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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
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Submission	Motion to Suspend for Settlement Discussions
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Date	01/23/2019
Attachments	Stipulated Motion for Suspension for Settlement 91205982.pdf(12194 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 believe they have now resolved all outstanding issues, and their respective in-house counsel have been working together to finalize the formal settlement agreement. 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: January 23, 2019

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Erin E. Lewis  
Attorney for Fertitta Business Management  
LLC

## **Exhibit A**

### **Status of Negotiations** ***Fertitta Hospitality, LLC v. Fertitta Business Management LLC***

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

After exchanging several versions of a settlement term sheet, the parties' in-house counsel agreed to final settlement terms on December 6, 2018. Accordingly, the parties believe they have finally resolved all the outstanding issues in this matter. Applicant is finalizing a draft of the formal settlement agreement memorializing the agreed-upon terms. These efforts were slightly delayed due to the holidays, but Applicant plans to share a draft of the settlement agreement with Opposer in the next two 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**

The final outstanding issue that Applicant and Opposer have been negotiating regarding the parties' rights to register their FERTITTA-formative marks is now resolved.

#### **3) List of issues that remain to be resolved**

The parties believe they have resolved all outstanding issues. They are now working to memorialize the settlement terms through a formal agreement.

#### **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 finalize the formal settlement 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 January 23, 2019 to raman@fleckman.com.

/Julie Obermeyer/

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