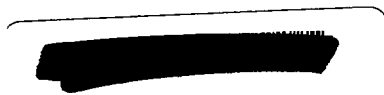


TTAB



08-14-2003

U.S. Patent & TMOs/TM Mail Rcpt Dt. #22

BOX: TTAB NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Trademark Trial and Appeal Board

IN RE: Application SN 78/117,939  
Trademark: UNCLAIMED DIAMONDS  
Applicant: Bond Jewelers, Inc.  
Published: July 15, 2003  
Attorney Docket No: 3006119-0001/02US

REQUEST TO SUSPEND PROCEEDINGS § 2.117

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir or Madam:

On behalf of Rosdebor International, Inc. of Philadelphia, PA, we request that further proceedings in this matter be suspended pending the termination of the civil action filed in the Eastern District of Pennsylvania styled Bond Jewelers, Inc. v. Rosdebor International, Inc., et al., Civil Action No. 03-3502, (USDC ED of PA).

Applicant is plaintiff in the above litigation in which the mark that is subject to this application has been asserted against the potential Opposer. A copy of the Complaint filed in the above action is attached as Exhibit 1. In answer to the Complaint, potential Opposer has asserted that the claimed mark is invalid as being generic and has filed a Motion for Summary Judgment which is now pending before the Court.

MP

03  
15  
2003

As the above litigation is likely to have a significant bearing on the registrability of the claimed mark, potential Opposer requests that any opposition proceedings be suspended pending the outcome of the litigation.

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP

Dated: August 8, 2003

By: 

James R. Meyer  
Jeffrey I. Eichen  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103  
(215) 751-2622 (voice)  
(215) 972-7677 (fax)  
jmeyer@schnader.com (Internet)

ATTORNEYS FOR POTENTIAL OPPOSER

**Certification Under 37 CFR 1.8**

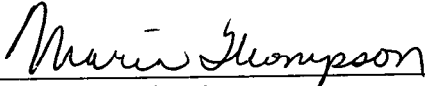
I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first-class mail under 37 CFR 1.8 on the date indicated below addressed to:

Commissioner for Trademarks  
BOX TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Craig J. J. Snyder, Esquire  
67 Wall Street, Suite 2211  
New York, NY 10005

Anna M. Durbin, Esquire  
50 Rittenhouse Place  
Ardmore, Pa 19003-2276

Date: August 12, 2003

  
Name: Maria Thompson

# CIVIL COVER SHEET

The JS-44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**1. (a) PLAINTIFFS**

Bond Jewelers, Inc.

**DEFENDANTS**

Rosedebor International, Inc., Rosedebor.com, Inc., Samuel Vayner and Boris Vayner

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEY'S FIRM NAME, ADDRESS AND TELEPHONE NUMBER:  
Law Offices of Anna M. Durbin  
50 Ritterhouse Place  
Ardmore, PA 19003-2276 (610) 649-8200

ATTORNEYS (IF KNOWN):  
Unknown

**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff  Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant  Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

|                                         | PTF                      | DEF                      | PTF                                                           | DEF                      |
|-----------------------------------------|--------------------------|--------------------------|---------------------------------------------------------------|--------------------------|
| Citizen of This State                   | <input type="checkbox"/> | <input type="checkbox"/> | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> |
| Citizen of Another State                | <input type="checkbox"/> | <input type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | Foreign Nation                                                | <input type="checkbox"/> |

