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

Proceeding	92070709
Party	Defendant Fertitta Business Management LLC
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Laura Langberg/
Date	12/01/2020
Attachments	Stipulated Motion for Suspension for Settlement 92070709.pdf(13855 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">Petitioner,</p> <p style="text-align:center">v.</p> <p>FERTITTA BUSINESS MANAGEMENT LLC,</p> <p style="text-align:center">Respondent/Registrant.</p>	<p>CANCELLATION NO.: 92070709</p> <p>Mark: FERTITTA ENTERTAINMENT Registration No.: 4486983</p>
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STIPULATED MOTION FOR SUSPENSION FOR SETTLEMENT

Pursuant to Trademark Rule 2.117(c), Fertitta Business Management LLC ("Respondent") 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. Respondent further requests that all dates be reset in accordance with this 60-day suspension.

Respondent and Fertitta Hospitality, LLC ("Petitioner") are continuing settlement negotiations, but a number of factors have caused and continue to hold up resolution. The latest draft agreement contemplates new terms that the parties are negotiating. Also, the parties still face disruption to their respective businesses in the face of COVID-19 during this time. Moreover, progress continues to be delayed given one of the decision makers on the remaining settlement issues suddenly encountered a health issue. 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, Respondent submits the attached report entitled *Status of Negotiations – Fertitta Hospitality, LLC v. Fertitta Business Management LLC*. (See **Exhibit A**).

Counsel for Petitioner, William D. Raman of the firm Fleckman & McGlynn, PLLC has consented to this motion on its merits.

DATED: December 1, 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. On September 29, 2020, Petitioner's counsel sent Respondent's counsel a new draft addressing outstanding items along with new items. This draft is being considered by Respondent, and some additional delay is unavoidable due to certain new terms under consideration.

Two other matters outside the parties' control continue to impact and cause delay in the settlement negotiations: (1) their business operations have been impacted by the COVID-19 health crisis; and (2) one of the individuals whose input has been critical to the settlement negotiations was struck with a health issue that continues to impact the parties' ability to negotiate. It is unclear at this time how the COVID-19 health crisis and the individual's health issues will impact the parties' timeline for resolution and decision-making process.

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 Respondent and Petitioner have been negotiating regarding the parties' rights to register their FERTITTA-formative marks are now resolved, and the parties are continuing to negotiate certain points of disagreement that have arisen during their attempt to paper the settlement.

3) List of issues that remain to be resolved

The parties are negotiating certain points of disagreement that have 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 issues identified herein.

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 December 1, 2020 to raman@fleckman.com.

/Julie Obermeyer/

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