

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
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General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

July 7, 2020

Cancellation No. 92070709

*Fertitta Hospitality, LLC*

*v.*

*Fertitta Business Management LLC*

**Veronica P. White, Lead Paralegal Specialist:**

**Bar Membership Information Required**

The Board notes that both parties are represented by an attorney. Effective August 3, 2019, the USPTO amended its rules to require all practitioners qualified under § 11.14(a) to be an active member in good standing and to provide the name of a state in which he or she is an active member in good standing; the date of admission to the bar of the named state; and the bar license number, if one is issued by the named state. 37 C.F.R. § 2.17(b)(3).

Accordingly, the parties are allowed **THIRTY DAYS from the date of this order** to provide the information above using the Change of Address form in ESTTA. The bar information entered on the ESTTA Change of Address form will be masked from TTABVUE.

### **Suspension for Settlement**

Respondent's consented motion, filed June 9, 2020, to further suspend this proceeding for an additional 60-days to allow the parties to continue with their settlement negotiations is noted.

Inasmuch as Respondent has provided a detailed report of the parties' settlement efforts, the Board finds that the motion complies with the Board's previous requirement and has shown good cause. Accordingly, Respondent's consented motion is granted and proceedings herein remain suspended, subject to the right of either party to request resumption at any time. See Trademark Rules 2.117(c) and 2.127(a); and TBMP § 605.02.

The parties are reminded that in the event that either party files a motion to extend or suspend any of these dates, they remain under obligation to support any such motion with a detailed report of the reasons therefor, including details of settlement efforts. The motion must set forth both the required status report and a proposed trial schedule. Absent such a report, any future motion to extend or suspend may be denied, even if agreed to by the parties.

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed. *See* Trademark Rule 2.18(b)(1).

If there is no word from either party concerning the status of settlement, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

|   |            |
|---|------------|
| Time to Answer                          | 8/8/2020   |
| Deadline for Discovery Conference       | 9/7/2020   |
| Discovery Opens                         | 9/7/2020   |
| Initial Disclosures Due                 | 10/7/2020  |
| Expert Disclosures Due                  | 2/4/2021   |
| Discovery Closes                        | 3/6/2021   |
| Plaintiff's Pretrial Disclosures Due    | 4/20/2021  |
| Plaintiff's 30-day Trial Period Ends    | 6/4/2021   |
| Defendant's Pretrial Disclosures Due    | 6/19/2021  |
| Defendant's 30-day Trial Period Ends    | 8/3/2021   |
| Plaintiff's Rebuttal Disclosures Due    | 8/18/2021  |
| Plaintiff's 15-day Rebuttal Period Ends | 9/17/2021  |
| Plaintiff's Opening Brief Due           | 11/16/2021 |
| Defendant's Brief Due                   | 12/16/2021 |
| Plaintiff's Reply Brief Due             | 12/31/2021 |
| Request for Oral Hearing (optional) Due | 1/10/2022  |

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.114(b)(1).

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at

final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

### **TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS**

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.<sup>1</sup> The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

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<sup>1</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.