

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.¹ Conferencing, disclosure, discovery and trial dates are reset as follows:

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

¹ 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.²

² 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.