

No. 19-46

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

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UNITED STATES PATENT & TRADEMARK OFFICE, ET AL.,  
PETITIONERS,

*v.*

BOOKING.COM B.V.,  
RESPONDENT.

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*ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT*

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**BRIEF FOR THE RESPONDENT**

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### **QUESTION PRESENTED**

Under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, generic terms may not be registered as trademarks. The question presented is as follows:

Whether the addition by an online business of a generic top-level domain (".com") to an otherwise generic term can create a protectable trademark.

## II

### **PARTIES TO THE PROCEEDING AND CORPORATE DISCLOSURE STATEMENT**

The parties to the proceeding are the United States Patent and Trademark Office; Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director, United States Patent and Trademark Office; and Booking.com B.V.

Respondent Booking.com B.V. is a wholly-owned subsidiary of Booking Holdings Inc., a publicly-traded company.

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**BRIEF FOR THE RESPONDENT**

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**STATEMENT**

Under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, the consumer is king: trademark protection turns on whether a mark permits consumers to distinguish one brand of products from another. The Act thus denies protection to generic names for categories of goods or services. Section 1064(3) states that a mark’s “primary significance ... to the relevant public ... shall be the test for determining whether the registered mark has become the generic name of goods or services.” The Act nowhere suggests that different rules govern compound phrases (like

“Booking Company”) or domain-name trademarks, including a generic root word coupled with “.com.”

Under the primary-significance test, whether a mark is generic depends on whether relevant consumers believe that the mark as a whole is the generic name for the class of goods or services. Because that test requires assessing what consumers think, courts and the Patent & Trademark Office (“PTO”) have long evaluated facts relevant to consumer perceptions—especially survey evidence—to resolve genericness case by case. The Fourth Circuit thus properly asked whether consumers consider BOOKING.COM, as a whole, to signify the generic name for online hotel-reservation services. The court credited the district court’s factual finding that the answer was no, citing (among other evidence) a survey showing that 74.8% of relevant consumers consider BOOKING.COM a brand, not a generic name, and the weakness of the PTO’s contrary evidence. That analysis should end this case.<sup>1</sup>

The government instead urges a *per se* rule that a generic term like “cotton,” “grain,” or “reservation” coupled with a suffix like “Company,” “Inc.,” “.com,” or “Store” is always generic for those goods or services—even if overwhelming evidence shows that consumers believe the mark as a whole is not generic. The government would apparently extend this rule to any suffix denoting the type of enterprise involved, like “Association,” “Shop,” “House,” “Journal,” etc.

The government’s theory rests entirely on *Goodyear’s Rubber Manufacturing Co. v. Goodyear Rubber Co.*, 128

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<sup>1</sup> The PTO registered all marks in small caps in this brief except BOOKING.COM. Mark registrations can be found on PTO’s database, <https://www.uspto.gov/trademarks-application-process/search-trademark-database>.

U.S. 598 (1888), a decision the Lanham Act repudiated. *Goodyear* embodied the common-law principle that no one could trademark any name that could equally describe a competitor's products, no matter how much consumers associated such names with a brand. *Goodyear* thus held that names like "The Goodyear Company" could not be trademarked. Any number of producers could claim the name "Goodyear" (which described the process for vulcanizing rubber). The Lanham Act discarded that rule by adopting the primary-significance test for genericness and by mandating registration of any mark consumers consider distinctive, including GOODYEAR itself.

Turning back the clock to 1888 would confuse over 300 million American consumers, who rely on hundreds of PTO-registered marks that defy the government's *per se* rule. The national grocery chain FOODS CO is indeed a company selling foods, just as THE WIG COMPANY is a company selling wigs and THE FLAGPOLE COMPANY is a company selling flagpoles. LAWYERS ALLIANCE is an alliance of lawyers, IRRIGATION ASSOCIATION is an association for the irrigation industry, and CAR WASH ENTERPRISES is an enterprise that washes cars.

Meanwhile, the national chain THE CONTAINER STORE is a store for containers. THE MATTRESS SHOPPE and THE MEDICINE SHOPPE sell exactly what their names suggest. WAFFLE HOUSE is America's top waffle purveyor. Self-explanatory depots (like OFFICE DEPOT and THE HOME DEPOT) abound. Aptly named marts (*e.g.*, BEAUTY MART) and warehouses (*e.g.*, SPRINKLER WAREHOUSE) have flourished. TV GUIDE and CONSUMER REPORTS have been fixtures for generations. COFFEE REVIEW reviews coffee; WATCH JOURNAL chronicles watches. Innumerable PTO-registered nonprofit marks flunk the government's test: ALZHEIMER'S FOUNDATION,

AUTISM SOCIETY, AMPUTEE COALITION, CHRISTIAN COALITION, CARING INSTITUTE, OUTDOOR ALLIANCE, WATER.ORG. The list goes on. Appx. A.

The government's position would also decimate countless PTO-registered Generic.com marks, which pervade every aspect of our lives. Seeking a date? Try DATING.COM. Want to impress with concert tickets? TICKETS.COM or CONCERT.COM can get them. Hoping for nice weather? Check WEATHER.COM. Looking for the perfect dinner spot? RESTAURANT.COM offers deals. Booking a flight to meet the parents? FLIGHTS.COM can help. Need entertainment? KARAOKE.COM has it covered. Considering a honeymoon cruise? There's CRUISE.COM. Seeking a bigger residence? Try RENTALS.COM, RENTAL-HOUSES.COM, or HOMES.COM. Expecting? BABYSHOWER.COM assists with the traditional lead-up, while CARE.COM finds nannies for the end result. More interested in progenitors than progeny? ANCESTRY.COM and GENEALOGY.COM trace family trees. For links lovers, GOLF.COM offers golf news, golf travel, golf instruction, and golf gear. For fitness buffs, WORKOUT.COM advises on, yes, workouts. Lawyers turn to LAW.COM. For those with more prurient interests, there is SEX.COM. Companies and nonprofits use these registered marks and others to identify themselves to millions of Americans on websites, in mobile applications, and offline. The PTO even registered COOKING.COM—but the government now insists BOOKING.COM is a bridge too far. This is nonsense.

#### A. Statutory Framework

Since antiquity, makers of various goods have placed marks on their products to distinguish them from competitors'. *Matal v. Tam*, 137 S. Ct. 1744, 1751 (2017). During the nineteenth century, federal courts developed a federal common law of trademarks. That body of law and its

state-law counterparts protected only technical trademarks, *i.e.*, marks that inherently identified the provider of a good or service. *Elgin Nat'l Watch Co. v. Ill. Watch Case Co.*, 179 U.S. 665, 673 (1901), *abrogated on other grounds by Hurn v. Oursler*, 289 U.S. 238 (1933); 1 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 4:3 (5th ed. 2018). Trademark law thus excluded from protection marks that described a product's attributes rather than its maker. Norman F. Hesseltine, *A Digest of the Law of Trade-Marks and Unfair Trade* 31 (1906). Unprotected trade names received protection only under unfair-competition law, typically if competitors fraudulently deceived consumers by trying to seize the goodwill others had built behind their names. *Elgin*, 179 U.S. at 674; Hesseltine, *supra*, at 209-10.

The 1946 Lanham Act transformed the law by creating a federal regime that “describes th[e] universe” of potential trademarks “in the broadest of terms.” *Qualitex Co. v. Jacobson Prods. Co.*, 514 U.S. 159, 162 (1995). Under the Act, a “trademark” includes “any word, name, symbol, or device or any combination thereof” that a person uses “to identify and distinguish his or her goods ... from those manufactured or sold by others.” 15 U.S.C. § 1127; *accord id.* § 1052. The Act recognizes the following spectrum of trademarks:

*Fanciful, arbitrary, or suggestive marks:* At one end are inherently distinctive marks that are “fanciful,” “arbitrary,” or “suggestive.” *Qualitex*, 514 U.S. at 162. Examples include fanciful, made-up names like ACCENTURE or EXXON, arbitrary names like APPLE COMPUTER COMPANY for electronics, and suggestive names like CHEWY.COM that indirectly connote pet-supply products. “[T]heir intrinsic nature serves to identify a particular



source” of goods or services. *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992). Pre-Lanham Act common law only protected these “technical” trademarks. McCarthy, *supra*, § 4:3.

*Descriptive marks:* In the middle of the spectrum are marks that “describe[] the qualities or characteristics of a good or service.” *Park ’N Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S. 189, 194 (1985). The common law refused to protect those marks. But under the Act, descriptive marks can be registered in two ways. First, the PTO must register marks on the principal register if they have acquired distinctiveness (or “secondary meaning”), *i.e.*, they “ha[ve] become distinctive of the applicant’s goods in commerce” and connote a specific brand to a significant proportion of consumers. 15 U.S.C. § 1052(f); *see* McCarthy, *supra*, §§ 4:14, 15:1. If the marks have not yet acquired such distinctiveness but are still “capable of distinguishing [an] applicant’s goods or services” in some fashion, the marks are “merely descriptive,” and the PTO must register them on the supplemental register. 15 U.S.C. § 1091(a); McCarthy, *supra*, § 19:32.

*Generic terms:* At the far end of the spectrum are unprotected “generic” terms, *i.e.*, “the generic name for the goods or services” as a class. *See* 15 U.S.C. §§ 1064(3) (subjecting “generic” marks to cancellation), 1065 (“generic” marks can be contested), 1127 (marks are “abandoned” if owner causes them to be “generic”).

Generic terms do not distinguish one producer’s goods or services from another’s. If consumers understand “oranges” as the name for all spherical citrus fruits of that color, an orchard cannot register “Oranges” as the name for its particular specimens. Generic marks thus are not registrable. *See id.* §§ 1052, 1091(a). And marks are subject to cancellation if “[t]he primary significance of the

registered mark to the relevant public ... [is that] the [mark] has become the generic name of goods or services on or in connection with which it has been used.” *Id.* § 1064(3).

#### **B. The Trademark Registration and Review Process**

1. Federal trademark registration conveys “valuable benefits.” *Iancu v. Brunetti*, 139 S. Ct. 2294, 2297 (2019). Registration on the principal register confers evidentiary advantages in court and the ability to stop imports of infringing articles. *Tam*, 137 S. Ct. at 1753. Registration on the supplemental register, in turn, lets mark holders pursue Lanham Act remedies against infringement if they prove their mark has secondary meaning in infringement litigation, or in subsequent registration applications. *E.g.*, *Cal. Cooler, Inc. v. Loretto Winery, Ltd.*, 774 F.2d 1451, 1454 (9th Cir. 1985). Even unregistered trademarks that satisfy the definition of a trademark can receive protection against infringement under 15 U.S.C. § 1125(a) and rights under the Anticybersquatting Consumer Protection Act, *id.* § 1125(d). *Tam*, 137 S. Ct. at 1752-53.

The PTO processes trademark registration applications. 15 U.S.C. § 1051(a)(1). PTO examiners apply the PTO’s Trademark Manual of Examining Procedure (Oct. 2018) (“Examiner’s Manual”) to identify generic marks. The PTO bears the burden of proving genericness. Examiner’s Manual § 1209.01(c)(i).

