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Filing date: **02/25/2015**

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

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|---------------------------|--|
| Proceeding | 91210386 |
| Party | Defendant Fertitta Entertainment LLC |
| Correspondence Address | KELLEY L NYQUIST BROWNSTEIN HYATT FARBER SCHRECK LLP 100 N CITY PARKWAY, SUITE 1600 LAS VEGAS, NV 89106-4614 UNITED STATES lvpto@bhfs.com, lbielinski@bhfs.com, elewis@bhfs.com, kgoldberg@bhfs.com, jobermeyer@bhfs.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Erin E. Lewis |
| Filer's e-mail | elewis@bhfs.com, lvpto@bhfs.com, jobermeyer@bhfs.com, kgold- berg@bhfs.com |
| Signature | /Erin E. Lewis/ |
| Date | 02/25/2015 |
| Attachments | Motion for Suspension FERTITTA - Opposition 91210386 - Tillman - dated 2-25-15.pdf(92726 bytes) |

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

FERTITTA HOSPITALITY, LLC

Opposer,

v.

FERTITTA ENTERTAINMENT, LLC

Applicant.

Opposition No.: 91210386

Mark: FERTITTA

Serial No.: 85-657,016

STIPULATED MOTION FOR SUSPENSION FOR SETTLEMENT

Pursuant to Trademark Rule 2.117(c), Applicant requests suspension of these proceedings for one hundred eighty (180) days, subject to the right of either party to request resumption of proceedings at any time prior thereto.

Applicant asserts that the parties are engaged in settlement discussions that, if successful, will result in the termination of this proceeding. Suspension is requested in order to allow the parties to maintain the status quo pending the outcome of these settlement negotiations.

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 Entertainment, LLC*. (See **Exhibit A**).

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Counsel for Opposer, William D. Raman of the firm Fleckman & McGlynn, PLLC has consented to this motion on its merits, and agrees with the statements set forth in **Exhibit A.**

DATED: February 25, 2015

Erin E. Lewis
Kelley L. Nyquist
BROWNSTEIN HYATT FARBER SCHRECK
100 N. City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: (702) 382-2101
Facsimile: (702) 382-8135

A handwritten signature in cursive script, appearing to read "Erin Lewis".

Erin Lewis
Attorney for Applicant
Fertitta Entertainment, LLC

Exhibit A

Status of Negotiations – *Fertitta Hospitality, LLC v. Fertitta Entertainment, LLC*

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

On October 24, 2014 counsel for Fertitta Entertainment, LLC (“FE”) forwarded a draft of the formal settlement agreement and accompanying documents to counsel for Fertitta Hospitality, LLC (“FH”). Counsel for FH contacted FE’s counsel on December 29, 2014 to advise that the framework of the proposed settlement agreement was not acceptable to FH. The parties would still like the opportunity to work toward a mutually agreeable settlement. To that end, counsel for FE and FH have scheduled a settlement conference for Monday, March 2, 2015 at 9:30 a.m. PST.

2) Recitation of issues that have been resolved since the commencement of this proceeding

Counsel for FH has reviewed the formal settlement agreement and accompanying documents proposed by FE’s counsel and has requested a settlement conference to discuss restructuring the settlement framework. Counsel for FE and FH have scheduled this conference for Monday, March 2, 2015 at 9:30 a.m. PST.

3) List of issues that remain to be resolved

During the scheduled settlement conference, counsel for FH will present its proposed revisions to the formal settlement documents, and counsel for both parties will discuss the outstanding issues. After all outstanding issues are resolved, the parties will finalize and execute the settlement documents.

4) Timetable for resolution

Given the scope of FH’s proposed revisions, the parties anticipate that settlement negotiations may extend for several months. Accordingly, while the parties hope to finally resolve the issues raised by this proceeding as soon as possible, they request a 180-day suspension to allow sufficient time to finalize the settlement documents without having to request additional suspensions from the Board.

Certificate of Service

I, Erin E. Lewis, 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 25, 2015 to raman@fleckman.com



Erin E. Lewis
Brownstein Hyatt Farber Schreck, LLP
100 N. City Parkway, Suite 1600
Las Vegas, Nevada 89106