

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
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January 30, 2019

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 January 23, 2019, to further suspend this proceeding for an additional 60-days is granted for good cause shown.

Because the parties are continuing to engage in negotiations for a possible settlement of this case, proceedings herein remain suspended, 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.<sup>1</sup> *See* Trademark Rule 2.18(b)(1).

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<sup>1</sup> 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 without further notice or order from the Board, upon the schedule set forth below.

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals.<sup>2</sup> See Trademark Rule 2.106(b)(1)/2.114(b)(1). Conferencing, disclosure, discovery, and trial dates are reset as follows:

Time to Answer	3/24/2019
Deadline for Discovery Conference	4/23/2019
Discovery Opens	4/23/2019
Initial Disclosures Due	5/23/2019
Expert Disclosures Due	9/20/2019
Discovery Closes	10/20/2019
Plaintiff's Pretrial Disclosures Due	12/4/2019
Plaintiff's 30-day Trial Period Ends	1/18/2020
Defendant's Pretrial Disclosures Due	2/2/2020
Defendant's 30-day Trial Period Ends	3/18/2020
Plaintiff's Rebuttal Disclosures Due	4/2/2020
Plaintiff's 15-day Rebuttal Period Ends	5/2/2020
Plaintiff's Opening Brief Due	7/1/2020
Defendant's Brief Due	7/31/2020
Plaintiff's Reply Brief Due	8/15/2020
Request for Oral Hearing (optional) Due	8/25/2020

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

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<sup>2</sup> A separate answer must be filed in each proceeding.

submitting and serving 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.**