The PTO deems a mark generic if the “primary significance to the relevant public is the class or category of goods or services.” *Id.* The primary-significance test involves determining (1) “the genus of goods or services at issue,” and (2) whether “the relevant public understand[s] the [trademark] designation primarily to refer to that genus of goods or services.” *Id.* “The test for genericness is

the same whether the mark is a compound term or a phrase,” and requires assessing “the mark as a whole.” *Id.* If the evidence reveals that consumers primarily view the mark as a whole as the generic name for the goods or services on offer (for example, if consumers believe “Oranges,” “Oranges Inc.,” or “Oranges Etc.” refer to oranges generally), examiners refuse registration.

The PTO applies the same primary-significance test to Internet domain-name marks, asking “whether the relevant public would understand the mark as a whole to have generic significance.” *Id.* §§ 1209.01(c)(i), 1215.05.<sup>2</sup> Only if the “relevant public” would “understand the [domain name] to refer to” the generic category of goods or services can the examiner deem the domain name generic. *Id.* § 1209.01(c)(i). The manual disclaims any “per se rule that the addition of a [suffix, like “.com”] to an otherwise generic term can never under any circumstances operate to create a registrable mark.” *Id.* § 1215.05.

As noted, *supra* p. 6, the PTO places on the supplemental register merely descriptive marks, *i.e.*, marks that are non-generic because they are capable of distinguishing an applicant’s products but are not yet associated with a single source. 15 U.S.C. § 1091(a). The PTO registered many marks in Appendix A on the supplemental register, meaning the PTO found them *not* generic.

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<sup>2</sup> Domain names are strings of unique characters used to identify Internet websites; they commonly include a word or phrase followed by a suffix such as “.com,” “.gov,” or “.edu.” Those suffixes are called the “top level domains” (“TLD”). Over 1,500 such suffixes exist. While only certain entities can register some suffixes (like “.gov”), “.com,” “.net,” and “.org” are unrestricted. Lanning G. Bryer et al., *Intellectual Property Strategies for the 21st Century Corporation* 88 (2016).

If the mark is descriptive and has attained secondary meaning, *i.e.*, consumers identify the mark with a single brand, the PTO registers the mark on the principal register. Examiner’s Manual §§ 1209.02, 1212.06(d). Primary significance and secondary meaning are analytically distinct; a mark may clear the primary-significance test and avoid rejection on genericness grounds, but must also have secondary meaning to be on the principal register.

2. Applicants may appeal adverse decisions to the Trademark Trial & Appeal Board (“TTAB”), which reviews the same record and assesses the examiner’s decision *de novo*. 15 U.S.C. § 1070; 37 C.F.R. §§ 2.141-2.142. Applicants may challenge adverse TTAB decisions in the Federal Circuit or federal district court.

Before the Federal Circuit, applicants proceed “on the record before the [PTO].” 15 U.S.C. § 1071(a)(4). The Federal Circuit “give[s] plenary review to the TTAB’s legal conclusions,” but “review[s] its factual findings” for “substantial evidence.” *In re Hotels.com, L.P.*, 573 F.3d 1300, 1302 (Fed. Cir. 2009). That deferential standard for factfinding applies to the TTAB’s genericness determinations, because the “primary significance of the ... mark to the relevant public” is a factual question. *Id.*

Proceeding to district court lets applicants introduce new evidence and provides *de novo* review of law and facts. 15 U.S.C. § 1071(b)(1); *Swatch AG v. Beehive Wholesale, LLC*, 739 F.3d 150, 155 (4th Cir. 2014). The losing party may appeal to the regional circuits, 28 U.S.C. § 1291, which review district court factfinding “for clear error” and “legal conclusions *de novo*.” *Swatch*, 739 F.3d at 154-55.

### C. Factual and Procedural Background

1. Respondent Booking.com began in 1996 as a Dutch company with a corresponding website called Bookings.nl. As its success grew, its scope expanded; to reflect its global reach, the company in 2005 changed its name to Booking.com, purchased the domain name “Booking.com,” and consolidated operations within that brand. As part of that consolidation, respondent purchased the BOOKINGS.COM trademark, which the PTO registered in 2004 on the supplemental register for online advertising services (including advertising of booking services). *See* Reg. No. 2,818,491.

Today, Booking.com is one of the world’s leading digital travel companies, counting more than 30 million unique website visitors each month (10 million from the United States). JA17 (2013-14 numbers). Respondent offers services in 224 jurisdictions and in 43 languages, all through the Booking.com-branded website and mobile application. JA144. Respondent built this business through enormous investments in customer service and advertising, and employs some 17,500 people in more than 200 offices worldwide. Our Story, Booking.com, <https://careers.booking.com/about-booking> (last visited Feb. 11, 2020). In 2018, respondent’s parent, Booking Holdings, spent \$4.4 billion on online advertising and \$509 million on other marketing, including television ads that associate Booking.com with competitive prices, superior accommodations, and excellent customer service. Booking Holdings Inc., Annual Report (Form 10-K), at 38-39 (Feb. 27, 2019), *available at* <https://ir.bookingholdings.com/node/24076/html>; JA18-20; JA24-29.

Respondent’s efforts have fostered strong brand recognition, prompting 85 foreign jurisdictions to register

BOOKING.COM as a trademark. JA140-42. Those jurisdictions include the European Community, the United Kingdom, Australia, and New Zealand—which, like the United States, refuse to register marks that consumers do not consider distinctive. 2017 O.J. L. 154/8-9, Art. 7(1), (3) (E.U.); Trade Marks Act 1994, c. 26, § 3 (U.K.); Trade Marks Act 1995, pt IV div 2 s 41 (Austl.); Trade Marks Act 2002, s. 18 (N.Z.).

2. In 2011 and 2012, respondent filed four registration applications for BOOKING.COM and stylized versions of the mark in connection with hotel-reservation and other services. Pet.App.4a. The examiner refused registration on the principal register, finding the marks merely descriptive. Pet.App.50a. Respondent produced evidence that BOOKING.COM “had acquired distinctiveness” as a brand. The examiner then deemed BOOKING.COM generic and refused registration. Pet.App.50a.

The TTAB affirmed, reasoning that BOOKING.COM was generic because consumers would understand its “primary significance” as “an online reservation service for lodgings” generally. JA312; JA347. The TTAB relied on dictionary definitions of “booking” as a noun meaning “a reservation for a room in a hotel” or “the service of arranging reservations for hotel rooms.” JA331. The TTAB also relied on dictionary definitions of “.com” as a commercial website, JA336; respondent’s website describing “booking” services; other websites and news articles; and domain names containing “booking” and “.com” to sell reservations (*e.g.*, hotelbooking.com). JA319-26.

Respondent sought review of the TTAB’s decision in the U.S. District Court for the Eastern District of Virginia and introduced additional evidence that consumers understand BOOKING.COM as a brand name, not a generic term.

First, respondent introduced the report of statistician Hal Poret, whom the TTAB, the Federal Trade Commission, and courts have accepted as an expert in survey research. JA35; JA41. Poret designed an industry-standard “Teflon survey” to determine whether consumers perceive BOOKING.COM as a generic term or brand. The survey presented various marks to “consumers who search for or make hotel or travel arrangements online” and asked them whether each mark is a generic term or brand. JA43. Poret controlled for “concerns that survey respondents might answer that any DOT-COM name is a brand” by including Washingmachine.com, which has no associated brand, as a control. JA43. While 30% of respondents identified Washingmachine.com as a brand, “74.8% ... identified BOOKING.COM to be a brand name.” JA53. Poret concluded: “[T]hese results strongly establish that BOOKING.COM is not perceived by consumers to be a generic term.” JA54.

Second, respondent introduced the report of Dr. Sarah-Jane Leslie, a Princeton professor with expertise in linguistics. Leslie explained that under basic linguistics principles, even if “booking” and “.com” were generic terms in isolation, consumers would not necessarily understand BOOKING.COM to refer to all hotel-reservation services. JA138-39. And just because “booking.com” appears within terms like “dubai-travelbooking.com” does not show that consumers consider BOOKING.COM to mean all hotel-reservation services. JA139.

Finally, respondent introduced evidence of its reputation, marketing, and commercial success to demonstrate that consumers do not view BOOKING.COM as a generic name for hotel-reservation services but rather identify it with respondent’s brand. *E.g.*, JA17-18.

3. The district court held that BOOKING.COM is not generic for hotel-reservation services, and further held that BOOKING.COM is entitled to registration on the principal register because consumers associate it with respondent specifically.<sup>3</sup>

The court first determined that BOOKING.COM is not generic. Like the TTAB, the court looked to whether “the primary significance of the mark to the relevant public is to identify the class of product or the service to which the mark relates.” Pet.App.60a. Like the TTAB, the court defined the relevant public as “consumers who use travel, tour, and hotel reservation services offered via the internet or in person.” Pet.App.63a. The court agreed that “by itself, the word ‘booking’ is generic,” Pet.App.67a, but adding “.com” made a difference because a unique domain name “is generally a descriptive mark.” Pet.App.74a.

Rather than relying on a presumption that domain names are descriptive, the court examined the evidence and concluded that consumers would not primarily understand BOOKING.COM to signify all hotel-reservation services. The court emphasized “the absence of evidence that consumers or producers use the term ‘booking.com’ to describe” booking services generically. Pet.App.85a. The court found respondent’s survey “persuasive evidence that the consuming public understands BOOKING.COM to be a specific brand, not a generic name for online booking services.” Pet.App.88a.

Because the court determined that BOOKING.COM is descriptive, the court next considered whether consumers associate the BOOKING.COM mark with respondent, such that the mark is sufficiently distinctive to register, *i.e.*, has

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<sup>3</sup> The court rejected registration of BOOKING.COM for general travel services. That ruling is not before the Court.



secondary meaning. Pet.App.96a. The court found respondent's evidence "more than sufficient" on this score. Pet.App.116a.

4. The Fourth Circuit affirmed in a divided opinion. The government "concede[d] that if BOOKING.COM may properly be deemed descriptive, the district court's finding that it has acquired secondary meaning was warranted." Pet.App.8a. The question on appeal was thus "whether the district court erred in finding that BOOKING.COM is not generic," Pet.App.8a, "a question of fact ... to which the district court ... is accorded great deference." Pet.App.13a.

The Fourth Circuit resolved that question using the primary-significance test. The court applied that test by (1) "identify[ing] the class of product or service to which the use of the mark is relevant," (2) "identify[ing] the relevant consuming public," and (3) determining whether the "primary significance of the mark to the relevant public" is the general class of product or service. Pet.App.9a-10a & n.6. Only the third question—"the public's understanding of what the term BOOKING.COM primarily refers to"—was disputed. Pet.App.11a.

