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Filing date: **06/26/2018**

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

Proceeding	91205982
Party	Defendant Fertitta Business Management LLC
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Submission	Motion to Suspend for Settlement Discussions
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Date	06/26/2018
Attachments	Motion for Suspension for Settlement with Consent 91205982.pdf(13299 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><b>CONSOLIDATED PROCEEDINGS</b></p> <p><b>Opposition No.:</b> 91205982 (parent case) <b>Mark:</b> FERTITTA GAMING <b>Serial. No.:</b> 85/180,560</p> <p><b>Opposition No.:</b> 91210386 <b>Mark:</b> FERTITTA <b>Serial. No.:</b> 85/657,016</p> <p><b>Opposition No.:</b> 91205984 <b>Mark:</b> FERTITTA ENTERTAINMENT <b>Serial. No.:</b> 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, and they have been working to schedule a conference between their in-house counsel to determine whether the issue can be finally resolved. 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: June 26, 2018

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/Erin E. Lewis/

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Erin E. Lewis  
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.

To that end, the parties agreed to a direct conference between their in-house counsel with the goal of resolving this final issue. Although both parties have been diligently working to set up this conference, it has been delayed due to scheduling conflicts. The parties' representatives are now in direct contact and plan to hold this conference within the next two to three 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 for their in-house counsel to discuss and 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 June 26, 2018 to raman@fleckman.com.

/Julie Obermeyer/

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