

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

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

Fertitta Hospitality, LLC

v.

Fertitta Business Management LLC

Veronica P. White, Paralegal Specialist:

Applicant's consented motion, filed June 28, 2017, to further suspend this proceeding for an additional 90-days is granted for good cause shown.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended up to, and including September 27, 2017, subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed.¹ *See* Trademark Rule 2.18(b)(1).

¹ 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.

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 28, 2017 without further notice or order from the Board, upon the schedule set forth below.

Applicant is allowed until October 28, 2017, in which to answer the notice of opposition. Conferencing, disclosure, discovery, and trial dates are reset as follows:

Time to Answer	10/28/2017
Deadline for Discovery Conference	11/27/2017
Discovery Opens	11/27/2017
Initial Disclosures Due	12/27/2017
Expert Disclosures Due	4/26/2018
Discovery Closes	5/26/2018
Plaintiff's Pretrial Disclosures Due	7/10/2018
Plaintiff's 30-day Trial Period Ends	8/24/2018
Defendant's Pretrial Disclosures Due	9/8/2018
Defendant's 30-day Trial Period Ends	10/23/2018
Plaintiff's Rebuttal Disclosures Due	11/7/2018
Plaintiff's 15-day Rebuttal Period Ends	12/7/2018
Plaintiff's Opening Brief Due	2/5/2019
Defendant's Brief Due	3/7/2019
Plaintiff's Reply Brief Due	3/22/2019

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and **many** requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serv-

ing testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

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 will be denied, even if agreed to by the parties.**