The Fourth Circuit held that the district court did not clearly err "in finding that the PTO failed to satisfy its burden of proving that the relevant public understood BOOKING.COM, taken *as a whole*, to refer to general online hotel reservation services rather than Booking.com the company." Pet.App.12a. The court declined to adopt the district court's conclusion that a unique domain name "generally has source-identifying significance." Pet.App.20a & n.9. Instead, the court relied on "the PTO's lack of evidence demonstrating that the public uses 'booking.com' generically." Pet.App.13a. Further, the PTO no longer "contest[ed] the validity" of respondent's

Teflon survey showing that consumers do not understand BOOKING.COM as a generic term for hotel-reservation services. Pet.App.16a. The court stressed the “dearth of evidence” that BOOKING.COM was in common use or commonly understood as generic before respondent took the name as its brand. Pet.App.17a.

The Fourth Circuit rejected the government’s argument that, under *Goodyear*, a generic term plus “.com” is analytically indistinct from “company,” and can never be a trademark. Pet.App.18a-19a. The court noted that *Goodyear* pre-dated the Lanham Act and “crucially, did not apply the primary significance test.” Pet.App.19a. The court observed that every other circuit has rejected the PTO’s *per se* rule against trademarking generic terms coupled with “.com.” Pet.App.19a, 22a.

Judge Wynn concurred in part and dissented in part. He “agree[d] with much of the analysis in the majority opinion,” including its rejection of the government’s “*per se* rule against protecting” Generic.com names. Pet.App.29a & n.2. He dissented because he believed the district court’s statement that a domain name “generally has source-identifying significance” improperly colored its factfinding. Pet.App.32a.

5. The Fourth Circuit denied rehearing en banc. Pet. App.225a-26a.

#### SUMMARY OF ARGUMENT

I.A. The 1946 Lanham Act prescribes one test only for whether a mark is generic: whether its “primary significance ... to the relevant public” is the category of goods or services to which the mark applies. 15 U.S.C. § 1064(3). This test asks whether relevant consumers understand the mark as a whole as the name of a class of goods or services, based on empirical evidence. While the primary-

significance test appears in the Act's cancellation section, that test governs initial registration, too.

Since 1946, courts and the PTO have interpreted the Act as mandating the primary-significance test for registrations and cancellations alike, and for all types of marks—whether they are single words, combined terms like WAFFLE HOUSE, or domain names like WEATHER.COM. Congress codified the primary-significance test in 1984 to preserve that established meaning and to overrule a single, aberrant Ninth Circuit decision.

B. By making consumer perceptions the key to genericness, the primary-significance test vindicates the Act's objectives. The test helps consumers navigate the marketplace by ruling out marks that do not distinguish between competitors while protecting those that do. The test likewise encourages mark owners to build goodwill behind particular brands. Conferring trademark protection on domain-name marks is particularly important; merely owning a domain name provides little protection against the rampant diversion, confusion, and fraud that the Internet makes possible.

C. Because the primary-significance test looks to how consumers perceive a mark as a whole, courts and the PTO have long considered survey evidence the best evidence of consumers' beliefs. The government's objections to survey evidence are nonsensical and would upend courts' and the PTO's longstanding approach to genericness.

D. The Fourth Circuit followed the primary-significance test to a T and deemed BOOKING.COM non-generic. The court properly credited the district court's factual determination that respondent's survey evidence—which showed that consumers overwhelmingly do not consider

BOOKING.COM the generic name for hotel-reservation services—was more persuasive than the PTO’s evidence.

II. The Lanham Act forecloses the government’s *per se* rule that a generic term coupled with “Company,” “Inc.,” “.com,” or similar suffixes can never be trademarked.

A. The government’s position rests on this Court’s 1888 *Goodyear* decision, which grouped “Goodyear’s Rubber Manufacturing Company,” “Goodyear Rubber Company,” and “The Goodyear’s Company” with “Cotton Company” and “Lackawanna coal” and held that none of these terms could be trademarks. None of those terms, *Goodyear* reasoned, would pinpoint the exact maker of those goods. Any competitor could claim to produce those same products with equal truth. Adding “Company” made no difference because any competitor could conceivably claim that corporate designation, too.

The Lanham Act rejected every premise underpinning the government’s *per se* rule. The Act repudiated the common-law rule protecting only technical trademarks that only one maker could truthfully claim, and instead extended trademark protection to descriptive terms. The Act tethered trademark protection to consumers’ perceptions of particular marks. The Act did that by mandating the fact-specific primary-significance test for genericness, 15 U.S.C. § 1064(3), and by tying registration to whether consumers could or do associate a mark with a particular brand, *id.* §§ 1052, 1091(a).

Further, the Act mandated consideration of how consumers view the mark as a whole, thus rejecting any *per se* assumption that adding suffixes like “Company,” “Inc.,” or “.com” to a generic term can never add distinctiveness. This Court has recognized that the Act overrode

related *per se* common-law rules. Nothing suggests that *Goodyear* alone survived.

B. The government’s *per se* rule would threaten with cancellation hundreds of Generic Company and Generic.com marks that the PTO has registered for decades. *See* Appx. A. And the government’s rule has no logical stopping point. If synonyms for corporate structure never add significance to a generic term, every “generic” Association, Partnership, Society, Alliance, Group, or Foundation mark could be cancelled anytime. If “.com” adds nothing, neither do “.org,” “.net,” “.biz,” and similar suffixes. The government has grouped “Store” alongside “Company” and “.com,” so those “generic” marks—plus related “Marts,” “Houses,” “Markets,” “Depots,” “Guides,” “News”—could be on the chopping block.

Such cancellations would squander billions of dollars that some of the country’s most famous brands have invested in cultivating consumer goodwill. Such cancellations would also risk massive consumer confusion by eliminating trademark protection for marks consumers depend on to differentiate among competing products, and would open the floodgates to schemes to defraud and deceive consumers. This Court should reject the government’s *per se* rule, which has never been the law under the Lanham Act.

## ARGUMENT

### I. THE LANHAM ACT DOES NOT BAR GENERIC.COM TRADEMARKS

The Lanham Act mandates that the primary-significance test governs whether a phrase is generic and cannot serve as a trademark. That test requires ascertaining, based on evidence, whether relevant consumers primarily understand the mark as a whole as the name of a category

of goods or services. Sometimes the evidence will establish that a Generic.com mark is generic; sometimes not. Applying the primary-significance test makes this a straightforward case. The petition presented solely the question whether the government's *per se* rule applies; the government never argued that BOOKING.COM is generic under the primary-significance test. And, as the Fourth Circuit held, the district court did not clearly err in crediting ample record evidence that consumers do not perceive BOOKING.COM as a generic term for all online hotel-reservation services.

**A. The Act Mandates the Primary-Significance Test To Assess the Genericness of All Marks, Including Domain Names**

Section 1064(3) states that “the primary significance” of the mark “to the relevant public ... shall be the test” for genericness. This fact-based test applies both to initial registration determinations and to cancellation, and to all types of marks. Nothing in the Act permits a different rule for domain names.

1. Statutory interpretation “begins with the statutory text,” *Nat’l Ass’n of Mfrs. v. Dep’t of Def.*, 138 S. Ct. 617, 631 (2018), and the text resolves this case. Section 1064(3) provides: “The primary significance of the registered mark to the relevant public rather than purchaser motivation shall be the test for determining whether the registered mark has become the generic name of goods or services on or in connection with which it has been used.” 15 U.S.C. § 1064(3).

Section 1064(3) appears in the provision governing cancellation, but the same test for genericness necessarily controls initial registration determinations regarding whether a mark is generic in the first place. Section

1064(3) authorizes cancellation of generic marks any time after registration if the mark “has become the generic name” for a class of products, including if the mark was generic at the time of initial registration. It would make no sense for the Act to embrace a different, unstated test prohibiting initial registration of generic names, yet to provide for immediate cancellation of generic marks that fail the primary-significance test. Indeed, while the government (at 37-38) suggests the tests might differ, it concludes (at 43) that the primary-significance test governs the “usual” genericness inquiry for initial registration, without attempting to reconcile this discrepancy.

“[T]here is no reason not to apply [section 1064(3)’s test for genericness] with equal force to the initial attempt to register an allegedly generic term.” McCarthy, *supra*, § 12:57. We know of no case suggesting that the test for initial registration and cancellation could differ. Courts and the PTO consistently interpret section 1064(3) as mandating application of the primary-significance test in the registration context. *E.g.*, *BellSouth Corp. v. DataNational Corp.*, 60 F.3d 1565, 1570 (Fed. Cir. 1995); Examiner’s Manual § 1209.01(c)(i); *In re ActiveVideo Networks, Inc.*, 111 U.S.P.Q.2d 1581, 1600 (T.T.A.B. 2014). More broadly, every circuit to consider the issue has concluded that “there is only one legal standard for genericness ... whether the public understands the mark, as a whole, to refer to” the “genus of goods or services at issue.” *Princeton Vanguard, LLC v. Frito-Lay N. Am., Inc.*, 786 F.3d 960, 966 (Fed. Cir. 2015).<sup>4</sup>

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<sup>4</sup> *Accord* Pet.App.9a-10a & n.6 (collecting cases); McCarthy, *supra*, § 12:4 (“the key issue in determining genericness” is “what does the public think the word connotes—the generic name of the product or a mark indicating merely one source of that product?”).

Finally, in determining “[t]he primary significance of the registered mark to the relevant public,” the Act requires consideration of the mark as a whole. A “mark” includes “any trademark,” *e.g.*, “any word ... or any combination” of words that “identify and distinguish” one maker’s products from others’. 15 U.S.C. § 1127. Because combined words can mean something different from each word in isolation, the Act mandates assessing the mark in its entirety. Dissecting the mark into its constituent subparts is improper. McCarthy, *supra*, § 11:27; Examiner’s Manual §§ 1209.01(c)(1), 1209.03(m).

2. By making the test for genericness “[t]he primary significance of the registered mark to the relevant public,” the Lanham Act in 1984 codified the primary-significance test that courts had applied since the Act’s inception to determine genericness. *See Skilling v. United States*, 561 U.S. 358, 404 (2010) (courts “look to the doctrine developed” prior to the amendment “to ascertain the meaning of the phrase” in question); *accord Comm’r v. Keystone Consol. Indus.*, 508 U.S. 152, 159 (1993).

Until 1982, courts and the PTO consistently interpreted the test for genericness under the Act as whether consumers primarily perceived the mark as a whole as the name of the class of goods or services. *E.g.*, S. Rep. 98-627, 98th Cong., 2d Sess. 1 (1984) (primary-significance test has “generally been the controlling test used by the courts to determine genericism”). If consumers instead primarily believed that the mark could serve as a means of distinguishing between brands, the mark was descriptive. Courts and the PTO applied this same test to both initial registrations and cancellation.<sup>5</sup>

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<sup>5</sup> *E.g.*, *Maremont Corp. v. Air Lift Co.*, 463 F.2d 1114, 1118 (C.C.P.A.



