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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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Date	03/29/2021
Attachments	Stipulated Motion for Suspension for Settlement 92070709.pdf(14173 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.	CANCELLATION NO.: 92070709 Mark: FERTITTA ENTERTAINMENT Registration No.: 4486983
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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 continue to hold up resolution. The latest draft agreement contemplates new terms that the parties are still negotiating. Also, the parties continue to face disruption to their respective businesses in the face of COVID-19. Additionally, the health issues encountered by one of the decision makers remain a cause for delay. However, the parties are making progress, including through direct communications between the parties in February 2021. Suspension is requested in order to allow the parties to maintain the status quo as the parties negotiate 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: March 23, 2021

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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

Respondent is continuing to evaluate the viability of the new settlement structure proposed by Petitioner, including through the last draft circulated on September 29, 2020. The new structure requires careful consideration and approval from Respondent's business team and stakeholders. Since the last submitted status report, the parties engaged in direct communications in February 2021 in hopes of closing the remaining gaps in settlement positions, and have continued to work with counsel since the February 2021 communications to evaluate these remaining issues.

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, although the parties have made some more progress in the last few months through their direct communications.

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' latest settlement discussions involve a proposed change to the structure of the settlement, 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. 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 March 29, 2021 to raman@fleckman.com.

/Julie Obermeyer/

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