

ESTTA Tracking number: **ESTTA854675**

Filing date: **10/26/2017**

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 Email: lvpto@bhfs.com, jobermeyer@bhfs.com, elewis@bhfs.com, lbielinski@bhfs.com, kgoldberg@bhfs.com, llangberg@bhfs.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Laura Bielinski |
| Filer's email | lvpto@bhfs.com, jobermeyer@bhfs.com, elewis@bhfs.com, llangberg@bhfs.com |
| Signature | /Laura Bielinski/ |
| Date | 10/26/2017 |
| Attachments | Stipulated Motion for Suspension for Settlement - parent case 91205982.pdf(12296 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> |
|--|---|

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. The parties are continuing to negotiate terms on the most recent draft settlement agreement, which 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 Fertitta Hospitality, LLC ("Opposer"), William D. Raman of the firm Fleckman & McGlynn, PLLC has consented to this motion on its merits.

DATED: October 26, 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

The latest draft settlement agreement was sent from Applicant's counsel to Opposer's counsel on September 7, 2017. The latest draft made certain modifications that the parties are continuing to discuss amongst themselves and between counsel. The parties believe that settlement is possible in the event they are able to work out a few key provisions, and counsel are regularly communicating to resolve those issues. As previously noted, 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. 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

The parties are hopeful that once they work out the key provisions at issue, this matter will be globally resolved. 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 October 26, 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

16084180