



07-CV-01990-CMP

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BLUE NILE, INC., a Delaware  
corporation,

Plaintiff,

v.

PRIME STYLE LLC, a New York limited  
liability company,

Defendant.

No. **C07-1990 RSL**  
**COMPLAINT**  
**JURY DEMAND**

**I. INTRODUCTION**

1. This action arises from Prime Style LLC's knowing, willful and intentional copying of photographs displayed on Blue Nile, Inc.'s website.

2. Founded in 1999, Blue Nile has rapidly grown into the largest and most successful online retailer of certified diamonds and fine jewelry.

3. The Blue Nile websites are the heart of its business.

4. Building on the premise that, with the right information and tools, educated buyers will purchase higher-end jewelry on the Internet, Blue Nile developed and continues to refine its retail diamond and fine jewelry websites to do just that. Blue Nile's websites are

COMPLAINT - 1

ORIGINAL

Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

SEA 14091 S/ISS

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1 renowned for their industry-leading customization and innovative tools to help customers  
2 visualize final customized products.  
3

4 5. Through its websites, Blue Nile has not only sold goods, Blue Nile has built the  
6 "Blue Nile" brand. Today, Blue Nile is synonymous with high-quality diamonds and fine  
7 jewelry and with high-quality online user interface, information and services that provide a near-  
8 perfect customer experience.  
9  
10

## 11 II. PARTIES

12 6. Plaintiff Blue Nile is a Delaware corporation that maintains its principal place of  
13 business at 705 Fifth Avenue South, Suite 900, Seattle, Washington 98104. Blue Nile owns and  
14 operates an online diamond and fine jewelry retail sales business through the websites  
15 www.bluenile.com, www.bluenile.ca, and www.bluenile.co.uk.  
16  
17

18 7. Defendant Prime Style LLC is a New York limited liability company with its  
19 principal place of business in New York, New York. Prime Style LLC operates an online retail  
20 jewelry business under the domain name www.primestyle.com. The www.primestyle.com  
21 website is distributed and displayed in interstate commerce and within this judicial district. The  
22 Primestyle.com business competes directly with Blue Nile in online retail sales of diamonds and  
23 jewelry.  
24  
25

## 26 III. JURISDICTION AND VENUE

27 8. The Court has subject-matter jurisdiction over Blue Nile's federal claims pursuant  
28 to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338(a) (copyright).  
29

30 9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) because a  
31 substantial part of the events giving rise to Blue Nile's claims occurred in this district and  
32 because Prime Style LLC is subject to personal jurisdiction in this district.  
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**IV. FACTS AND BACKGROUND**

**A. THE BLUE NILE COMPANY AND BUSINESS**

10. Blue Nile has, since 1999, provided diamond and fine jewelry retail services over the Internet. It is today the market leader in the online diamond and fine jewelry industry.

11. Blue Nile provides its services and products through the websites, [www.bluenile.com](http://www.bluenile.com) (serving the United States), [www.bluenile.ca](http://www.bluenile.ca) (serving Canadian customers), and [www.bluenile.co.uk](http://www.bluenile.co.uk) (serving the United Kingdom). Blue Nile's websites are available globally, and it sells diamonds and fine jewelry via its websites in interstate commerce throughout the United States, and elsewhere.

12. As Internet retail experts have commented, Blue Nile is "admittedly obsessed" with the concept of a perfect online order experience.

13. Blue Nile provides extraordinary detail in every aspect of its website and customer experience, from the photographs that display diamonds on Blue Nile's websites to the depth of data accessible to customers to the navigation and selection tools available to customers on the websites.

14. Through this investment and diligent attention to detail, Blue Nile has proven that luxury items can be sold online. In an online jewelry market where the average purchase is about \$300, Blue Nile customers spend about \$1,536 on each purchase. In addition, where the industry average sale price for an engagement ring is about \$2,800, a typical engagement ring order at Blue Nile is about \$5,500.

