

No. 18-1233

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**In the Supreme Court of the United States**

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ROMAG FASTENERS, INC., PETITIONER

*v.*

FOSSIL, INC., FOSSIL STORES I, INC.,  
MACY'S, INC., AND MACY'S RETAIL HOLDINGS, INC.

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*ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT*

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**SUPPLEMENTAL BRIEF IN SUPPORT OF  
PETITION FOR A WRIT OF CERTIORARI**

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Petitioner Romag Fasteners, Inc. respectfully submits this supplemental brief, pursuant to Rule 15.8 of the Rules of the Supreme Court of the United States, in order to advise the Court of an order (App. 1a-2a) and judgment (App. 3a-4a) issued by the Court of Appeals for the Federal Circuit on March 27, 2019.

As described in Romag's petition, in the Federal Circuit respondents moved to dismiss Romag's appeal in part on the ground that the Federal Circuit had already decided the question presented under the Lanham Act at an

earlier stage of the case. Pet. App. 2a-3a. On February 5, 2019, the Federal Circuit granted the motion “to the extent that the appeal is limited to issues decided by the district court in its orders after the remand from this court.” Pet. App. 3a. Romag then informed the Federal Circuit that its “sole remaining challenge to the district court’s judgment in this case concerns the Lanham Act profits issue” and that, as a result, no further issues remained to be decided by the Federal Circuit. Pet. 12.

On March 27, 2019, after Romag’s petition for a writ of certiorari had been filed, the Federal Circuit issued the attached order summarily affirming the judgment of the district court (App. 1a-2a). The Federal Circuit also entered the attached judgment affirming the district court (App. 3a-4a).

For the reasons set forth in its petition, Romag respectfully requests that its petition for a writ of certiorari be granted.

Respectfully submitted,

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APRIL 2, 2019

## **APPENDIX**

**APPENDIX A**

NOTE: This order is nonprecedential.

UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

[Filed 03/27/2019]

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2018-2417

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ROMAG FASTENERS, INC.,

*Plaintiff-Appellant,*

v.

FOSSIL, INC., FOSSIL STORES I, INC., MACY'S, INC.,  
MACY'S RETAIL HOLDINGS, INC.,

*Defendants-Appellees,*

DILLARD'S, INC., NORDSTROM, INC.,  
THE BON-TON STORES, INC., THE BON-TON DEPART-  
MENT STORES, INC., BELK, INC.,  
ZAPPOS.COM, INC., ZAPPOS RETAIL, INC.,

*Defendants.*

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Appeal from the United States District Court  
for the District of Connecticut in  
Nos. 3:10-cv-01827-JBA and 3:11-cv-00929-CFD,  
Judge Janet Bond Arterton.

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PER CURIAM.

ORDER

Upon consideration of Romag Fasteners, Inc.'s notice that after this court's February 5, 2019 order precluded briefing on its trademark lost profits claim, there is "nothing to be addressed in Romag's [opening] brief,"

IT IS ORDERED THAT:

- (1) The judgment of the district court is summarily affirmed.
- (2) Each side shall bear its own costs.

March 27, 2019  
Date

FOR THE COURT  
/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

**APPENDIX B**

UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

[Filed 03/27/2019]

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2018-2417

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ROMAG FASTENERS, INC.,  
*Plaintiff-Appellant,*

v.

FOSSIL, INC., FOSSIL STORES I, INC., MACY'S, INC.,  
MACY'S RETAIL HOLDINGS, INC.,  
*Defendants-Appellees,*

DILLARD'S, INC., NORDSTROM, INC.,  
THE BON-TON STORES, INC., THE BON-TON DEPART-  
MENT STORES, INC., BELK, INC.,  
ZAPPOS.COM, INC., ZAPPOS RETAIL, INC.,  
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Judge Janet Bond Arterton.

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JUDGMENT

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4a

THIS CAUSE having been considered, it is

ORDERED AND ADJUDGED:

AFFIRMED

ENTERED BY ORDER OF THE COURT

March 27, 2019

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court