

ESTTA Tracking number: **ESTTA1060712**

Filing date: **06/09/2020**

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

Proceeding	92070709
Party	Defendant Fertitta Business Management LLC
Correspondence Address	LAURA LANGBERG BROWNSTEIN HYATT FARBER SCHRECK LLP 100 N CITY PARKWAY, SUITE 1600 LAS VEGAS, NV 89106 UNITED STATES lvpto@bhfs.com, jobermeyer@bhfs.com, llangberg@bhfs.com, egrolle@bhfs.com 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	06/09/2020
Attachments	Stipulated Motion for Suspension for Settlement 92070709.pdf(12052 bytes )

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

FERTITTA HOSPITALITY, LLC,  Petitioner,  v.  FERTITTA BUSINESS MANAGEMENT LLC,  Respondent/Registrant.	<b>CANCELLATION NO.:</b> 92070709  <b>Mark:</b> FERTITTA ENTERTAINMENT <b>Registration No.:</b> 4486983
---	--

**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 continues to prevent them from making meaningful progress during this time. 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: June 8, 2020

Erin E. Grolle  
Laura Langberg  
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

/s/ Laura Langberg/

---

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 parties continue to negotiate what they believe to be the final but significant settlement term in the latest revised draft of the settlement agreement circulated on October 25, 2019. 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.

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 a 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 the disruption to their businesses amid COVID-19.

**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 June 9, 2020 to raman@fleckman.com.

/Julie Obermeyer/

---

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

21063530