15. With no "brick and mortar" stores, the Blue Nile websites are Blue Nile's storefronts and sales clerks. The websites attract the customers, the websites answer questions, and the websites sell the diamonds and jewelry.

16. As an Internet-only company in the high-end jewelry market, one of Blue Nile's highest priorities is the customer interface of its websites, and detailed, high-quality imagery is critical to its success. High-quality images give online customers a heightened level of

1 confidence in the products that they consider purchasing as well as confidence that the retailer is  
2 really an expert in the field.  
3

4 **B. THE BLUE NILE WEBSITES: WWW.BLUENILE.COM**

5  
6 17. To attract and build the confidence of customers, Blue Nile's websites explain the  
7 complexities of diamond and fine jewelry selection through clear, carefully crafted text, through  
8 excellent, sharp imagery, and in clear and creative organization and compilations on its websites  
9 that are easy for even novice and other potential buyers to navigate and understand.  
10

11  
12  
13 18. Blue Nile's websites include exquisite photographs of diamonds, pearls,  
14 gemstones, settings, and fine jewelry that illustrate the many beautiful stones and items Blue Nile  
15 offers.  
16

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19 19. Blue Nile's diamond photographs are particularly distinctive. The qualities of cut  
20 diamonds and the way diamonds reflect light make them extremely difficult, costly and time-  
21 consuming to photograph. Also as a result of diamonds' qualities and the way they reflect light,  
22 every photograph of a diamond is as unique as a fingerprint.  
23

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27 **C. PROTECTION OF BLUE NILE'S COPYRIGHTS**

28  
29 20. As an Internet-only enterprise, intellectual property is one of Blue Nile's most  
30 important and most valued assets. Consequently, Blue Nile invests significant resources into its  
31 intellectual property and carefully protects its intellectual property rights.  
32

33  
34 21. For example, Blue Nile owns all rights, title and interest, including copyrights, in  
35 and to the photographs of diamonds displayed on its websites.  
36

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39 **D. PRIMESTYLE.COM IS WILLFULLY AND UNLAWFULLY COPYING BLUE  
40 NILE'S PHOTOGRAPHS.**

41  
42 22. Primestyle.com has and is willfully and unlawfully copying Blue Nile's protected  
43 photographs.  
44

45  
46 23. For example, Primestyle.com copies Blue Nile copyright-registered photographs  
47 on its website to exemplify to its viewers a white gold sapphire and diamond three-stone  
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1 pendant, a gold three-stone diamond pendant, and a white gold ruby and diamond three-stone  
2 pendant. Screen shots of Blue Nile's registered photographs on Primestyle.com's website are  
3 attached as Exhibit A, pp. 8-10. Screen shots of the registered photographs on BlueNile.com are  
4 attached as Exhibit B, pp. 11-13.  
5  
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8  
9 24. As another example, Primestyle.com copies Blue Nile's copyright-registered  
10 photographs on its website to exemplify Asscher, Emerald, Heart, Marquise, Oval, Pear,  
11 Princess, Radiant, and Round cut diamonds to its viewers on its diamond search page. A screen  
12 shot of these photographs on the diamond search page of Primestyle.com's website is attached as  
13 Exhibit C, p. 14.  
14  
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18  
19 25. Further, when a visitor to the Primestyle.com website "clicks" on a particular  
20 diamond image on this diamond search page, an enlarged diamond image appears on a diamond  
21 detail page. The enlarged diamond images that appear on the top left of Primestyle.com's  
22 diamond detail pages are also Blue Nile's copyright-registered photographs. An example of an  
23 enlarged diamond image—Blue Nile's copyright-registered Round cut diamond image—from a  
24 diamond detail page on Primestyle.com's website is attached as Exhibit D, p. 15. A screenshot  
25 of the registered Round cut diamond photograph on BlueNile.com is attached as Exhibit E, p. 16.  
26  
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32  
33 26. Other infringements of Blue Nile's copyright-registered photographs, in addition  
34 to those specifically identified herein and in Exhibits A, C, and D, also appear on  
35 Primestyle.com.  
36  
37

