIME" W/WHITE ARABIC DIAL 2 SUB-DIALS ON BLACK CROCO STRAP MVT 3086776		
1	Check			1	Check		

00731

Thank You

Sub Total:
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Sub Total:
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Total Payments:

FRUITLAND PARK, FL 34731 FRUITLAND PARK, FL 34731 FRUITLAND PARK, FL 34731 FRUITLAND PARK, FL 34731

04/06/05	89913	Immediate	BSM	AR
1.0	LHEFE-15765			
	5.25CT SQUARE EMERALD CUT DIA GIA FVS2			
1.0	DMGNC-14480			
	PLAT 4.38CT PINK TOURMALINE & 0.57CT DIA RING.			
	CUSHION CUT TOURMALINE IN ALL BEAD SET DIA			
	BEZEL ON ALL BEAD SET DIA SHANK			
1	Check 1151			

00732

Thank You	Thank You
Sub Total:	Sub Total:
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Tax:	Tax:
Total:	Total:
Total Payments:	Total Payments:
Invoice's Balance:	Invoice's Balance:

Malibu, Ca 90265

Malibu, Ca 90265

Malibu, Ca 90265

Malibu, Ca 90265

09/14/06	98512	Immediate	DJB	AR
1.0	WBAPE-21624			
	GNTS 18KWG 5102 CELESTIAL SELF-WINDING WATCH WSKY CHART, PHASES AND ORBIT OF THE MOON AND TIME OF MERIDIAN PASSAGE OF SIRIUS AND OF THE MOON. BLACK CROCO STRAP W/18KWG BUCKLE MVT 3328363			

09/14/06	98512	Immediate	DJB	AR
1.0	WBAPE-21624			
	GNTS 18KWG 5102 CELESTIAL SELF-WINDING WATCH WSKY CHART, PHASES AND ORBIT OF THE MOON AND TIME OF MERIDIAN PASSAGE OF SIRIUS AND OF THE MOON. BLACK CROCO STRAP W/18KWG BUCKLE MVT 3328363			

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Malibu, Ca 90265

Malibu, Ca 90265

Malibu, Ca 90265

Malibu, Ca 90265

11/27/06	99634	Immediate	DJB	AR
1.0	WBUPA-22591			
	PATEK, GNTS 18KYG 5050 AUTO RETROGRADE			
	W/SILVER MARKER DIAL DAY-MONTH INDICATORS			
	MOONPHASE ON BROWN CROCO STRAP W/18K YG			
	BUCKLE MVT 1957166. 315/136			

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00734

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91162370
Party	Plaintiff De Boulle Diamond & Jewelry, Inc.
Correspondence Address	SCOTT T. GRIGGS GRIGGS BERGEN LLP 901 MAIN STREET, SUITE 6300, BANK OF AMERICA PLAZA DALLAS, TX 75202 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Scott T. Griggs
Filer's e-mail	scott@griggslaw.com
Signature	/Scott Griggs/
Date	02/05/2008
Attachments	Supplemental Affidavit of Denis J. Boulle with Exhibits.pdf (27 pages) (3743219 bytes)

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