That approach makes sense in light of the Act’s fundamental changes to the common law. Recall that descriptive terms were unprotected under trademark common law, but received some protection under unfair-competition law. *Supra* p. 5. The seminal pre-Lanham Act case of *Kellogg Co. v. National Biscuit Co.*, 305 U.S. 111 (1938), articulated the primary-significance test in the unfair-competition context to explain when unfair-competition law protected descriptive terms. *Id.* at 116. In *Kellogg*, Nabisco had argued that Kellogg’s use of the term “Shredded Wheat” unfairly seized the goodwill Nabisco had built behind its similarly named product. *Id.* at 120. In rejecting Nabisco’s claim, the Court explained that Nabisco had failed to “show that the *primary significance* of the term [Shredded Wheat] in the minds of the consuming public is not the product but the producer.” *Id.* at 118 (emphasis added). Accordingly, when the Lanham Act extended trademark protection to descriptive terms but not generic terms, courts and the PTO relied on *Kellogg*’s primary-significance test to distinguish between those two categories.<sup>6</sup>

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1972) (initial registration); *Telechron, Inc. v. Telicon Corp.*, 198 F.2d 903, 907 (3d Cir. 1952) (trademark infringement); *Q-Tips, Inc. v. Johnson & Johnson*, 108 F. Supp. 845, 863 (D.N.J. 1952) (cancellation), *aff’d*, 206 F.2d 144 (3d Cir. 1953); *Schulmerich Elecs., Inc. v. J.C. Deagan, Inc.*, 202 F.2d 772, 778 (C.C.P.A. 1953) (initial registration); *Helene Curtis Indus. v. Church & Dwight Co.*, 560 F.2d 1325, 1332 & n.5 (7th Cir. 1977) (trademark infringement); *accord* McCarthy, *supra*, § 12:6 (collecting cases).

<sup>6</sup> *E.g.*, *Surgicenters of Am., Inc. v. Med. Dental Surgeries, Co.*, 601 F.2d 1011, 1016 (9th Cir. 1979); *Roselux Chem. Co. v. Parsons Ammonia Co.*, 299 F.2d 855, 863 (C.C.P.A. 1962); *Schulmerich Elecs.*, 202 F.2d at 777-78; McCarthy, *supra*, § 12:6 (*Kellogg* “stated the rule” for “whether a term is a generic name or is a mark”). Some courts looked

Congress in 1984 codified the primary-significance test for genericness because, in 1982, the Ninth Circuit departed from the primary-significance test to cancel Parker Brothers' registration of MONOPOLY. *See Anti-Monopoly, Inc. v. Gen. Mills Fun Grp.*, 684 F.2d 1316, 1323-26 (9th Cir. 1982). Section 1064(3) legislatively overruled that decision, mandating the primary-significance test for genericness and rejecting “the purchaser-motivation test” the Ninth Circuit had applied. 15 U.S.C. §§ 1064(3), 1127; *see* S. Rep. 98-627 at 1 (amendment “confirms that the established test for genericism is whether the primary significance of the mark to consumers ... is to identify a product or service which emanates from a particular source ... or whether the mark merely functions as a common descriptive name”). The 1984 amendment thus “restore[d] the traditional test of genericness” that courts had long applied. McCarthy, *supra*, § 5:8.<sup>7</sup>

3. Section 1064(3) makes the primary-significance test the test for genericness in all contexts and for all marks,

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further back to Judge Learned Hand's decision in *Bayer Co. v. United Drug Co.*, 272 F. 505 (S.D.N.Y. 1921), which similarly stated that “[t]he single question” in determining whether generic and descriptive names receive protection against unfair competition is “What do the buyers understand by the word for whose use the parties are contending?” *Id.* at 509; *see* McCarthy, *supra*, § 12:4.

<sup>7</sup> Neither *Genesee Brewing Co. v. Stroh Brewing Co.*, 124 F.3d 137, 144-45 (2d Cir. 1997), nor *A.J. Canfield Co. v. Honickman*, 808 F.2d 291 (3d Cir. 1986), challenges the applicability of the primary-significance test in all contexts. *Contra* U.S. Br. 38. *Genesee* calls the primary-significance test “the law of the land” and notes its “codifi[cat]ion” ... [in] 15 U.S.C. § 1064.” 124 F.3d at 144; *accord* *Canfield*, 808 F.2d at 299-300 (similar). Those cases refine the primary-significance test in the inapposite situation involving how to define the class of goods and services at issue.

and carves out no domain-name exception. When Congress enacts a clear, categorical rule, courts do not provide “[a]textual judicial supplementation.” *Rotkiske v. Klemm*, 140 S. Ct. 355, 360-61 (2019). Thus, under the primary-significance test, whether a domain name composed of a purportedly generic term (“booking”) and a suffix (“.com”) is generic depends on whether relevant consumers consider the mark as a whole the name of a class of goods or services. Pet.App.9a-10, 12a, 22a; see *Advertise.com, Inc. v. AOL Advert., Inc.*, 616 F.3d 974, 977-78, 982 (9th Cir. 2010); *In re Hotels.com*, 573 F.3d at 1302-03; Examiner’s Manual §§ 1209.01(c)(i), 1215.05.

**B. Applying the Primary-Significance Test to All Types of Marks Furthers the Act’s Aims**

1. The primary-significance test advances the Lanham Act’s objectives of protecting consumers and rewarding trademark owners for building goodwill behind their brands. *E.g.*, *Park ’N Fly*, 469 U.S. at 198. Tying the question of whether a mark is generic to whether consumers perceive it as the name for the category of goods or services prevents enterprises from claiming a name that effectively occupies the field of their product (*e.g.*, “orange” for the eponymous fruit). The primary-significance test also fosters competition and rewards investments in building brand recognition by encouraging enterprises to use marks that consumers consider meaningful in differentiating among brands.

By definition, the primary-significance test produces different outcomes for similar names. BEDANDBREAKFAST.COM met the test, but Hotels.com failed. *In re Hotels.com*, 573 F.3d at 1303-06. The PTO found that LAW.COM, 1800LAWYERS.COM, LAWYERSHOP, and LAWFACTORY satisfied the test, but not Lawyers.com. *In re Reed Elsevier Props., Inc.*, 77 U.S.P.Q.2d 1649 (T.T.A.B.

2005). Different sets of consumers perceive different words in different ways, and different litigants marshal different evidence. Unsurprisingly, different factual records produce different results.

Determining case by case whether relevant consumers consider a mark as the generic name for a class of goods or services winnows out marks that lack any source-identifying function without indiscriminately rejecting marks that help consumers navigate the marketplace. And, far from opening the floodgates to improper trademarks, the primary-significance test is just the first hurdle for marks to clear to receive the full panoply of Lanham Act protections. A mark can pass the primary-significance test and avoid rejection on genericness grounds, but the applicant must still show secondary meaning—that consumers associate the mark with a single source—to obtain registration on the principal register. 15 U.S.C. § 1052(f); *supra* p. 6.

The primary-significance test makes particular sense for domain names, where the price of denying trademark protection is steep. While only one entity can hold a domain name at a time, the Internet has created new avenues for confusion, diversion, dilution, and fraud. Congress recognized trademarks' particular vulnerability to infringing domain names by amending the Lanham Act with the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d). Section 1125(d) protects trademarks by imposing civil liability against anyone who “in bad faith ... registers, traffics in, or uses a domain name ... confusingly similar to that mark,” and authorizes forfeiture, cancellation, or transfer of the infringing domain name.

Domain-name trademarks are readily susceptible to Internet-based fraud and confusion. Merely purchasing the exclusive right to use a domain name does not prevent

“spoofing,” *i.e.*, “[t]he creation of a website that has ... a similar URL, in order to mislead visitors about who created the website.” *Spoofing*, Black’s Law Dictionary (11th ed. 2019). Nor does domain-name ownership protect against typosquatting, *i.e.*, registering “domain names that are close misspellings of a frequently used domain name in order to catch and exploit traffic intended for the other website.” *Typosquatting*, Black’s Law Dictionary, *supra*. Infringers could replace an “o” in Booking.com with a “0”—“B0oking.com”—to fool unsuspecting customers, or register the typo “Bookng.com,” and respondent’s control of Booking.com would be no help. Only if respondent held a trademark in BOOKING.COM would the Lanham Act afford injunctive and monetary relief against such deceptive schemes. *See* 15 U.S.C. § 1125(d).

Trademark protection is also essential to prevent brick-and-mortar entities from trading on a domain-name mark holder’s goodwill. Respondent needs those protections to prevent competitors from opening storefront Booking.com travel agencies, or from diluting its brand by selling Booking.com-themed travel products in airport shops. The government (at 30) is thus wrong that the only point of protecting domain-name trademarks is to “impede rivals from using similar terms.”

2. The government (at 32-33) suggests that domain-name trademarks deserve second-class status because domain names function as unique addresses and an entity’s exclusive right to those addresses already confers “substantial competitive advantage[s].” That argument would undercut trademark protection for all 10,000 registered domain-name marks, not just Generic.com names. And the Act forbids the government from injecting policy ar-

guments into registration decisions: Congress commanded that “[n]o trademark ... shall be refused registration” if it is distinctive. 15 U.S.C. § 1052.

The government’s argument would also extend to 1-800 and 1-888 marks. Like domain names, consumers type in phone-number marks to connect to the relevant business. Like domain names, only one entity can hold rights to a phone number at a time. Yet the government has registered 1-800-FLOWERS, 1800CONTACTS, and many others. Appx. A, 13a-16a.<sup>8</sup>

Moreover, the advantages of domain names as addresses are diminishing. Domain-name marks continue to identify brands, but consumers no longer just type in those names to the Internet to access goods or services. Consumers increasingly depend on apps or search results. Lindsay Gellman, *How Search Engines Are Killing Clever URLs*, *The Atlantic* (Dec. 15, 2016), <https://tinyurl.com/uqhkcn>; see JA144.

Nor does protecting Generic Company, Generic Inc., or Generic.com trademarks stymie competitors’ marketing and sales of competing versions of the same products. *Contra* U.S. Br. 26-27. TRAVEL.COM (registered for making hotel and flight reservations) has not thwarted TRAVELCITY.COM or TRAVELO.COM, let alone DIRECT TRAVEL,

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<sup>8</sup> *Amicus* Electronic Frontier Foundation (at 13-16) contends that because consumers can use “.com” marks as addresses to enter a website, they violate the doctrine that trademark law does not protect functional features. But that doctrine focuses on prohibiting the use of trademark law to protect functional elements of product design and other trade dress. *E.g.*, *TrafFix Devices, Inc. v. Mktg. Displays, Inc.*, 532 U.S. 23, 29 (2001). EFF’s argument would stretch the functionality doctrine past its breaking point and invalidate *all* domain-name marks, as well as all 1-800 marks (which consumers can dial to buy goods or services) or street address marks.

TRAVEL AND TRANSPORT, TRAVEL EDGE, or FLIGHT CENTRE, or online competitors like ORBITZ.COM, FLIGHTS.COM, and EXPEDIA.COM. Consumers pick among these brands without defaulting to the many Generic.com names in the travel arena. Meanwhile, CANINE REVIEW and CANINE JOURNAL compete for dog-loving subscribers, and ALZHEIMER'S FOUNDATION, ALZHEIMER'S SOCIETY, and ALZHEIMER'S ASSOCIATION all fight the same disease.