## 38 V. CLAIM

### 39 COPYRIGHT INFRINGEMENT, 17 U.S.C. § 101 *et seq.*

40  
41 27. Blue Nile realleges and incorporates by reference the allegations in paragraphs 1  
42 through 26 above as if fully set forth herein.  
43  
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46 28. Blue Nile has registered copyrights in its unique and original photographs.  
47

48 29. Prime Style LLC had access to Blue Nile's websites, including the photographs on  
49 Blue Nile's websites.  
50  
51

1 30. Prime Style LLC copied and/or created derivative works from the photographs on  
2 Blue Nile's websites.  
3

4 31. The photographs on the Primestyle.com website are substantially similar to Blue  
5 Nile's original copyright-protected photographs.  
6

7 32. Prime Style LLC is not licensed or authorized by Blue Nile to use Blue Nile's  
8 copyrighted works.  
9

10 33. At all times relevant, Prime Style LLC obtained direct financial benefit from the  
11 infringement and had the right and ability to control the infringing conduct, and/or intentionally  
12 induced, encouraged, caused or materially contributed to the infringement.  
13

14 34. The foregoing acts of Prime Style LLC constitute direct infringement, vicarious  
15 infringement and/or contributory infringement of Blue Nile's exclusive rights in its copyrighted  
16 works under 17 U.S.C. § 106.  
17

18 35. Upon information and belief, Prime Style LLC's actions were intentional, willful,  
19 wanton and performed in disregard of the rights of Blue Nile.  
20

21 36. Blue Nile has been and will continue to be damaged, and Prime Style LLC has  
22 been unjustly enriched, by Prime Style LLC's unlawful infringement of Blue Nile's copyrighted  
23 works in an amount to be proven at trial.  
24

## 25 VI. JURY DEMAND

26 37. Pursuant to Federal Rule of Civil Procedure 38(b), Blue Nile demands a trial by  
27 jury as to all issues so triable in this action.  
28

## 29 VII. PRAYER FOR RELIEF

30 WHEREFORE, plaintiff Blue Nile, Inc. prays for the following relief:  
31

32 A. A preliminary injunction and permanent injunction pursuant to 17 U.S.C. § 502  
33 enjoining and restraining Prime Style LLC, its officers, agents, servants, employees and all  
34 persons in active concert or participation with them, during the pendency of this action and  
35 thereafter perpetually from copying, distributing, displaying, creating derivative works or  
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1 otherwise using protected elements of Blue Nile's copyrighted works, including, but not limited  
2 to, Blue Nile's photographs;

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5 B. An award of damages sustained by Blue Nile pursuant to 17 U.S.C. § 504(b) and  
6 as otherwise permitted by law;

7  
8  
9 C. An accounting and award of profits and other unjust enrichment derived by Prime  
10 Style LLC from its unlawful conduct pursuant to 17 U.S.C. § 504(b) and as otherwise permitted  
11 by law;

12  
13  
14 D. At Blue Nile's election, an award of statutory damages pursuant to 17 U.S.C.  
15 § 504(c) and as otherwise permitted by law;

16  
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18 E. An award of Blue Nile's costs of suit and reasonable attorneys' fees pursuant to 17  
19 U.S.C. § 505 and as otherwise permitted by law;

20  
21  
22 F. An award of prejudgment and post-judgment interest; and

23  
24  
25 G. Such further and other relief as the Court deems just and proper.

