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Filing date: **02/18/2020**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91205982   |
| Party                  | Defendant<br>Fertitta Business Management LLC  |
| Correspondence Address | LAURA LANGBERG<br>BROWNSTEIN HYATT FARBER SCHRECK<br>100 N CITY PARKWAY , SUITE 1600<br>LAS VEGAS, NV 89106-4614<br>UNITED STATES<br>lvpto@bhfs.com, jobermeyer@bhfs.com, llangberg@bhfs.com, lwilliams@bhfs.com<br>702-382-2101 |
| Submission             | Motion to Suspend for Settlement Discussions   |
| Filer's Name           | Laura Langberg   |
| Filer's email          | lvpto@bhfs.com, jobermeyer@bhfs.com, egrolle@bhfs.com, llangberg@bhfs.com  |
| Signature              | /Laura Langberg/   |
| Date                   | 02/18/2020   |
| Attachments            | Stipulated Motion for Suspension for Settlement 91205982 Parent.pdf(13162 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<br/>LLC,</p> <p style="text-align:center">Applicant.</p> | <p><b>CONSOLIDATED PROCEEDINGS</b></p> <p><b>Opposition No.:</b> 91205982 (parent case)<br/><b>Mark:</b> FERTITTA GAMING<br/><b>Serial. No.:</b> 85/180,560</p> <p><b>Opposition No.:</b> 91210386<br/><b>Mark:</b> FERTITTA<br/><b>Serial. No.:</b> 85/657,016</p> <p><b>Opposition No.:</b> 91205984<br/><b>Mark:</b> FERTITTA ENTERTAINMENT<br/><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.

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. Applicant and Fertitta Hospitality, LLC ("Opposer") have continued negotiating a final term regarding a particular mark, and expect to resolve the disagreement shortly. 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: February 18, 2020

Erin E. Grolle  
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/s/ Laura Langberg/

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Laura Langberg  
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 settlement agreement has undergone several revisions on additional issues that have arisen beyond what the parties' in-house counsel agreed upon when they came to terms by telephone several months ago. Opposer has evaluated the latest revised draft of the settlement agreement circulated on October 25, 2019, and the parties have engaged in numerous subsequent communications since the last draft was circulated. The parties are attempting to negotiate a final remaining term regarding a particular mark at issue and, once that term is negotiated, the parties hope to be in a position to execute the settlement agreement and dismiss these proceedings. 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 parties believe that many of the major issues that Applicant and Opposer have been negotiating regarding the parties' rights to register their FERTITTA-formative marks are now resolved, and the parties are continuing to negotiate one major point of disagreement that has arisen during their attempt to paper the settlement.

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

The parties are negotiating one major point of disagreement that has arisen during their attempt to paper the settlement. 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 February 18, 2020 to raman@fleckman.com.

/Julie Obermeyer/

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