

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

Mailed: May 29, 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 the Board's order dated April 24, 2009, applicant's testimony period is set to close on June 15, 2009. Opposer, on May 14, 2009, filed a motion to extend applicant's testimony period for thirty days because opposer's lead counsel, Mr. Dennis T. Griggs, died on April 21, 2009.¹ The extension is sought to allow opposer's firm time to review the files and appoint a new lead counsel. In response, opposer clarifies that it does not oppose an extension of the testimony periods. Opposer indicates that one of its witnesses will be out of the country for most of the month of June. The deposition of this witness is currently noticed for June 1, 2009. Opposer asks that any reset testimony period account for the witness's travel schedule.

¹ The Board extends its condolences to Mr. Griggs' family and colleagues.

For good cause shown, applicant's motion to extend the remaining testimony periods is granted. Fed. R. Civ. P. 6(b)(1)(A). In addition, opposer's request that a reset schedule accommodate the travel schedule of its witness is granted.

Discovery and trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	CLOSED
30-day testimony period for party in position of plaintiff to close	CLOSED
30-day testimony period for party in position of defendant to close:	August 15, 2009 ²
15-day rebuttal testimony period to close:	September 29, 2009

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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² The Board has set this period to avoid the popular July 4th holiday week.