26  
27  
28 DATED: December 12, 2007

**PERKINS COIE LLP**

29  
30  
31 By: 

32 Elizabeth L. McDougall, WSBA No. 27026  
33 Rebecca S. Engrav, WSBA No. 33275  
34 Angela R. Martinez, WSBA No. 38326  
35 1201 Third Avenue, Suite 4800  
36 Seattle, WA 98101-3099  
37 Telephone: 206.359.8000  
38 Facsimile: 206.359.9000  
39 Email: [emcdougall@perkinscoie.com](mailto:emcdougall@perkinscoie.com)  
40 [renggrav@perkinscoie.com](mailto:renggrav@perkinscoie.com)  
41 [amartinez@perkinscoie.com](mailto:amartinez@perkinscoie.com)

42  
43 Attorneys for Plaintiff Blue Nile, Inc.

http://www.primestyle.com/025ct-round-diamonds-three-stone-pendant-p-52955.html

Home Customer Education 15 Days Return Policy Instructions Warranty And Security

**Questions? meStyle**

Click here to chat with us live!

Questions? Contact by Phone  
 Contact US Toll Free 877-247-5977  
 Phone 907-907-9377

025CT ROUND DIAMONDS THREE STONE PENDANTS

RINGS  
 SEMI MOUNTS  
 DIAMONDS  
 EAR-RINGS  
 PENDANTS  
 BRACELETS  
 NECKLACES  
 WATCHES  
 CLEARANCE  
 CUSTOM RING  
 GIFT CERTIFICATE

Questions? Chat with us live!

SEARCH

WE SHIP INTERNATIONALLY

REFILLER PROGRAM

TESTIMONIALS

STOP BLOOD DIAMONDS

025CT round out diamonds three stone pendant

Retail Price: \$2,910.00  
 Our Price: \$267.99  
 You Save: 88.7%

Quantity: 1

[Add to Cart] [Add to Wish List] [Send to friends]

Other Metal and Carat

Precious Stone Description: 0.25CT total wt. Three 8pt. 3 round cut diamonds FJ color and VS2-SI1 group clarity weighing 0.25CT.

Weight: Approximately 0.5 grams

Precious Metals: 14KT YELLOW GOLD-0.25CT

Primestyle.com guarantee:

- All of our diamonds are 100% real diamonds.
- Our prices are guaranteed to be significantly lower than retail prices.

Free Appraisal

SEARCH [Advanced Search]

SHOPPING CART STATUS

0 items (0 items)

PayPal

ebay

Google

Froogle

overture

Shopping.com

Connecticut 15 Days Return Policy Refer a Friend Satisfaction Guarantee | Web Resources | Site Map

Diamond And Sapphire Pendant - Three Stone Diamond Pendants - Discount Diamond Product



http://www.primestyle.com/150ct-round-diamonds-rubbies-three-stone-pendant-p-5306 Live Search

Home Customer Education 16 Days Return Policy Satisfaction Guaranteed Warranty: Be Secure

# PrimeStyle

ENTIRE WEBSITE SALE 50% - 78% OFF

Questions? Contact Us >>> Contact by Phone Toll Free 877-477-6272 Phone 214-504-8377

150CT Round Cut Diamonds and Rubies Three Stone Pendant

Retail Price: \$4,320.00  
Our Price: \$809.99  
You Save: \$3,510.01

Quantities:

Other Metal and Carat

150CT Round Cut Diamonds and Rubies Three Stone Pendant

View Other Items in This Category

Item Information  
Stock Number: 15486-14-150  
Item Number: S3006  
General:  
Ring Size:  
Precious Stones Description:  
1.50CT total weight. There are 2 round cut diamonds 1.00ct and 2.11-2.12 ct round brilliant rubies weighing 0.80CT.  
Weight:  
Approximate 1.0 grams  
Precious Metal:  
14KT White Gold - 1.50CT

PrimeStyle.com guarantees:  
1) All of our diamonds are 100% real diamonds.  
2) Our prices are guaranteed to be significantly lower than retail prices.

