

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

Mailed: February 27, 2009

Opposition No. 91162370

Opposition No. 91164615

DE BOULLE DIAMOND & JEWELRY, INC.

v.

DE BEERS LV LTD

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

In accordance with applicant's abandonments, filed February 19, 2009, the following oppositions, which were once part of a consolidated proceeding with Opposition No. 91162370 as the "parent" case, have been sustained: Nos. 91162370; 91162469; 91165285; and 91165465. The applications that were the subject matter of the latter three opposition proceedings have been abandoned, and USPTO databases reflect their abandoned status.

The parties were instructed in the Board's order dated February 24, 2009 to continue to file papers in the "parent" case, No. 91162370 because the trial record has been maintained therein. It recently has come to the attention of the assigned Board attorney that, due to the programming for USPTO electronic systems, the abandonment for application Serial No. 78245219 cannot be effectuated until Opposition No. 91162370 (the "parent" case) is terminated. Thus, the parties are put on notice that

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the USPTO database will not reflect the abandonment of application Serial No. 78245219 (subject of Opposition No. 91162370) until Opposition No. 91164615 is resolved, at which time Opposition No. 91162370 will be terminated and the abandonment of application Serial No. 78245219 will be effectuated.¹

Applicant's motion, filed February 20, 2009, for an extension of its testimony period is noted. Proceedings are suspended pending determination of such motion.

¹ The fact that the USPTO databases do not allow entry of the abandonment in this unusual situation does not change the disposition of Opposition No. 91162370 and the effective abandonment of the subject application, Serial No. 78245219. The Board regrets any inconvenience to the parties arising from this situation, but believes it is best for the parties to file future papers concerning Opposition No. 91164615 in the "parent" case because testimony has already been submitted and maintained in the "parent" case.