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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91162370
Party	Defendant De Beers LV Ltd
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Submission	Stipulated/Consent Motion to Extend
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Date	11/20/2009
Attachments	DeBoule v DeBeers 91162370 - Appl Consent Motion to Extend Testimony Period.pdf ( 3 pages )(72539 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 Nos.: 91162370  
91164615

**APPLICANT'S CONSENT MOTION TO EXTEND TESTIMONY PERIODS**

Applicant, De Beers Diamond Jewellers Limited, formerly De Beers LV Ltd., hereby respectfully requests a 60-day extension of the remaining testimony periods due to continuing settlement discussions between the parties. Opposer, De Boule Diamond & Jewelry, Inc., has consented to the motion.

In an Order dated August 31, 2009, the Board stated that if either party requests any further extensions of time or suspensions, whether consented to or otherwise, the party must provide a detailed progress report and identify what issues have been resolved and what issues remain to be resolved. Applicant provides the following report on progress of settlement.

Immediately prior to Applicant's previous request for an extension of its testimony period, the parties engaged in telephone discussions regarding the terms for settlement. Counsel for Opposer provided proposed terms in writing to Applicant's counsel on August 20, 2009. Applicant's counsel forwarded these settlement terms to Applicant for internal review and assessment. Thereafter, counsel had further discussions regarding the specific terms for co-existence and future use of the parties respective marks, including the mark in issue. This resulted in a draft agreement prepared by Applicant and forward to Opposer on November 13,

2009. Opposer is now reviewing and assessing the draft settlement agreement, and expects to have comments during the week of November 23 or 30, 2009.

As the parties have agreed to keep the terms of any settlement confidential, Applicant cannot provide the specific terms that have been discussed and exchanged. Should the Board require further information in connection with this Motion, the undersigned is available to provide such information.

Applicant expects that settlement should be concluded within four to six weeks, and therefore requests a 60-day extension of the testimony periods. If the extension is granted, the remaining trial dates are requested to be reset as follows:

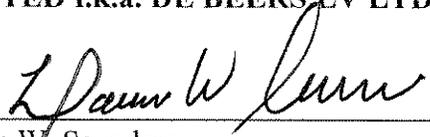
Defendant's 30-day Trial Period Closes	1/20/2010
Plaintiff's 15-day Rebuttal Period Closes	2/6/2010

Applicant greatly appreciates the Board's assistance in this matter.

Respectfully submitted,

**DE BEERS DIAMOND & JEWELLERS  
LIMITED f.k.a. DE BEERS LV LTD.**

**DATED:** November 20, 2009

By:   
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### Certificate of Service

I hereby certify that on this 20<sup>th</sup> day of November, 2009, I served the foregoing APPLICANT'S CONSENT MOTION TO EXTEND TESTIMONY PERIODS by first class mail and electronic mail to:

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