

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

March 25, 2019

Opposition No. 91205982 (parent case)

Opposition No. 91210386

Opposition No. 91205984

Fertitta Hospitality, LLC

v.

Fertitta Business Management LLC

Nicole Thier, Paralegal Specialist:

Applicant's consented motion, filed March 22, 2019, to suspend this proceeding for 60 days is granted for good cause shown. The parties are reminded of their continued obligation to provide a detailed progress report with all future extension and suspension request filed with the Board.

Proceedings are herein suspended, subject to the right of either party to request resumption at any time.¹ See Trademark Rules 2.117(c) and 2.127(a); and TBMP § 605.02.

¹ The parties should note that if proceedings are suspended for a lengthy period of time pursuant to the filing of several motions to suspend for settlement, the Board retains discretion to condition the approval of any future consented or stipulated motion to suspend on a party or the parties providing necessary information about the status of settlement talks, discovery activities, or trial activities, as may be appropriate. See Trademark Rule 2.117(c).

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. *See* Trademark Rule 2.18(b)(1).

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.

Proceedings Resume: 5/21/2019

Time to Answer	5/21/2019
Deadline for Discovery Conference	6/20/2019
Discovery Opens	6/20/2019
Initial Disclosures Due	7/20/2019
Expert Disclosures Due	11/17/2019
Discovery Closes	12/17/2019
Plaintiff's Pretrial Disclosures Due	1/31/2020
Plaintiff's 30-day Trial Period Ends	3/16/2020
Defendant's Pretrial Disclosures Due	3/31/2020
Defendant's 30-day Trial Period Ends	5/15/2020
Plaintiff's Rebuttal Disclosures Due	5/30/2020
Plaintiff's 15-day Rebuttal Period Ends	6/29/2020
Plaintiff's Opening Brief Due	8/28/2020
Defendant's Brief Due	9/27/2020
Plaintiff's Reply Brief Due	10/12/2020
Request for Oral Hearing (optional) Due	10/22/2020

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

Consolidated Opposition Nos. 91205982, 91210386, and 9125984

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).