

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

In the matter of application Serial No. 78/570,708
For the Trademark DARE 2 DIAMOND & design
Published in the Official Gazette on January 31, 2006

COLIBRI CORPORATION)

Opposer,)

v.)

DARE 2 DIAMOND, LLC,)

Applicant.)

) Opposition No.
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NOTICE OF OPPOSITION

Opposer Colibri Corporation (“Opposer” or “Colibri”), a corporation organized under the laws of Rhode Island, believes that it will be damaged by the issuance of a registration for the mark DARE 2 DIAMOND & design (the “Mark”), as applied for in application Serial No. 78/570,708, filed on February 18, 2005 by Applicant Dare 2 Diamond, LLC (the “Applicant”) and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Since June 2003, Opposer has been selling jewelry under the DARING DIAMONDS trademark.
2. Opposer is the owner of United States trademark registration no. 2,935,431 for DARING DIAMONDS for jewelry.

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3. By the application herein opposed, the Applicant seeks to register the mark DARE 2 DIAMOND & design for jewelry. As the Applicant's application claims a first use of November 15, 2004, there is no question that Opposer has priority in use over the Applicant's use of its mark.

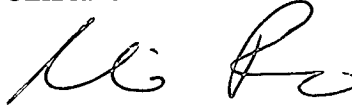
4. The Applicant's DARE 2 DIAMOND & design mark is deceptively similar to Opposer's DARING DIAMONDS trademark so as to cause confusion and lead to deception as to the origin of the goods bearing the Applicant's mark. Accordingly, Opposer will be damaged by registration of the Applicant's mark.

5. Wherefore, Opposer prays that this Opposition be sustained and that Application Serial No. 78/570,708 be denied and refused.

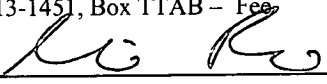
6. Colibri will be represented in this proceeding by Michelle Brownlee, its General Counsel, an attorney admitted to practice in the State of Massachusetts. Colibri requests that all correspondence be directed to Michelle Brownlee at the address given below.

Dated: March 23, 2006

COLIBRI CORPORATION



Michelle Brownlee, Esq.
General Counsel
Colibri Corporation
100 Niantic Avenue
Providence, RI 02907
(401) 330-4411

37 C.F.R. § 1.8 Certificate of Mailing: I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451 Alexandria, VA 22313-1451, Box TTAB - Fee  (Name) March 23, 2006 (Date)
