

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Butler

Mailed: February 24, 2009

Opposition No. 91162370
Opposition No. 91162469
Opposition No. 91164615
Opposition No. 91165285
Opposition No. 91165465

DE BOULLE DIAMOND & JEWELRY, INC.

v.

DE BEERS LV LTD

On February 19, 2009, applicant filed abandonments, without the written consent of opposer and thus with prejudice, of some of its applications that are the subject matter of some of the individual oppositions proceedings that form part of this consolidated proceeding.

Specifically, applicant abandons the following applications:
Serial No. **78245219**, the subject matter of Opposition No. **91162370**;
Serial No. **78245779**, the subject matter of Opposition No. **91162469**;
Serial No. **78245795**, the subject matter of Opposition No. **91165285**;
Serial No. **79000478**, the subject matter of Opposition No. **91165465**.

Applicant specifically does not abandon application Serial No. **78245210**, the subject matter of Opposition No. **91164615**, and asks that proceedings continue to trial with respect to such opposition.

Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, and because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant in Opposition Nos. 91162370; 91162496; 91165285; and 91165465, the oppositions are sustained and registration to applicant is refused as to Serial Nos. 78245219; 78245779; 78245795; and 79000478.¹

Insofar as only Opposition No. 91164615 remains for trial, proceedings technically are no longer consolidated. However, because the trial record has been maintained in the "parent" case, Opposition No. 91162370, the parties are to continue filing their remaining submissions in Opposition No. 91162370. The caption is amended prospectively to reflect two oppositions, Nos. 91162370 (as the "parent") and 91164615 (as the remaining active proceeding).

***By the Trademark Trial
and Appeal Board***

¹ A copy of this order is to be entered into the electronic record for each of the proceedings listed in the caption.