Free Appraisal

SEARCH

Advanced Search

SHOPPING CART STATUS

My Shopping Cart: 0 Item(s)  
My Wishlist: 0 Item(s)

PayPal

World Net

MasterCard

FedEx

ebay

Google

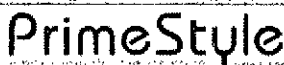
Froogle

overture

overstock.com

Shopping.com

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Diamond and sapphire Pendant - Three Stone Diamond Pendants - Discount Diamond Pendant



Sign In | New User? Sign Up  
Shopping Cart (0) | Wishlist (0)  
\$0.00

**ENTIRE WEBSITE SALE 50% - 78% OFF**

Questions? **Contact US** | Contact by Phone **1-877-27-2722**  
Phone: **212-302-9377**

**HACKER SAFE**  
TESTED DAILY 66-DEC

PrimeStyle International

US CA  
UK AU  
DE FR

Select country

**THREE STONE PENDANTS**

- RINGS
- SEMI MOUNTS
- DIAMONDS
- EAR-RINGS
- PENDANTS
  - Quarry Pendants
  - Diamond Pendants
  - Heart Pendants
  - Three Stone Pendants
  - Solitaire Pendants
- BRACELETS
- NECKLACES
- WATCHES
- CLEARANCE
- CUSTOM RING
- GIFT CERTIFICATE

Retail Price: \$1,900.00  
Our Price: **\$241.99**  
You Save: 87.3%

Quantity:

**Add to Cart**

**Add to Wish List**

**Send to friends**

**Other Metal and Carat**  
14KT White Gold - 0.25CT

View Other Items in This Category


Usually ships within 72 hours

New Information:  
Stock Number: 15475-14-25  
Item Number: 82985

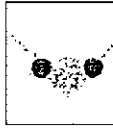


General:  
Ring Size:  
Precious Stones Description: 0.25CT total weight. There are 1 round cut diamonds 1.1 color and VS2-SI1 group. Daily weighing 0.00CT and 2 round cut sapphires weighing 0.00CT.

Weight: Approximately 2.0 grams  
Precious Metal: 14KT White Gold - 0.25CT

PrimeStyle.com guarantees:  
1) All of our diamonds are 100% real diamonds.  
2) Our prices are guaranteed to be significantly lower than retail prices.




**Click bigger view**

click the thumbnail for a bigger view.

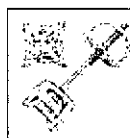
**0.25CT round cut diamonds and sapphires three stone pendant**

Present yourself with our luxurious 14KT White Gold diamonds and sapphire ladies three stone pendant. Composed of 14 0.00CT round cut brilliant diamonds and round cut sapphires weighing 0.00CT. This three stone pendant features exquisite diamonds of VJ color and VS2-SI1 group clarity. Stone with elegance and simplicity with our 14KT White Gold diamonds and sapphires ladies three stone pendant.



View Details


1.00CT princess cut diamonds engagement ring  
\$2,812.99



View Details

1.50CT princess cut diamonds stud earrings  
\$2,505.99

**Free Appraisal**



**why primestyle.com?**

- Free appraisal
- Free elegant jewelry box
- Wholesale most competitive prices
- Money back guarantee
- Safe and secure shopping experience

**Guaranteed delivery by Christmas**

**Testimonials**

purchasing diamonds in the future.  
C. Toronto, New Jersey, us

**View more reviews**

**Holidays Special**  
Limited time Offer  
\$30.00 discount  
enter code: PS005  
at checkout

**Feel safe with Primestyle.com**

- SquareTrade business verified member
- Paypal verified with over 30,000 successful online transactions
- Secure website and order processing
- Our diamonds are 100% genuine & natural
- Our precious metal is solid and not plated
- Our prices are guaranteed to be SIGNIFICANTLY below retail prices
- All of our items are brand new
- 15 days customer friendly return policy
- appraisal/certificate with each item
- Personal Customer Care / service