**IV. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

| CONTRACT                                                                                                                                                                                                                                                                                                                                                     | TORTS                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                       | FORFEITURE/PENALTY                                                                                                                                                                                                                                                                                                                                                                                       | BANKRUPTCY                                                                                                                                                                                                                                                                                                                                             | OTHER STATUTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 Insurance<br>20 Marine<br>30 Motor Acc.<br>40 Negotiable Instrument<br>50 Recovery of Overpayment<br>60 Enforcement of Judgment<br>70 Breach of Contract<br>80 Recovery of Defaulted Student Loans (Excl. Veterans)<br>90 Recovery of Overpayment of Veteran's Benefits<br>100 Stockholders Suits<br>110 Other Contract<br>120 Contract Product Liability | PERSONAL INJURY<br>10 Airplane<br>15 Airplane Product Liability<br>120 Assault, Libel & Slander<br>130 Federal Employers' Liability<br>140 Marine<br>145 Marine Product Liability<br>150 Motor Vehicle<br>155 Motor Vehicle Product Liability<br>160 Other Personal Injury | PERSONAL INJURY<br>162 Personal Injury - Med. Malpractice<br>163 Personal Injury - Product Liability<br>168 Asbestos Personal Injury Product Liability<br>PERSONAL PROPERTY<br>170 Other Fraud<br>171 Truth In Lending<br>180 Other Personal Property Damage<br>185 Property Damage Product Liability | 10 Agriculture<br>20 Other Food & Drug<br>25 Drug Related Seizure of Property 21 USC 881<br>30 Liquor Laws<br>40 R.R. & Truck<br>50 Airline Regs.<br>60 Occupational Safety/Health<br>90 Other<br>LABOR<br>710 Fair Labor Standards Act<br>720 Labor/Mgmt Relations<br>730 Labor/Mgmt Reporting & Disclosure Act<br>740 Railway Labor Act<br>90 Other Labor Litigation<br>91 Emp. Ret. Inv. Security Act | 122 Appeal 28 USC 122<br>123 Withdrawal 28 USC 127<br>PROPERTY RIGHTS<br>170 Copyrights<br>180 Patent<br>190 Trademarks<br>SOCIAL SECURITY<br>161 MIA (138511)<br>167 Black Lung (923)<br>63 DMV/DIV/WIO/OWP<br>184 SSND Title XVI<br>85 RSI (4051g)<br>FEDERAL TAX SUITS<br>A70 Tax88 (U.S. Plaintiff or Defendant)<br>87 IRS Third Party 26 USC 7606 | 100 State Responsibility<br>110 Anti-trust<br>120 Banks and Banking<br>130 Commercial Code<br>140 Deposition<br>170 Racketeer Influence and Corrupt Organizations<br>180 Selective Service<br>190 Securities/Commodities Exchange<br>175 Customer Challenge 17 USC 317<br>181 Agricultural Acts<br>195 Economic Stimulus Act<br>282 Environmental Matters<br>284 Energy Allocation<br>285 Freedom of Information Act<br>402 Appellate Fee Waiver<br>403 Appellate Fee Waiver<br>850 Constitutionality of State Statutes<br>899 Other Statutes Provisions |
| REAL PROPERTY                                                                                                                                                                                                                                                                                                                                                | CIVIL RIGHTS                                                                                                                                                                                                                                                               | PRISONER PETITIONS                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 10 Land Condemnation<br>20 Eminent Domain<br>30 Rent Lease & Ejectment<br>40 Torts to Land<br>45 Tort Product Liability<br>100 All Other Real Property                                                                                                                                                                                                       | 141 Voting<br>442 Employment<br>143 Housing Accommodations<br>144 Welfare<br>145 Other Civil Rights                                                                                                                                                                        | 510 Motions in Vacate Sentence<br>HABEAS CORPUS:<br>330 Sentence<br>335 Death Penalty<br>340 Mandamus & Other<br>350 Civil Rights<br>355 Prison Conditions                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal from District Judge
- 8 Appeal from Magistrate Judge

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS NECESSARY.)

15 U.S.C. Section 1125(a), 15 U.S.C. Section 1125(c). Service mark infringement, service mark dilution and unfair competition.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$  
Injunctive Relief

CHECK YES only if demanded in Complaint  
JURY DEMAND: YES

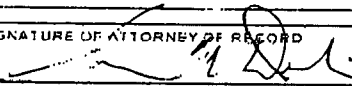
**VIII. RELATED CASE(S) (See Instructions): IF ANY**

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 6/5/03

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING FOR \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CASE MANAGEMENT TRACK DESIGNATION FORM

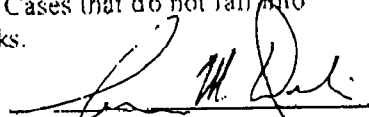
Bond Jewelers, Inc, : CIVIL ACTION  
: :  
v. : :  
Rosedebor International, Inc., : :  
Rosedebor.com, Inc., Samuel Vayner, : NO.  
and Boris Vayner :

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1.03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. ( )

6/5/13  
Date

  
Attorney-at-law  
PLAINTIFF  
Attorney for

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