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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	07/21/2020
Attachments	Stipulated Motion for Suspension for Settlement 91205982.pdf(14232 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>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.

Applicant and Fertitta Hospitality, LLC ("Opposer") are continuing settlement negotiations, but the disruption to their respective businesses in the face of COVID-19 has prevented them from making meaningful progress during this time. Moreover, one of the decision makers on the remaining settlement issues suddenly encountered a health issue and is unavailable, which is preventing further progress on the settlement. Suspension is requested in order to allow the parties to maintain the status quo as the parties near execution of a final agreement, and determine how to proceed in light of the pandemic and the individual's health problem.

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: July 20, 2020

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Laura Langberg
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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. The parties have continued to discuss the latest revised draft of the settlement agreement circulated on October 25, 2019, and negotiate a final remaining term regarding a particular mark at issue. Although the parties are working in good faith to resolve all of the outstanding issues in this matter, their business operations have been impacted by the COVID-19 health crisis, and the parties anticipate that it will continue to cause delay in their negotiations.

Additionally, one of the individuals whose input has been critical to the settlement negotiations was struck with a health issue requiring immediate medical intervention this month. Although the parties are cautiously optimistic that this individual will recover quickly and that the settlement discussions will soon resume, it is unclear at this time how long the individual will be unavailable.

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. Although they have an agreement in what they believe is

close to final form, they anticipate their progress will continue to be interrupted in the coming months and the parties address their business concerns.

4) Timetable for resolution

The parties request a 60-day suspension of the subject proceedings given current circumstances, and anticipate needing additional time to resolve their dispute given our global health crisis amid COVID-19 and the sudden unavailability of one of the settlement decision makers.

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 July 21, 2020 to raman@fleckman.com.

/Julie Obermeyer/

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