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

Proceeding	91205982
Party	Defendant Fertitta Business Management LLC
Correspondence Address	LAURA BIELINSKI BROWNSTEIN HYATT FARBER SCHRECK 100 N CITY PARKWAY SUITE 1600 LAS VEGAS, NV 89106-4614 UNITED STATES lvpto@bhfs.com, jobermeyer@bhfs.com, elewis@bhfs.com, lbielin- ski@bhfs.com, kgoldberg@bhfs.com, llangberg@bhfs.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Laura Bielinski
Filer's e-mail	lvpto@bhfs.com, jobermeyer@bhfs.com, pajemian@bhfs.com, llang- berg@bhfs.com
Signature	/Laura Bielinski/
Date	02/27/2017
Attachments	Stipulated Motion for Suspension for Settlement - 91205982.pdf(148879 bytes)

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

<p>FERTITTA HOSPITALITY, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>FERTITTA BUSINESS MANAGEMENT LLC,</p> <p style="text-align: center;">Applicant.</p>	<p>CONSOLIDATED PROCEEDINGS</p> <p>Opposition No.: 91205982 (parent case) Mark: FERTITTA GAMING Serial. No.: 85/180,560</p> <p>Opposition No.: 91210386 Mark: FERTITTA Serial. No.: 85/657,016</p> <p>Opposition No.: 91205984 Mark: FERTITTA ENTERTAINMENT Serial. No.: 85/180,567</p>
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STIPULATED MOTION FOR SUSPENSION FOR SETTLEMENT

Pursuant to Trademark Rule 2.117(c), Fertitta Business Management LLC ("Applicant") requests suspension of these proceedings for ninety (90) days, subject to the right of either party to request resumption of the proceedings at any time prior thereto. Applicant further requests that all dates be reset in accordance with this 90-day suspension.

Applicant asserts that the parties are engaged in settlement discussions that, if successful, will result in the termination of these proceedings. Specifically, this week Opposer Fertitta Hospitality, LLC ("Opposer") will be sending a draft agreement in accordance with the parties' most recent settlement discussions, and the parties will need time to work out specific terms that would globally resolve these consolidated proceedings. Suspension is requested in order to allow the parties to maintain the status quo pending the outcome of these settlement negotiations.

As grounds in support of this motion and to show good cause, Applicant submits the attached report entitled *Status of Negotiations – Fertitta Hospitality, LLC v. Fertitta Business Management LLC*. (See **Exhibit A**).

Counsel for Opposer, William D. Raman of the firm Fleckman & McGlynn, PLLC has consented to this motion on its merits.

DATED: February 27, 2017

Erin E. Lewis
Laura Bielinski
Peter Ajemian
Lindsey Williams
BROWNSTEIN HYATT FARBER SCHRECK
100 N. City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: (702) 382-2101
Facsimile: (702) 382-8135

/Laura Bielinski/

Laura Bielinski
Attorney for Fertitta Business Management
LLC

Exhibit A

Status of Negotiations – *Fertitta Hospitality, LLC v. Fertitta Entertainment LLC*

1) When last settlement proposal was sent, by whom, and when a response is expected

Applicant sent a settlement proposal to Opposer on September 21, 2016, which proposed new settlement terms in accordance with Applicant's latest settlement approach. Applicant's proposal memorialized and constituted a significant departure from Applicant's prior settlement position. The issues in these proceedings are complex, and the parties—both of which require multiple levels of review within their organizations in order to approve any settlement terms—are working to resolve their serious disagreements about their respective rights to register various FERTITTA-formative marks. Consequently, it has taken time for Opposer to formulate a counter-proposal, which it will convey through a draft agreement this week. Should the Interlocutory Attorney have questions or want additional information regarding the complexity of the issues presented here and/or the need for additional time, counsel for the parties are available to discuss the matter telephonically in greater detail.

2) Recitation of issues that have been resolved since the commencement of this proceeding

Applicant understands that Opposer's forthcoming draft agreement will globally resolve the issues presented in these consolidated proceedings over the parties' rights to register their FERTITTA-formative marks. Thus, although no issues have been resolved to date, the parties are optimistic about their latest settlement discussions, and anticipate that any settlement will be global and will resolve all relevant issues.

3) List of issues that remain to be resolved

Although no issues have been resolved to date, the parties are optimistic about their latest settlement discussions, and anticipate that any settlement will be global and will resolve all relevant issues.

4) Timetable for resolution

The parties request a 90-day suspension of the subject proceedings to allow Applicant and Opposer enough time to work on specific settlement terms set forth in Opposer's draft agreement.

Certificate of Service

I, Julie Obermeyer, hereby certify that a true and complete copy of the foregoing Stipulated Motion for Suspension for Settlement has been served on William D. Raman of the firm Fleckman & McGlynn, PLLC via email (as agreed upon) on February 27, 2017 to raman@fleckman.com.

/s/Julie Obermeyer/

Julie Obermeyer
Paralegal
Brownstein Hyatt Farber Schreck, LLP
100 N. City Parkway, Suite 1600
Las Vegas, Nevada 89106

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