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Filing date: **08/21/2019**

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

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|------------------------|---|
| 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 lvpto@bhfs.com, jobermeyer@bhfs.com, elewis@bhfs.com, llang- berg@bhfs.com 702-382-2101 |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Laura Bielinski |
| Filer's email | lvpto@bhfs.com, jobermeyer@bhfs.com, lwilliams@bhfs.com, llang- berg@bhfs.com |
| Signature | /Laura Bielinski/ |
| Date | 08/21/2019 |
| Attachments | Stipulated Motion for Suspension for Settlement 91205982.pdf(12026 bytes) |

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

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| <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.

The parties are engaged in settlement discussions, have a final draft agreement in circulation and believe matter will be fully resolved in the coming weeks. The proposed settlement agreement is now under final review by Fertitta Business Management, LLC ("Applicant") and its advisers. Suspension is requested in order to allow the parties to maintain the status quo as the parties near execution of a final agreement.

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, William D. Raman of the firm Fleckman & McGlynn, PLLC has consented to this motion on its merits.

DATED: August 19, 2019

Erin E. Grolle
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 Business Management LLC***

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

The parties' in-house counsel agreed to what were believed to be final settlement terms on December 6, 2018. However, some minor additional issues arose subsequent to the last suspension request. As such, certain terms and provisions within the draft agreement have been further revised by Opposer and its counsel. The revised draft of the settlement agreement is currently under review by Applicant and its advisors. The parties are working diligently to resolve all of the outstanding issues in this matter and hope to have the agreement fully finalized and executed 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

The final major 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 major issues. They have an agreement in what they believe is close to final form and they hope to execute the agreement in the coming weeks.

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 and execute 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 August 21, 2019 to raman@fleckman.com.

/Julie Obermeyer/

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

19647711