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Filing date: **01/14/2009**

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	Dennis Griggs Griggs Bergen LLP 17950 Preston Road, Suite 1000 Dallas, TX 75252 UNITED STATES dennis@griggslaw.com, ptredoux@tredoux.com, scott@griggslaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Dennis Griggs
Filer's e-mail	dennis@griggslaw.com, ptredoux@tredoux.com, scott@griggslaw.com
Signature	/Dennis Griggs/
Date	01/14/2009
Attachments	Notice of Reliance.pdf ( 18 pages )(1180698 bytes )

**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 NOTICE OF RELIANCE**

Opposer, DE BOULLE DIAMOND & JEWELRY, INC., hereby gives notice that it intends to rely on the following at the trial of this case pursuant to Trademark Rule 2.122(d), 37 C.F.R. § 2.122(d), the Federal Rules of Evidence, and the Federal Rules of Civil Procedure:

- (a) A copy of the registration prepared and issued by the United States Patent and Trademark Office showing both the current status of and current title to United States Trademark Registration No. 3,078,627 for the Mark "DE B" and Design (Serial No. 78/444,907) (Exhibits "A" and "B"); and
- (b) A copy of the registration prepared and issued by the United States Patent and Trademark Office showing both the current status of and current title to United States Trademark Registration No. 3,078,625 for the Mark "DE BOULLE" (Serial No. 78/444,880) (Exhibits "C" and "D").

This the 14 day of January 2009.

Respectfully submitted,

A handwritten signature in black ink that reads "Dennis T. Griggs". The signature is written in a cursive style with a horizontal line under the first name.

Dennis T. Griggs  
Texas State Bar No. 08488500  
Griggs Bergen LLP  
17950 Preston Road  
Suite 1000  
Dallas, Texas 75252  
972-447-4569 [telephone]  
972-732-9218 [telecopier]

and

Pieter J. Tredoux  
(Member of the New York Bar)  
300 Park Avenue  
Suite 1700  
New York, New York 10022  
212-308-3500 – [telephone]  
212-308-2500 – [telecopier]

CO-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 mailing a true copy thereof, through the United States Mail, first class, postage prepaid, on this the 14 day of January, 2009, and addressed as follows:

Darrell Saunders, Esq.  
Mark Peroff, II, Esq.  
Hiscock & Barclay LLP  
Seven Times Square  
New York, NY 10036

  
Dennis T. Griggs

## **EXHIBIT "A"**

**A copy of the registration prepared and issued by the United States Patent and Trademark Office - Registration No. 3,078,627 for the Mark "DE B" and Design (Serial No. 78/444,907)**

Int. Cls.: 14, 16 and 35

Prior U.S. Cls.: 2, 5, 22, 23, 27, 28, 29, 37, 38, 50, 100,  
101 and 102

Reg. No. 3,078,627

**United States Patent and Trademark Office**

Registered Apr. 11, 2006

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



DE BOULLE DIAMOND & JEWELRY, INC.  
(TEXAS CORPORATION)  
6821 PRESTON ROAD  
DALLAS, TX 75205

FOR: RETAIL JEWELRY STORE SERVICES;  
MAIL ORDER AND ELECTRONIC CATALOGUE  
SERVICES FEATURING JEWELRY., IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FOR: JEWELRY, DIAMONDS, WATCHES AND  
TIMEPIECES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND  
50).

FIRST USE 6-30-2001; IN COMMERCE 6-30-2001.

FIRST USE 6-30-2001; IN COMMERCE 6-30-2001.

THE MARK CONSISTS OF THE LETTERS DE IN  
LOWERCASE AND THE LETTER B IN UPPER CASE  
ENCLOSED IN AN OCTAGON.

FOR: FINE ART, NAMELY, PAINTINGS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 78-444,907, FILED 7-1-2004.

FIRST USE 6-30-2001; IN COMMERCE 6-30-2001.

ERNEST SHOSHO, EXAMINING ATTORNEY

## **EXHIBIT "B"**

**A copy of the records of the United States Patent and Trademark Office – showing the current status of and current title to Registration No. 3,078,627 for the Mark "DE B" and Design (Serial No. 78/444,907)**



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Assignments on the Web > [Trademark Query](#)

**No assignment has been recorded at the USPTO**

**For Serial Number: 78444907**

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Web interface last modified: October 18, 2008 v.2.0.2

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Serial Number: 78444907 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3078627

Mark



(words only): DE B

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-04-11

Filing Date: 2004-07-01

Transformed into a National Application: No

Registration Date: 2006-04-11

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-04-11

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. De Boulle Diamond & Jewelry, Inc.