Protecting Generic.com marks also does not deter competitors from using similar domain names, lest they face infringement suits. *Contra* U.S. Br. 27-30. WEATHER.COM and ACCUWEATHER.COM coexist, while TENNIS.COM and PLAYTENNIS.COM share the same turf. LAW.COM, LAWLINE.COM, LAWPATHS.COM, LAW-CASH.COM, and SCHOOLLAW.COM offer legal news and information. RENT.COM has not crowded out 123RENT.COM, RENTUSANOW.COM, or FORRENT.COM. Nor has TICKETS.COM prevented TICKETMASTER.COM, CHEAPTICKETS.COM, TOTALTICKETS.COM, TICKETSTUB.COM, TICKETZOOM.COM, or TICKETENTERTAINMENT.COM from offering similar services. Competitors realize the difficulties that holders of descriptive marks face in prevailing in infringement suits, *Pet.App.24a*, or are confident that their registrations would survive. Either way, competitors have registered variants on purportedly generic marks in droves, apparently without incident. Respondent's reference to EBOOKING.COM as a "potentially" infringing mark before the PTO examiner, JA192, is consistent with this point. Contrary to the government's contention (at 28), respondent has no objection to EBOOKING.COM as a mark, or to its registration. The statement before the examiner signified only that, if consumers confused BOOKING.COM and EBOOKING.COM, EBOOKING.COM—as the mark that came into existence later—

could infringe BOOKING.COM, not the other way around. Accordingly, EBOOKING.COM was not persuasive evidence that “BOOKING.COM” was in common usage. JA192.<sup>9</sup>

If the consequences of protecting purportedly generic marks were so dire, one would expect the PTO to stop registering such marks after the government petitioned for certiorari on July 5, 2019. *But see, e.g.*, CEREALS & GRAINS ASSOCIATION; PARKINSON’S FOUNDATION; READERS.COM; RENTALS.COM; TAILOR HOUSE; THE DRIVEWAY COMPANY; THE LASH FIRM; THE PREGNANCY COMPANY. Or after this Court granted certiorari on November 8, 2019. *But see, e.g.*, AUTO BOUTIQUE; CARPET EXCHANGE; CONCERT.COM; MILITARY PARTS EXCHANGE; OPERA NEWS; ROOMMATES.COM; WEDDING DIGEST. Or at least after the government filed its opening brief on January 6, 2020. *But see, e.g.*, CANINE REVIEW; COOK’S EMPORIUM; FRAGRANCE OUTLET. And if Generic.com marks stifled competition, one would anticipate some outcry (or evidence) from the 85 jurisdictions, including the European Union and United Kingdom, that registered BOOKING.COM. JA140-42. The government points to nothing of the sort.

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<sup>9</sup> The government (at 26-27) cites the statement in *Advertise.com* that protecting a Generic.com mark “would potentially reach almost any use of the generic term in a domain name.” 616 F.3d at 981. But the court still concluded that Generic.com names could be marks. *Id.* And the PTO’s registration of many overlapping domain names suggests the absence of any chilling effect. *Retail Services, Inc. v. Freebies Publishing* (U.S. Br. 27) merely cited numerous domain names incorporating “freebies” to show that consumers perceive “freebies” to mean giveaways in general. 364 F.3d 535, 545-46 (4th Cir. 2004).



### C. The Primary-Significance Inquiry Properly Considers Survey Evidence

1. Because the primary-significance test looks to whether consumers believe a mark as a whole signifies the name of a class of goods or services, the test demands that courts assess what consumers actually think. Courts and the PTO agree that whether any mark—domain name or not—is generic is a factual question. McCarthy, *supra*, § 12:12 & n.1; Examiner’s Manual § 1209.01(c)(i). And, because the point is to figure out what impression a given mark makes on consumers of the goods or services, courts and the PTO rely on a variety of probative evidence. Such evidence includes how the applicant uses the mark; how competitors use it; dictionary definitions of terms comprising the mark; media usage; and testimony from those in the industry. McCarthy, *supra*, § 12:13; *Am. Univ. v. Am. Univ. of Kuwait*, Cancellation No. 92049706, slip op. at 31 (T.T.A.B. Jan. 30, 2020).

Above all, survey evidence often plays a starring evidentiary role. “Consumers surveys have become almost de rigueur in litigation over genericness.” McCarthy, *supra*, § 12:14; *Princeton Vanguard*, 786 F.3d at 965 (“[C]onsumer surveys may be a preferred method of proving genericness.”); *Berner Int’l Corp. v. Mars Sales Co.*, 987 F.2d 975, 982-83 (3d Cir. 1993) (“consumer surveys [are] ... preferable to indirect forms of evidence”). The “most judicially accepted format for testing for genericness” is the Teflon survey, which teaches survey respondents the difference between generic terms and brands, then asks respondents to identify terms as generic or as likely brands. McCarthy, *supra*, § 12:16.

Courts and the PTO thus recognize that consumer surveys—especially Teflon surveys—may tip the scales when determining genericness. The Ninth Circuit held

that, although Advertising.com seemed generic on the limited record before it, further evidence could change the outcome: “[C]onsumer surveys or other evidence might ultimately demonstrate that [the domain mark] is valid and protectable.” *Advertise.com*, 616 F.3d at 982. Similarly, the PTO examiner twice refused to register WAFFLE HOUSE on genericness grounds, relying largely on dictionary definitions of “waffle” and “house.” But the PTO reversed course after reviewing additional evidence, including a Teflon survey showing 92% brand recognition, and registered WAFFLE HOUSE on the principal register. (Reg. No. 2,965,520). Respondent’s Teflon survey is thus exactly the type of evidence courts and the PTO have relied on when applying the primary-significance test.

2. The government (at 40-41) contends that courts should never consider “evidence of consumer understanding”—especially survey evidence—when assessing genericness. That contention largely rests on the government’s mistaken *per se* rule classifying all Generic.com names as inherently generic, no matter how consumers perceive the mark. *Infra* pp. 35-36.

The government (at 36, 41) also cites *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4 (2d Cir. 1976), for the proposition that no amount of evidence of consumer perceptions can make generic terms non-generic. But the *Abercrombie* line of cases involves whether a mark that has *already* become generic can be resurrected with evidence of secondary meaning, *i.e.*, a secondary association with a brand in consumers’ eyes. *Abercrombie* said no, reasoning that no producer should be

able to remove a generic term from the linguistic commons once the public primarily understands it as the common name for a whole class of goods or services. *Id.* at 9.<sup>10</sup>

*Abercrombie* assumes away the dispute here, which is whether a Generic.com name is generic in the first place. Whether a generic term can move back to descriptive status is irrelevant in this case. The Fourth Circuit agreed: “Once a term is deemed generic, it cannot subsequently become non-generic.” Pet.App.10a. But no judicial decision previously deemed BOOKING.COM generic. Nor, as the district court found, was BOOKING.COM commonly used or understood as a generic term before respondent

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<sup>10</sup> Most of the government’s cases (at 41-43) similarly hold that consumer perceptions cannot salvage phrases that were generic *before* specific enterprises used them. See *Hunt Masters, Inc. v. Landry’s Seafood Rest., Inc.*, 240 F.3d 251, 254-55 & n.1 (4th Cir. 2001) (“crab house” was generic because term “was commonly used prior to its association” with plaintiff’s restaurant); *Schwan’s IP, LLC v. Kraft Pizza Co.*, 460 F.3d 971, 976 (8th Cir. 2006) (“brick-oven” was in common use before applicant’s trademark); *Harley-Davidson, Inc. v. Grottanelli*, 164 F.3d 806, 810-11 (2d Cir. 1999) (“hog” was common slang for motorcycle before applicant used term); *In re Analog Devices*, 10 U.S.P.Q.2d (BNA) 1879, 1879 (Fed. Cir. 1989) (similar for “analog devices”); *In re Northland Aluminum Prods.*, 777 F.2d 1556, 1559-60 (Fed. Cir. 1985) (similar for “bundt”); *Miller Brewing Co. v. Falstaff Brewing Corp.*, 655 F.2d 5, 7-8 & n.2 (1st Cir. 1981) (prior holding that plaintiff’s “LITE” beer trademark was generic made evidence of consumer perceptions irrelevant); *Miller Brewing Co. v. Joseph Schlitz Brewing Co.*, 605 F.2d 990, 995 (7th Cir. 1979) (similar for “LITE” beer); *Weiss Noodle Co. v. Golden Cracknel & Specialty Co.*, 290 F.2d 845, 848 (C.C.P.A. 1961) (same for “egg noodles”). Others simply observe that evidence of secondary meaning does not render a generic term protectable. *Royal Crown Co. v. The Coca-Cola Co.*, 892 F.3d 1358, 1370 (Fed. Cir. 2018); *Tech. Publ’g Co. v. Lebharr-Friedman, Inc.*, 729 F.2d 1136, 1139 (7th Cir. 1984); *Canfield*, 808 F.2d at 297.

popularized it. Pet.App.10a-11a, 16a-17a. The government (at 44) disagrees, citing longer domain names containing “booking.com.” But the district court’s factfinding deserves deference, and the government’s factbound argument departs from the question presented.

The government (at 40) argues that consumers may inherently consider “.com” names more distinctive, skewing survey results. That objection is another broadside against all domain-name marks. Regardless, the government abandoned all objections to the validity of respondent’s survey, Pet.App.16a, and its speculation is groundless. As the district court found, respondent’s Teflon survey showed that consumers differentiate among domain names by testing BOOKING.COM against Washingmachine.com. JA54. Whereas 74.8% of survey respondents identified BOOKING.COM as a brand, Washingmachine.com connoted a brand to just 30%. JA53.

The government’s concessions about how “useful” survey evidence is “in a variety of contexts” underscore the incongruity of its position. The government (at 42-43) agrees that Teflon surveys can show whether a descriptive term has acquired secondary meaning. The government (at 43) concurs that Teflon surveys can show whether fanciful “coined” marks (like “Teflon” itself) have “become generic through widespread use.” The government then concedes (at 43) that courts usually assess genericness by looking to “whether consumers understand” a mark “as the common name of a class of products or services.” Given the government’s acknowledgments of the importance consumer perceptions play in resolving virtually every other trademark-eligibility question, evidence of consumer perceptions (including surveys) should play an equally prominent role in determining genericness.

**D. BOOKING.COM Is Descriptive, Not Generic, Under the Primary-Significance Test**

Whether the courts below correctly applied the primary-significance test is not before this Court. The petition presented only the question whether the government's proposed *per se* rule renders BOOKING.COM generic. The government (at 43-44) obliquely asserts that consumers would understand BOOKING.COM to refer only to a class of services, but offers no reason why.