**One of a kind**

**Mens Rings**

**click to enter >>**

http://www.bluenile.com/product\_details.asp?oid=4315&catid=17&filter\_id=0&nav1=

blue Nile Education, Guidance, Diamonds and Fine Jewelry

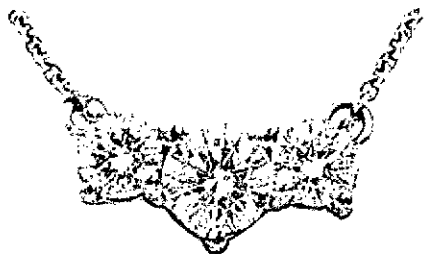
800-242-2728

DIAMONDS ENGAGEMENT JEWELRY GIFTS EDUCATION SHOPPING BASKET

Free FedEx Priority Overnight - Shipping on All Orders  
Need it tomorrow? Most items ship same day.

Home > Jewelry > Necklaces & Pendants > Diamond Necklaces > Pendant Details

Three-Stone Diamond Pendant in 18k Gold (3/4 ct twz)



Learn About Diamonds

Jewelry Guides

Why Blue Nile?

- Largest Online Retailer of Certified Diamonds
- Forbes Favorite Online Jeweler Since 2000
- Award-Winning Customer Service

Order by 5 PM ET today  
Receive on: Friday, December 7

Free shipping via FedEx Priority Overnight®

Order in the next 2 hours 46 minutes for free delivery on Friday, December 7.

Price: \$1,400

add to basket

My wife loved her three-stone diamond pendant and all of her friends thought it looked beautiful on her.  
Norbert, Jackson MI - November 2007

Read more customer reviews

This Item Come With:

- Free FedEx® shipping
- Appraisal included
- Free gift packaging
- Extended holiday returns

Note: Prices and availability are subject to change without notice. View our product policies for more information.

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ABOUT US: Our 100% Satisfaction Guarantee Policy  
SERVICES: Free FedEx® Overnight® Shipping  
BLUE NILE INTERNATIONAL: Buy from the USA  
NEWSLETTER AND OFFERS: Enter your e-mail address

http://www.bluenile.com/product\_details.asp?oid=4315&catid=17&filter\_id=0&nav1=necklace\_channel.asp&page=1&show\_all\_pages=1&col=2&row=18&pos=36&set\_shape=

12/6/2007

http://www.bluenile.com/product\_details.asp?oid=4974&catid=114&filter\_id=0&nav1=

blue Nile Education, Guidance, Diamonds and Fine Jewelry

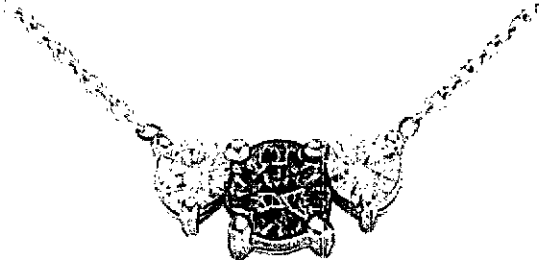

800-242-2728

DIAMONDS ENGAGEMENT JEWELRY GIFTS EDUCATION

Free FedEx Priority Overnight Shipping on All Orders  
Need it tomorrow? Most items ship same day.

Home > Jewelry > Necklaces & Pendants > Gemstone Necklaces > Necklace Details

Three-Stone Ruby and Diamond Pendant in 18k White Gold (4.4mm)

zoom out

Order by: 6 PM ET today  
Receive on: Friday, December 7

Free shipping via FedEx Priority Overnight®

★★★★★ 4 Customer Feedback

Order in the next 2 hours 25 minutes for free delivery on Friday, December 7.