**Address:**

De Boulle Diamond & Jewelry, Inc.  
6821 Preston Road  
Dallas, TX 75205  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Texas

**Phone Number:** (212) 522-2400

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**GOODS AND/OR SERVICES**

---

**International Class:** 014

**Class Status:** Active

Jewelry, diamonds, watches and timepieces

**Basis:** 1(a)

**First Use Date:** 2001-06-30

**First Use in Commerce Date:** 2001-06-30

**International Class:** 016

**Class Status:** Active

Fine art, namely, paintings

**Basis:** 1(a)

**First Use Date:** 2001-06-30

**First Use in Commerce Date:** 2001-06-30

**International Class:** 035

**Class Status:** Active

Retail jewelry store services; mail order and electronic catalogue services featuring jewelry.

**Basis:** 1(a)

**First Use Date:** 2001-06-30

**First Use in Commerce Date:** 2001-06-30

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**ADDITIONAL INFORMATION**

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**Description of Mark:** The mark consists of the letters de in lowercase and the letter B in upper case enclosed in an octagon.

**Design Search Code(s):**

**26.15.02** - Plain single or multiple line polygons; Polygons (plain, single line)

**26.15.20** - Polygons inside one another

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-16 - Attorney Revoked And/Or Appointed

2007-11-16 - TEAS Revoke/Appoint Attorney Received

2006-04-11 - Registered - Principal Register

2006-01-17 - Published for opposition

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2005-11-08 - NON-FINAL ACTION E-MAILED  
2005-11-08 - Non-Final Action Written  
2005-10-30 - Previous allowance count withdrawn  
2005-10-07 - Withdrawn From Pub - Og Review Query  
2005-08-22 - PAPER RECEIVED  
2005-08-19 - Law Office Publication Review Completed  
2005-08-19 - Assigned To LIE  
2005-08-17 - Approved for Pub - Principal Register (Initial exam)  
2005-08-17 - Previous allowance count withdrawn  
2005-08-15 - Approved for Pub - Principal Register (Initial exam)  
2005-08-09 - Amendment From Applicant Entered  
2005-08-02 - Communication received from applicant  
2005-08-02 - PAPER RECEIVED  
2005-02-06 - Non-final action e-mailed  
2005-02-06 - Non-Final Action Written  
2005-02-05 - Assigned To Examiner  
2004-07-09 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Scott T. Griggs

**Correspondent**Scott T. Griggs  
Griggs Bergen LLP  
901 Main Street, Suite 6300  
Dallas TX 75202

Phone Number: 214.653.2400

Fax Number: 214.653.2401

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## **EXHIBIT "C"**

**A copy of the registration prepared and issued by the United States Patent and Trademark Office - Registration No. 3,078,625 for the Mark "DE BOULLE" (Serial No. 78/444,880)**

Int. Cls.: 14, 16 and 35

Prior U.S. Cls.: 2, 5, 22, 23, 27, 28, 29, 37, 38, 50, 100,  
101 and 102

Reg. No. 3,078,625

United States Patent and Trademark Office

Registered Apr. 11, 2006

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

DE BOULLE

DE BOULLE DIAMOND & JEWELRY, INC.  
(TEXAS CORPORATION)  
6821 PRESTON ROAD  
DALLAS, TX 75205

FOR: JEWELRY, DIAMONDS, WATCHES AND  
TIMEPIECES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND  
50).

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

FOR: FINE ART, NAMELY, PAINTINGS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

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MAIL ORDER AND ELECTRONIC CATALOGUE  
SERVICES FEATURING JEWELRY, IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-444,880, FILED 7-1-2004.

ERNEST SHOSHO, EXAMINING ATTORNEY

## **EXHIBIT "D"**

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**No assignment has been recorded at the USPTO**

**For Serial Number: 78444880**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
Web interface last modified: October 18, 2008 v.2.0.2

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**Serial Number:** 78444880 [Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** 3078625

**Mark**

**DE BOULLE**

**(words only):** DE BOULLE

**Standard Character claim:** Yes

**Current Status:** Registered.

**Date of Status:** 2006-04-11

**Filing Date:** 2004-07-01

**Transformed into a National Application:** No

**Registration Date:** 2006-04-11

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

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**Date In Location:** 2006-04-11

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United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Texas

**Phone Number:** (212) 522-2400

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**GOODS AND/OR SERVICES**

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**International Class:** 014

**Class Status:** Active

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**First Use in Commerce Date:** 1989-12-31

**International Class:** 016

**Class Status:** Active

Fine art, namely, paintings

**Basis:** 1(a)

**First Use Date:** 1989-12-31

**First Use in Commerce Date:** 1989-12-31

**International Class:** 035

**Class Status:** Active

Retail jewelry store services; mail order and electronic catalogue services featuring jewelry

**Basis:** 1(a)

**First Use Date:** 1989-12-31

**First Use in Commerce Date:** 1989-12-31

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Scott T. Griggs

**Correspondent**

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901 Main Street, Suite 6300  
Dallas TX 75202  
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Fax Number: 214.653.2401

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