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Filing date: **04/27/2018**

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, 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	04/27/2018
Attachments	Stipulated Motion for Suspension for Settlement 91205982.pdf(13001 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 sixty (60) 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 60-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. The parties continue to believe they have narrowed the outstanding issues to a single issue. Suspension is requested in order to allow the parties to maintain the status quo pending the outcome of these settlement negotiations.

Further suspension is requested due to a death in Applicant's counsel's family (counsel's father) during the pendency of the last suspension. Under the circumstances, Applicant's counsel has been unable to further engage in and facilitate settlement discussions. However, counsel is now back to work full time and is now available to continue working on settlement.

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: April 27, 2018

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 Opposer's counsel to Applicant's counsel on November 29, 2017. The parties believe they have narrowed the outstanding issues to a single point of negotiation and are working to resolve the final issue.

The parties recently agreed to a direct conference between the parties in order to resolve this final issue and hope to resolve the final issue in the coming weeks.

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

Applicant's next 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 60-day suspension of the subject proceedings to allow Applicant and Opposer enough time to resolve the final point of contention between the parties.

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 April 27, 2018 to raman@fleckman.com.

/Julie Obermeyer/

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

16772419