

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

VW

Mailed: September 29, 2016

Opposition No. 91205982 (**Parent Case**)  
Opposition No. 91205984  
Opposition No. 91210386

*Fertitta Hospitality, LLC*

*v.*

*Fertitta Business Management LLC*  
*(substituted as party defendant by assignment*  
*from Fertitta Entertainment LLC)*

**M. Catherine Faint,**  
**Interlocutory Attorney:**

On July 30, 2016, Applicant filed a consented motion for substitution of defendant and a motion consented motion to further suspend the proceedings.

Substitution

A June 3, 2016 assignment of the involved applications from Fertitta Entertainment LLC to Fertitta Business Management LLC was recorded with the USPTO Assignment Branch at Reel 5806, Frame 0743. Inasmuch as Opposer has consented to Applicant's request, Fertitta Business Management LLC is hereby substituted as party defendant in this proceeding. *See* TBMP § 512.01.

Suspension

Applicant's consented motion to further suspend this proceeding for 60-days to accommodate the parties' continued settlement discussions is granted for good cause shown.

Accordingly, proceedings are suspended up to, and including September 29, 2016, subject to the right of either party to request resumption at any time. *See* Trademark Rule 2.117(c), and 2.127(a); and TBMP § 605.02).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume September 30, 2016 without further notice or order from the Board, upon the schedule set forth below.

Applicant is allowed until October 30, 2016 in which to answer the notice of opposition.<sup>1</sup> Conferencing, disclosure, discovery and trial dates are reset as follows:

Deadline for Discovery Conference	<b>11/29/2016</b>
Discovery Opens	<b>11/29/2016</b>
Initial Disclosures Due	<b>12/29/2016</b>
Expert Disclosures Due	<b>4/28/2017</b>
Discovery Closes	<b>5/28/2017</b>
Plaintiff's Pretrial Disclosures	<b>7/12/2017</b>
Plaintiff's 30-day Trial Period Ends	<b>8/26/2017</b>
Defendant's Pretrial Disclosures	<b>9/10/2017</b>
Defendant's 30-day Trial Period Ends	<b>10/25/2017</b>
Plaintiff's Rebuttal Disclosures	<b>11/9/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>12/9/2017</b>

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<sup>1</sup> A separate answer must be filed in each proceedings.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

As a final matter, the parties are reminded of their continuing obligation to provide a detailed progress report with all future extension and suspension requests filed with the Board. Absent such a report, any future motion to extend or suspend may be denied, even if agreed to by the parties.<sup>2</sup>

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<sup>2</sup> If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.