Regardless, the Fourth Circuit correctly followed the Lanham Act's primary-significance test for genericness. The court explained that whether BOOKING.COM is generic depends on whether relevant consumers primarily consider the mark as a whole as the name of a class of goods or services. Pet.App.9a-12a & n.6; *id.* 22a. Here, the PTO did not meet its burden to show genericness. The Fourth Circuit properly deferred to the district court's finding that respondent's Teflon survey showing that 74.8% of consumers do not perceive BOOKING.COM as generic was more compelling than the PTO's competing evidence. Pet.App.13a-18a, 25a; JA53. Courts agree that "majority usage controls," so the survey establishes that BOOKING.COM is descriptive. McCarthy, *supra*, § 12:6. The PTO has waived any objection to the survey's validity or methodology. Pet.App.16a. And the PTO conceded that if BOOKING.COM is not generic, it is entitled to registration as a descriptive term that has acquired distinctiveness (or secondary meaning). Pet.App.12a.

**II. GOODYEAR DOES NOT COMPEL A CONTRARY RESULT**

The government contends that, under this Court's 1888 *Goodyear* decision, a generic term coupled with a corporate designation like "Company," or by extension

“.com,” can never create a trademark. Adding such a suffix, or synonyms like “Inc.,” “Store,” “House,” etc., purportedly does nothing to differentiate a producer’s goods or services from competitors’. But the Lanham Act rejected the government’s premises, and mandates the primary-significance test for genericness across the board. The government (at 22) is wrong that respondent “has never suggested that the core holding of *Goodyear* no longer applies,” nor has respondent conceded that “Booking Company” or “Booking Inc.” cannot be trademarks. *See* Br. in Opp. 11-13; Resp. CA4 Br. 31-32. Adopting the government’s atextual *per se* rule would unleash a trademark apocalypse, stripping hundreds of registered marks of protection and creating massive consumer confusion.

**A. The Lanham Act Repudiated the Government’s *Per Se* Rule**

1. *Goodyear* is a classic exemplar of the pre-Lanham Act common law of trademarks, where trademark protection was narrow and judges distinguished between protected and unprotected names without regard to consumer perceptions. In *Goodyear*, the Goodyear Rubber Company sought to prevent Goodyear’s India Rubber Glove Manufacturing Company and others from using “Goodyear’s Rubber Manufacturing Company,” “Goodyear Rubber Company,” “The Goodyear’s Company,” or similar names. 128 U.S. at 600-01.

The Court concluded that neither party could claim a trademark: “[T]he name of ‘Goodyear Rubber Company’ is not one capable of exclusive appropriation” because “‘Goodyear Rubber’ are terms *descriptive* of well-known classes of goods produced by the process known as ‘Goodyear’s Invention’” (the common method for vulcanizing rubber). *Id.* at 602 (emphasis added). The common law was that “[n]ames which are thus *descriptive* of a class of

goods cannot be exclusively appropriated by any one.” *Id.* (emphasis added). Adding “the word ‘Company’” did not make the ensuing phrase “Goodyear’s Rubber Company” a trademark, because “‘Company’ ... only indicates that parties have formed an association or partnership to deal in such goods.” *Id.*

*Goodyear*’s holding that the descriptive words “Goodyear’s Rubber,” “Goodyear Rubber Company,” and “The Goodyear’s Company” could not be trademarks encapsulated nineteenth-century common-law rules. The law then protected only technical trademarks designating “the manufacturer who has adopted” the name. Francis H. Upton, *A Treatise on the Law of Trade Marks* 98 (1860). Significantly, *Goodyear* relied on the Court’s decision in *Del. & Hudson Canal Co. v. Clark*, 80 U.S. (13 Wall.) 311 (1871), for the dispositive legal rule: “[T]he trade-mark must ... point distinctively to the origin or ownership of the article to which it is applied,” so “a generic name, or a name merely descriptive of an article of trade, of its qualities, ingredients, or characteristics, [cannot] be employed as a trade-mark.” 128 U.S. at 603-04 (quoting *Canal Co.*, 80 U.S. at 323). The nineteenth-century rule was thus that “no sign or form of words can be appropriated as a valid trademark which ... others may employ with equal truth and with equal right for the same purpose.” *Elgin*, 179 U.S. at 673; Hesseltine, *supra*, at 31-32. Or, as the government observes, *Goodyear* rests on “the equal right of others engaged in similar business to use similar designations,” U.S. Br. 19 (quoting *Goodyear*, 128 U.S. at 603); *see id.* at 28.

*Goodyear* thus rejected trademark protection for *any* descriptive names (like “Goodyear’s Rubber”) because such names might also describe other competitors’ prod-

ucts. *See* 128 U.S. at 602-03. Likewise, under this antiquated rule, adding corporate designations like “Company” did nothing to isolate a single producer; multiple producers might truthfully claim to be a company. *See id.* *Goodyear* accordingly analogized “Goodyear Rubber Company” to “‘Wine Company,’ ‘Cotton Company,’ or ‘Grain Company,’” as well as descriptive geographical names like “Lackawanna coal” or “Pennsylvania wheat.” *Id.* Even though some of these names might be generic and some descriptive in modern-day parlance, they were all infirm at common law. Competitors could conceivably claim any of those names to describe their products with equal truth. *Id.* at 602-04.

*Goodyear* tracked similar common-law prohibitions on trademarking proper names. Harry D. Nims, *The Law of Unfair Competition & Trade-Marks* § 206 (2d ed. 1917). The Court’s pre-Lanham Act cases expressed skepticism about trademarking colors on the same basis. *Qualitex*, 514 U.S. at 170-71 (surveying cases). That is why, like *Goodyear* itself, common-law treatises treated generic and descriptive terms interchangeably. *E.g.*, James Love Hopkins, *The Law of Trademarks, Tradenames and Unfair Competition* § 46 (4th ed. 1924) (“generic term[s]” mean words “too general and comprehensive in [their] meaning” for one producer to claim, including “geographical names, proper names, and descriptive words”); William Henry Browne, *A Treatise on the Law of Trade-Marks* § 134, at 146 (2d ed. 1885).

Pre-Lanham Act cases and treatises accordingly understood *Goodyear* as barring trademark protection for *all* descriptive terms.<sup>11</sup> This Court said so, repeatedly.

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<sup>11</sup> *E.g.*, Hesseltine, *supra*, at 207-08; Amasa C. Paul, *The Law of Trademarks & Unfair Competition* § 60 n.1 (1903).



The Court in 1893 cited *Goodyear* as one of many cases “establish[ing] ... [t]hat if the ... mark ... was adopted ... for the purpose of identifying [the product’s] class, grade, style, or quality, or for any purpose other than a reference to or indication of its ownership, it cannot be sustained as a valid trade-mark.” *Columbia Mill Co. v. Alcorn*, 150 U.S. 460, 463-64 (1893); see *Corbin v. Gould*, 133 U.S. 308, 314 (1890) (*Goodyear* exemplifies rule protecting only technical trademarks); *Lawrence Mfg. Co. v. Tenn. Mfg. Co.*, 138 U.S. 537, 547 (1891) (same). Similarly, *Howe Scale Co. v. Wyckoff, Seamans & Benedict*, 198 U.S. 118 (1905), “cit[ed] *Goodyear* with approval,” U.S. Br. 19—again to illustrate that “such descriptive names” as “Goodyear Rubber” could not be trademarks. *Howe*, 198 U.S. at 137. And this Court in 1920 cited *Goodyear* for the “settled” rule that “the law would not secure to any person the exclusive use of a trade-mark consisting merely of words descriptive of the qualities, ingredients, or characteristics of an article of trade.” *Estate of P.D. Beckwith, Inc. v. Comm’r of Patents*, 252 U.S. 538, 543-44 (1920).

In sum, *Goodyear* does not say that a generic name for a class of goods or services, coupled with “Company” or “Inc.,” cannot be a trademark because the combined phrase remains generic. *Goodyear* recites a different and more sweeping rule that *descriptive* terms can never be trademarked. As such, adding another descriptive word like “Company” or “Inc.” still results in a descriptive mark that cannot pinpoint a product’s manufacturer or source the way the common law required. That is why the Court held that “Goodyear Rubber Company”—a descriptive name in modern parlance—could not be trademarked. The government cannot claim the mantle of a purportedly unbroken 130-year history when its position revamps *Goodyear* into an ahistorical rule.

2. The Lanham Act overrode every premise animating *Goodyear*. Unlike at common law, the Act allows registration of descriptive terms. *Supra* p. 6; *Qualitex*, 514 U.S. at 171; Br. for U.S. at 8-9, *Qualitex*, 514 U.S. 159 (No. 93-1577); *Park 'N Fly*, 469 U.S. at 193-94. Whether a trademark could theoretically describe competitors' products is no longer controlling. The touchstone now is whether the name "distinguish[es]" the applicant's goods "from the goods of others." 15 U.S.C. § 1052 (defining trademarks eligible for principal register); *see id.* § 1091(a) (marks must be "capable of distinguishing applicant's goods or services" for supplemental registration); *Qualitex*, 514 U.S. at 171. Likewise, the Act makes consumer perceptions dispositive to the primary-significance test for genericness. 15 U.S.C. § 1064(3); *supra* pp. 19-24. The Act thus repudiates *Goodyear* and its ilk, which treated consumer perceptions as irrelevant to whether the "words ... in and of themselves indicate anything in the nature of origin, manufacture, or ownership." *See Elgin*, 179 U.S. at 673; U.S. Br. 38-40.

Further, the Act rejects any *per se* rule that adding "Company," ".com," or other suffixes can never add further meaning. That notion rested on the discarded common-law rule that no one can trademark names that could equally describe competitors. Because adding "Company" just "indicates that parties ha[d] formed an association or partnership," *Goodyear*, 128 U.S. at 602, adding "Company" to a generic (or even descriptive) term could never produce a name that innately referred to the product's origin, manufacture, or ownership, so courts had no need to consider the mark as a whole. But the Act requires courts and the PTO to look at the combined effect of the "mark," by defining a mark to include any "combination" of words. 15 U.S.C. § 1127; *supra* p. 21. Courts

can no longer look at words in isolation, deem them linguistic filler, and disregard whether relevant consumers might perceive the mark as a whole differently.

The primary-significance test is incompatible with *Goodyear*. The proof is in the pudding: if *Goodyear* survived the Lanham Act, presumably its core holding—that terms like “Goodyear” could not be trademarked—endured. In the government’s view (at 41), once this Court deemed “Goodyear” variants generic, no amount of ensuing consumer recognition should have created a valid trademark. Yet the PTO has registered multiple GOOD-YEAR trademarks for decades. If *Goodyear* categorically bars “Cotton Company,” why register COTTON EMPORIUM and COTTON COLLECTION? If *Goodyear* forever tanked “Wine Company,” why not MARGARITA COMPANY? And the government’s portrayal (at 4) of Crab House as generic as a matter of law, despite its previous registration of THE CRAB PLACE, is fishy in every respect.

3. The government (at 21) suggests that the Lanham Act preserved *Goodyear* because its “purpose ... was to codify and unify the common law of unfair competition and trademark protection” (quoting *Inwood Labs. v. Ives Labs.*, 456 U.S. 844, 861 n.2 (1982) (White, J., concurring in the result)). But the Act achieved that synthesis by rejecting major premises of the common law of trademarks to create a more protective body of federal trademark law. *Qualitex*, 514 U.S. at 171; *Park ’N Fly*, 469 U.S. at 193.

