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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
Correspondence Address	LAURA LANGBERG BROWNSTEIN HYATT FARBER SCHRECK LLP 100 N CITY PARKWAY, SUITE 1600 LAS VEGAS, NV 89106 UNITED STATES Primary Email: lvpto@bhfs.com Secondary Email(s): 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	jobermeyer@bhfs.com, egrolle@bhfs.com, llangberg@bhfs.com, dntrademark-docket@bhfs.com
Signature	/Laura Langberg/
Date	05/28/2021
Attachments	Stipulated Motion for Suspension for Settlement Fertitta Hospitality Cancellation 92070709.pdf(13436 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, including the negotiation of new terms and continued disruption to the parties' respective businesses in the wake of the COVID-19 health crisis. However, the parties are making progress, having engaged in some direct communications in February 2021. Petitioner anticipates that a new draft will be circulated in the next few weeks. 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: May 28, 2021

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

Respondent anticipates turning a new draft to Petitioner in the next few weeks in response to the last draft that has been under careful consideration and the subject of internal discussion since September 29, 2020. The new structure requires 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.

Other matters outside the parties' control, including without limitation ongoing business concerns in light of the COVID-19 health crisis, and other ongoing and pressing business matters, continue to impact the parties' ability to negotiate. It is unclear at this time how the COVID-19 health crisis and other matters will impact the parties' timeline for the resolution and decision-making process, although the parties have made some recent progress.

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 as 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 May 28, 2021 to raman@fleckman.com.

/Julie Obermeyer/

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

22697269