

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

Mailed: June 17, 2014

Opposition No. 91210386

Fertitta Hospitality, LLC

v.

Fertitta Entertainment LLC

Veronica P. White, Paralegal Specialist:

Applicant's consented motion (filed May 30, 2014) to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted. Trademark Rule 2.127(a).

Answer is due August 28, 2014. The conference, disclosure, discovery and trial dates are reset in accordance with applicant's motion.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

As a final matter, the Board notes that this proceeding has been pending since April 2013 and the parties have been discussing settlement for the entirety of that time, yet no settlement has been reached. In view of the length of time provided to the parties, the Board imposes the following reporting requirement: Any future motion to extend or suspend which is based on settlement must be supported by a detailed report setting forth what progress the parties have made towards settlement. This report must set forth, at a minimum, **1) all dates on which the parties communicated, and the method of each communication (e.g. telephone, email, in-person meeting), 2) the general nature of each communication, 3) the issues that have been resolved, 4) the issues that remain to be resolved or that remain for trial, and 5) a proposed timetable for resolution of the unresolved issues.** Appropriately designated confidential information or materials may be filed under seal and will be barred from public viewing. *See* Trademark Rule 2.126(c); TBMP §§ 120.02 and 502.02(c). Absent a progress report as required above, a motion to extend or suspend may be denied, even if consented to by the parties. If the Board denies such a motion, dates may remain as previously set. *See* TBMP § 509.01(a).