The government (at 21) states that this Court “has neither overruled *Goodyear* nor suggested that it has been superseded by later statutory enactments.” But this Court has recognized that the Lanham Act superseded related *per se* rules. *Qualitex* thus rejected the common-law rule against trademarking colors, notwithstanding “many older cases—including Supreme Court cases—in support

of” that rule. 514 U.S. at 170. The Court explained that those cases “interpreted trademark law as it existed *before* 1946” and did not reflect the Act’s dramatic expansion of trademark protection beyond common-law technical trademarks. *Id.*; see Br. for U.S. at 21-22, *Qualitex*, 514 U.S. 159 (No. 93-1577) (“[T]he Act superseded prior common law doctrines,” including this Court’s precedent “predat[ing] the Lanham Act by 40 years.”). Likewise, no one thinks that the common-law prohibition on trademarking proper names survived the Lanham Act—hence YO-YO MA, ADELE, and MADONNA are marks. It is hard to fathom how *Goodyear* alone survived this sea change.

The government’s citations hardly substantiate a supposedly entrenched 130-year-old rule. The government invokes one Eleventh Circuit decision, a treatise, and a TTAB decision purportedly “appl[ying] *Goodyear*.” U.S. Br. 21-22. This Court in *Qualitex* dismissed similar modern precedents, explaining that “the Lanham Act’s changes left the courts free to reevaluate the preexisting legal precedent,” including pre-Lanham Act Supreme Court opinions. 514 U.S. at 173. The government’s authorities are weak regardless. *Welding Services, Inc. v. Forman*, 509 F.3d 1351 (11th Cir. 2007), never mentions *Goodyear*. That case relied on a TTAB decision and treatise for the footnoted assertion that adding “Inc.” to a name “does not make generic words protectable.” *Id.* at 1359 n.4.

The government cites Professor McCarthy, who states that adding “Company,” “Inc.,” or “Partners” to “a generic name” cannot create a trademark but grounds that rule in modern TTAB decisions. McCarthy § 12:39. McCarthy characterizes *Goodyear* as holding that “adding designations such as ‘Company,’ ‘Corp.,’ or ‘Inc.’ does not add any trademark significance to a designation which

does not otherwise qualify as a trademark.” *Id.* That comports with his observation that *Goodyear* is “not clear” whether “Goodyear Rubber” is generic or descriptive in modern parlance, *id.* § 12:32; he adds that *Goodyear* may rest on the obsolete common-law rule against protecting descriptive terms, *id.* Regardless, McCarthy concludes that the primary-significance test is the test for genericness, and does not explain how *Goodyear* could square with that conclusion. *Id.* § 12:4.

Finally, the government cites *In re Wm. B. Coleman Co.*, 93 U.S.P.Q.2d 2019, 2025 (T.T.A.B. 2010). There, the TTAB relied on *Goodyear* for the proposition that “Company” does not add source-identifying significance to the words “Electric Candle.” *Id.* But the TTAB ultimately rested on consumer perceptions to deem “Electric Candle Company” generic, reasoning that “the relevant public would nonetheless understand ELECTRIC CANDLE COMPANY to refer to a company that sells electric candles, and public understanding is critical.” *Id.* at 2021.

The government’s position is also incoherent as to when the Lanham Act’s primary-significance test applies and when (and how) its *Goodyear* rule takes over. The government seemingly agrees that the primary-significance test governs whether a root word (like “grain”) is generic. U.S. Br. 7-8, 15. And, as noted, the government concedes (at 43) that the primary-significance test is the “usual” test for genericness. Yet the government refuses to apply the primary-significance test to certain compound phrases, insisting (at 44) that Grain Inc., Grain Company, and Grain.com are all generic under *Goodyear*, “even though consumers could understand [them] to refer to a specific company.” That reasoning presupposes that the government’s *per se* rule supplants the Lanham Act’s

primary-significance test. But the government never explains how to achieve this atextual feat through conventional methods of statutory interpretation.

4. Even if a *Goodyear*-based *per se* rule against “Generic Company” or “Generic Inc.” survived the Lanham Act, no sound basis exists for equating a “Company” or “Inc.” suffix with “.com” and extending the rule to domain names. And if the Court went that far, that rule would necessarily sweep in “.org,” “.biz,” “.net” and other domain-name suffixes. Further, domain names differ from corporate designations in significant ways—not least because their purpose is to facilitate online activities, and because each domain name is unique. *Supra* p. 25; AIPLA Br. 14. Expanding a *Goodyear*-based *per se* rule beyond the “Company” or “Inc.” contexts would break new ground, with no stopping point in sight.

The government (at 22) contends that TTAB and appellate decisions establish that “a ‘generic.com’ domain name generally is not eligible” for trademark registration. Saying that a rule is “generally” true but sometimes not is a roundabout admission that there is no *per se* rule. *See* U.S. Br. 25 n.6. And the government’s position is even weaker than that: every circuit to consider the question has rejected a *per se* rule against Generic.com trademarks. Pet.App.18a; *e.g.*, *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1175 (Fed. Cir. 2004) (no such *per se* rule); *Advertise.com, Inc.*, 616 F.3d at 982 (same). The government (at 25 n.6) dismisses courts’ endorsements of Generic.com marks “in the ‘rare’ case where the combined term carries additional meaning,” saying the Court need not resolve “the propriety or scope of such an exception.” But that *is* the question presented: “Whether the addition ... of [‘.com’] to an otherwise generic term can create a protectable trademark.” U.S. Br. i.

The government's authorities (at 22-25) also belie its position. Start with the PTO's own manual, which never cites *Goodyear* in provisions discussing when domain names are generic. Examiner's Manual §§ 1209.03(m), 1215.05, 1215.08(a). Nor does the part of the manual discussing *Goodyear* mention domain names. *Id.* § 1209.03(d) (citing *Goodyear* for proposition that "[t]he addition of an entity designator (e.g., Corporation, Corp., Co., Inc., Ltd., etc.) to a descriptive term does not alter the term's descriptive significance"). And the government omits that the manual states that "there is no per se rule" that adding ".com" to "an otherwise generic term" is grounds for refusing registration. *Id.* § 1215.05; see AIPLA Br. 11-12. PTO examiners have faithfully followed the PTO's instructions, registering COOKING.COM, FRUITS.COM, ART.COM, and scores of similar marks while rejecting others. Appx. A.

The government cites *In re Martin Container, Inc.*, 65 U.S.P.Q.2d 1058 (T.T.A.B. 2002), but the Federal Circuit repudiated the TTAB's reasoning for wrongly interpreting *Goodyear* to rule out all Generic.com trademarks. *Oppedahl*, 373 F.3d at 1173, 1175-77. Later TTAB decisions acknowledge there is no *per se* rule against registering Generic.com names. *E.g.*, *In re Vacationfutures*, 2016 WL 4775500, at \*8 (T.T.A.B. 2016).

The government (at 23-24) invokes the Federal Circuit's *Oppedahl* decision, involving "patents.com." That decision cites *Goodyear* and analogizes the effect of adding ".com" to an "otherwise descriptive or generic term" to adding "Corp." or "Inc." to such terms. 373 F.3d at 1173, 1175. *Oppedahl* then states that it would be "legal error" to adopt a *per se* rule that adding ".com" to a term never adds additional meaning. *Id.* at 1175. Such a cate-

gorical rule would flout the cardinal principle that registrability depends on how consumers perceive the mark as a whole. *Id.* at 1174. The court held: “[T]he per se rule in *Goodyear* that ‘Corp.’, etc. never possess source-indicating significance does not operate as a per se rule, but more as a general rule, with respect to [.com].” *Id.* at 1175. *Oppedahl* thus rejected reliance on a “*Goodyear* analysis,” instead relying on evidence of consumer perceptions to “conclud[e] that the combination of ‘patents’ and ‘.com’ does not render the mark as a whole distinctive.” *Id.* at 1176. The Federal Circuit similarly affirmed registration denials for *mattress.com*, *lawyers.com*, and *hotels.com* only because evidence showed that consumers primarily perceive those marks as generic.<sup>12</sup>

The Ninth Circuit also rejects the government’s *per se* rule. *Advertise.com* cited *Goodyear* to show that adding “.com” to “a generic term ... does not suffice to establish that the component is distinctive.” 616 F.3d at 982. But respondent’s position is not that appending “.com” automatically transforms a generic term into a distinctive one. Rather, respondent’s position is that there is “no per se rule against the use of domain names, even ones formed by combining generic terms with [.com].” *Id.* As the Ninth Circuit concluded, courts must “look to the mark as a whole and ... the combination of generic terms may, in some instances, result in a distinctive mark,” depending on the evidence. *Id.* at 978.

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<sup>12</sup> *In re 1800Mattress.com IP LLC*, 586 F.3d 1359, 1363 (Fed. Cir. 2009); *In re Hotels.com*, 573 F.3d at 1304, 1306; *In re Reed Elsevier Props.*, 482 F.3d at 1381.



**B. The Government’s *Per Se* Rule Would Strip Countless Marks of Trademark Protection and Confer No Competitive Benefits**

Adopting the government’s *per se* rule would usher in a mass extinction event for registered trademarks. The PTO has spent decades registering marks that violate the government’s rule that a generic root term, coupled with “Company” or “.com,” can never be a trademark. THE WIG COMPANY, THE CAP COMPANY, THE SASH COMPANY, THE FLAGPOLE COMPANY, and THE RAG COMPANY would all face cancellation if the government’s position became law. *See* 15 U.S.C. § 1064(3) (authorizing cancellation on genericness grounds at any time). Applying the government’s *per se* rule to domain names would jeopardize scores of “.com” marks, too. Appx. A, 1a-11a.

The government’s onslaught against PTO-registered marks would not end there. If synonyms for corporate structure never add distinctiveness, then coupling generic terms with “Association,” “Partnership,” “Society,” “Alliance,” “Group,” “Foundation,” or “Coalition” is verboten—which would be news to ALZHEIMER’S ASSOCIATION, ARTHRITIS FOUNDATION, CHRISTIAN COALITION, AUTISM SOCIETY, EPILEPSY FOUNDATION, THE HEART FOUNDATION, etc. If “.com” is an empty suffix, so are “.biz,” “.net,” and “.org.” And, just as “.com” can refer to a virtual place for commerce, so can 1-800 refer to a telephone hotline for purchases—so no more 1-800-FLOWERS, 1800CONTACTS, 1800HOTELS, or 1800MATTRESS.