Price: \$975

add to basket

add to wishlist e-mail to a friend print

★★★★★ Dainty but elegant  
The three-stone pendant is lovely, if only a little, well, little! The ruby is clean and free of obvious flaws, and it is complemented by two handsome diamonds. A good value for the price, I think.  
Dr. Arnold D., Santa Clara CA - January 2006


Read more customer reviews >

View View

View with descriptions >

This Item Comes With:

- Free FedEx® shipping
- Free gift packaging
- Extended holiday returns



http://www.bluenile.com/product\_details.asp?oid=4974&catid=114&filter\_id=0&nav1=necklace\_channel.asp&page=1&show\_all\_pages=1&col=2&row=10&pos=20&set\_shape=

12/6/2007

http://www.bluenile.com/product\_details.asp?oid=5089&track=img\_styleselect&page=1&row=2&col=1&nav1=8

blue Nile Education, Guidance, Diamonds and Fine Jewelry

Track My Order  
Diamond Comparison  
Wish List

1888-565-7641

DIAMONDS ENGAGEMENT JEWELRY GIFTS EDUCATION SHOPPING BASKET


Free FedEx Priority Overnight® Shipping on Every Order

Home > Jewelry > Build Your Own Diamond Pendant™

### BUILD YOUR OWN DIAMOND PENDANT™

1. Choose Your Style

Sapphire Three-Stone Pendant Setting in 18k White Gold



zoom out | view with diamond

This elegant 18k white gold, three-stone setting holds two vivid, deep blue sapphires and your choice of center diamond. Pendant is suspended from an 18k white gold cable chain.

**Starting at \$800**

Free shipping via FedEx Priority Overnight®

select this style

Send to a friend | Gift

Read more customer reviews

This Item Comes With:

- Free FedEx® shipping
- Free gift packaging
- Extended holiday returns

Note: Prices and availability are subject to change without notice. View our [product policies](#) for more information.

This setting available only with purchase of a diamond.

**Why Blue Nile?**

- Largest Online Retailer of Certified Diamonds
- Forbes Favorite Online Jeweler Since 2000
- Award-Winning Customer Service 865-565-7641

**Discover Blue Nile**

- In the News**  
Read what's being said about Blue Nile in the news
- Customers Say It Best**  
Read how our customers feel about our performance.

**Education & Guidance**

- Diamonds
- Platinum
- Pearls
- Gold
- Gemstones
- Silver

http://www.primestyle.com/categories/diamonds.html
Home Customer Education 16 Days Return Policy Satisfaction Guarantee Warranty Site Security

# PrimeStyle

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Shipping: \$10.00    Estimated: \$0.00

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**50% - 78% OFF**

DIAMONDS

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Phone: **212-502-9371**

**RINGS**

**SEMI MOUNTS**

**DIAMONDS**

- Princess Cut
- Emerald Cut
- Marquise Cut
- Heart Cut
- Oval Cut
- Pear Cut
- Radiant Cut
- Round Brilliant

**EAN RINGS**

**PENDANTS**

**BRACELETS**

**NECKLACES**

**WATCHES**

**CLARANCE**

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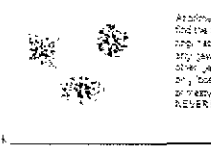
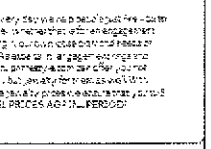
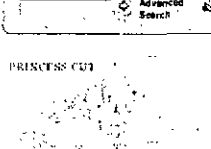
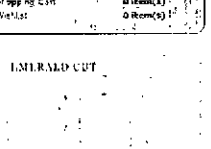
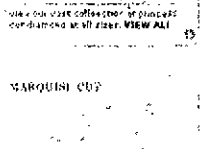
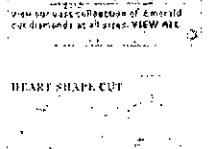
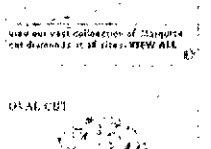
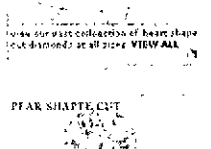
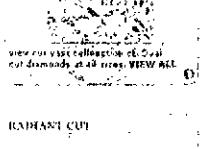
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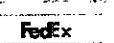
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