

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

CME/dmd

Mailed: December 16, 2013

Opposition No. 91197824

Opposition No. 91198210

Perfect Pearl Co., Inc.
d/b/a Majestic Pearl Co.

v.

Majestic Pearl & Stone Inc.

By the Trademark Trial and Appeal Board:

Although not consolidated by way of this order, for administrative convenience, we issue a joint order with respect to these opposition proceedings.

On September 30, 2013, the Board issued a joint order in these proceedings allowing applicant thirty days to show cause why the Board should not take the following action to give effect to a November 30, 2012 decision of the United States District Court for the Southern District of New York in a case involving the parties, *Perfect Pearl Co. v. Majestic Pearl & Stone, Inc.*, Case No. 10-cv-3998:

1. amend application Serial No. 77776779 involved in Opposition No. 91197824 from "jewelry; pearls" to "pearls, excluding pearl jewelry";
2. enter judgment in favor of opposer in Opposition No. 91197824 with respect to "jewelry";

3. amend application Serial No. 77779710 involved in Opposition No. 91198210 from "pearls" to "pearls, excluding pearl jewelry"; and
4. suspend the oppositions to allow the parties time to execute and file with the Trademark Examining Operation an agreement indicating applicant's consent to the registration of opposer's application Serial No. 85762536 and for the Trademark Examining Operation to consider the consent agreement.

No response having been received to the Prior Order:

1. application Serial No. 77776779 is amended from: "jewelry; pearls" **to:** "pearls, excluding pearl jewelry" in International Class 14, and judgment is entered against applicant and in favor of opposer with respect to "jewelry." Opposition No. 91197824 remains pending with respect to application Serial No. 77776779 as amended herein;
2. application Serial No. 77779710 is amended from: "pearls" **to:** "pearls, excluding pearl jewelry" in International Class 14; and
3. opposition Nos. 91197824 and 91198210 are suspended.
The parties are allowed until SIXTY DAYS from the mailing date of this order in which to file with the Trademark Examining Operation an agreement indicating applicant's consent to the registration of opposer's application Serial No. 85762536. **Within THIRTY DAYS**

of the Trademark Examining Operation acting on the
consent agreement, the parties shall so notify the
Board so that the Board may take appropriate action in
these proceedings.