The government’s *per se* rule would apparently prohibit combining a generic term with “Store,” *see* Pet. 4; Gov’t CA4 Br. 6—ending THE CONTAINER STORE’s 38-year-old trademark. If “Store” is out, generic terms paired with any “Store” synonyms presumably would not survive—so no more OFFICE DEPOT, PAPER SOURCE,

THE CHEESECAKE FACTORY, FISH MART, FRAGRANCE-MARKET, WATCH WAREHOUSE, or SKIRT OUTLET. If Crab House fails the government's test, *see* U.S. Br. 4, then WAFFLE HOUSE is toast. Absent some elusive distinction between houses and more humble abodes, SUNGLASS HUT, RADIO SHACK, and SHAKE SHACK are doomed. The government (at 25 n.7) also suggests that publications consisting of generic terms plus "News," "Journal," or "Guide" can never be marks—so goodbye TV GUIDE, CLERGY JOURNAL, and OPERA NEWS, and presumably SKI MAGAZINE, GOLF DIGEST, and BICYCLING.

All told, the government's *per se* rule threatens hundreds of registered marks that respondent has identified, including many of the country's most famous brands. *See* Appx. A. The PTO registered CONSUMER REPORTS in the 1950s; PIZZA HUT in the 1960s; 1-800-FLOWERS in the 1970s; THE CONTAINER STORE in the 1980s; and JEWISH.COM in the 1990s. The PTO even registered BOOKINGS.COM in the 2000s.

Yet the government suggests that protecting these marks was *ultra vires* all along. U.S. Br. 18-20. The government (at 33) blames companies and nonprofits for proceeding at their peril and not picking names that satisfy the government's new *per se* rule. But it is hard to fault mark holders for taking the Lanham Act at its word. The PTO signed off on these registrations for decades, and the government cannot credibly claim hundreds of accidents. These registrations are the product of examiners following the PTO's manual, including by reversing initial genericness determinations after applicants produced survey evidence rebutting those conclusions. *Supra* pp. 24-25; *see Brunetti*, 139 S. Ct. at 2301 (declining to interpret

statute based on government's assertion that registrations exhibiting viewpoint bias were "PTO examiners' mistakes").

Not to worry, the government (at 34-35) says: anyone denied trademark protection could invoke unfair-competition law to prevent "third parties from passing off their goods or services." But the availability of unfair-competition "[p]rotection ... does not justify artificially constricting the scope of protection under the Act's trademark provisions." Br. for U.S. at 21-22, *Qualitex*, 514 U.S. 159 (No. 93-1577). Unfair-competition laws are no substitute for the rights the Lanham Act extends to mark-holders, *id.*, which "should not be denied based on a per se rule that prohibits registration based on the nature of the mark, where neither the statute nor compelling policy reasons support such a denial," *id.* Further, as the government's citations show, state unfair-competition claims typically bar relief absent actual fraud, making relief unlikely in most cases. *E.g.*, *Genesee Brewing Co. v. Stroh Brewing Co.*, 124 F.3d 137, 149 (2d Cir. 1997); *Murphy Door Bed Co. v. Interior Sleep Sys., Inc.*, 874 F.2d 95, 102 (2d Cir. 1989). The government's suggestion (at 35) that applicants could register "stylized elements" of their brands as design marks is less helpful still. Unless applicants can register domain-name marks, they lack key protections against Internet-based deception and infringement.

The government's *per se* rule would also cost consumers dearly. The PTO registered all the marks the government now considers trademark-ineligible because the evidence showed that consumers believe these marks could or do identify specific producers. Without trademark protections, countless easily remembered marks that avoid consumer confusion would be far harder to protect against infringement, both in cyberspace and the physical

world. Given the difficulties of pursuing unfair-competition claims, bad actors might decide that the rewards of pirating famous brands are worth the risk—and that piracy is even easier to accomplish online. Little would stop copycats from launching knockoff Container Stores, Office Depots, and Pizza Huts in the same shopping malls, or from falsely claiming affiliation with CARE.COM, CHRISTIAN COALITION, or FLIGHTS.COM.

Further, if the government's *per se* rule governs trademark protection going forward, enterprises would never invest in fostering recognition of brand names that others could seize with near-impunity. Instead of easily-remembered marks that avoid consumer confusion, the government would incentivize a return to the bygone days of elaborate technical trademarks like BOKER'S STOMACH BITTERS, COE'S SUPERPHOSPHATE OF LIME, and DR. DRAKE'S GERMAN CROUP REMEDY. That would eviscerate the Lanham Act's central premise that trademark law should reward enterprises that develop recognizable brands, rather than superimposing artificial, judge-made rules on the market. *Park 'N Fly*, 469 U.S. at 198.

At bottom, the government sees unfairness in allowing one enterprise to claim to a name that “others may employ with equal truth.” U.S. Br. 28 (quoting, *e.g.*, *Lawrence Mfg.*, 138 U.S. at 547). That is another way of saying that the government prefers to protect only technical trademarks, not descriptive terms. For 70 years, however, trademark law has proceeded from the premise that the best way to avoid granting monopolies on the common name for a product is to avoid trademarking the words that consumers actually consider the common name for the product. If the government wants to undo that choice, its recourse lies with Congress, not this Court.

CONCLUSION

The judgment of the Fourth Circuit should be affirmed.

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**.COM**

- ART.COM, online retail store services for art  
Reg. No. 3,601,346 (Apr. 7, 2009)
- BABYSHOWER.COM, online directory featuring  
information about baby showers  
Reg. No. 4,638,694 (Nov. 11, 2014)
- BACKGROUNDCHECKS.COM, public records search  
service  
Reg. No. 2,888,037 (Sept. 24, 2004)
- BATTERIES.COM, retail and wholesale services for  
batteries  
Reg. No. 2,427,670 (Feb. 6, 2001)
- BEAUTY.COM, online retail store services featuring  
personal fragrances, cosmetics, and toiletries  
Reg. No. 3,178,835 (Dec. 5, 2006)
- BEDANDBREAKFAST.COM, promoting real estate  
properties  
Reg. No. 4,430,129 (Nov. 5, 2013)  
real-estate listing services  
Reg. No. 4,430,130 (Nov. 5, 2013)
- BUSES.COM, online directory listing bus companies  
Reg. No. 2,526,294 (Jan. 1, 2002)
- CARE.COM, information about personal care providers  
Reg. No. 3,745,521 (Feb. 2, 2010)  
online searchable database of childcare  
information  
Reg. No. 5,070,881 (Nov. 1, 2016)  
providing employers with family-care-related  
services for their employees  
Reg. No. 5,070,880 (Nov. 1, 2016)

- CARING.COM, online information directory in the field of eldercare facilities, eldercare services, and related resources  
Reg. No. 4,741,631 (May 26, 2015)
- CONCERT.COM, ticket agency services for sporting and entertainment events  
Reg. No. 5,923,099 (Nov. 26, 2019)
- COOKING.COM, retail store services featuring food-preparation goods  
Reg. No. 2,657,525 (Oct. 10, 2002)
- CRUISE.COM, travel agency services, namely, making reservations and bookings for transportation  
Reg. No. 2,684,818 (Feb. 4, 2003)
- DATING.COM, dating services  
Reg. No. 2,580,467 (June 11, 2002)
- DEBT.COM, online information in the field of personal credit and finance  
Reg. No. 3,231,761 (Apr. 17, 2002)
- DENTIST.COM, dissemination of advertising for dentists  
Reg. No. 2,229,685 (Mar. 2, 1999)
- DENTISTRY.COM, online referral services for medical and dental professionals  
Reg. No. 3,452,622 (June 24, 2008)
- FLIGHTS.COM, travel agency services  
Reg. No. 3,155,349 (Oct. 10, 2006)
- FRUITS.COM, website featuring information on fruits and fruit products  
Reg. No. 2,511,298 (Nov. 20, 2001)
- GENEALOGY.COM, family history information services  
Reg. No. 2,521,336 (Dec. 18, 2001)
- GOLF.COM, online consumer information for products and services of interest to golfers  
Reg. No. 3,534,205 (Nov. 18, 2008)

- GOVERNING.COM, an online magazine about and of  
interest to state and local governments  
Reg. No. 4,424,177 (Oct. 29, 2013)
- HEALTHLABS.COM, medical and pharmamedical  
diagnostic testing and reporting services  
Reg. No. 5,836,631 (Aug. 13, 2019)
- HOMES.COM, software for access to real-estate listing  
information  
Reg. No. 2,554,323 (Mar. 26, 2002)  
real estate listings via a global communications  
network  
Reg. No. 2,226,864 (Feb. 23, 1999)
- HOTELS.COM, travel agency services  
Reg. No. 3,015,723 (Nov. 15, 2005)
- INC.COM, information in the field of business  
organization via a global computer network.  
Reg. No. 2,395,391 (Oct. 17, 2000)
- INTERNSHIPS.COM, job placement and internship  
placement and recruiting services  
Reg. No. 2,835,595 (Apr. 20, 2004)
- JEWISH.COM, information on issues of interest to the  
Jewish community via a global computer  
network  
Reg. No. 2,080,381 (July 15, 1997)
- KARAOKE.COM, online distributorship services, for  
karaoke-related equipment  
Reg. No. 2,740,894 (July 29, 2003)
- KITCHENS.COM, blogs in the field of kitchens  
Reg. No. 3,443,793 (June 10, 2008)
- LAW.COM, online newspapers, magazines, and  
newsletters in the field of law  
Reg. No. 3,413,772 (Apr. 15, 2008)

- LEISURE.COM, travel reservation services  
Reg. No. 4,589,234 (Aug. 19, 2014)
- LIFEINSURE.COM, life insurance brokerage  
Reg. No. 4,549,487 (June 10, 2014)
- LEGAL.COM, online publication providing information  
about the law and law study  
Reg. No. 2,360,864 (June 20, 2000)
- NOZZLEANDHOSE.COM, online retail store for garden  
hoses and nozzles  
Reg. No. 5,211,129 (May 23, 2017)
- PARENTS.COM, online magazines in the fields of child  
development and parenting  
Reg. No. 2,146,754 (Mar. 24, 1998)
- READERS.COM, online retail store services featuring  
eyeglasses and eyeglass accessories  
Reg. No. 5,841,345 (Aug. 20, 2019)
- RENT.COM, website guide for owners and managers to  
promote their properties to prospective tenants  
Reg. No. 2,857,033 (June 22, 2004)
- RENTALHOUSES.COM, real estate website to rent  
property  
Reg. No. 4,810,385 (Sept. 8, 2015)
- RENTALS.COM, real estate marketing services  
Reg. No. 5,860,767 (Sept. 17, 2019)  
interactive real estate website that promotes  
rental properties  
Reg. No. 4,599,140 (Sept. 2, 2014)  
online directory publications for housing and  
rentals  
Reg. No. 4,586,295 (Aug. 12, 2014)

- RESTAURANT.COM, marketing, advertising, and business consulting services for others' restaurants; designing, implementing, hosting, and maintaining restaurant websites  
Reg. No. 3,141,323 (Sept. 12, 2006)
- ROOMMATES.COM, website enabling users to find roommates  
Reg. No. 5,579,277 (Oct. 19, 2018)
- SALARY.COM, online journals in the field of employee compensation and performance  
Reg. No. 5,754,229 (May 21, 2019)
- SEX.COM, computer data base in the field of adult-oriented subject matter  
Reg. No. 3,284,052 (Aug. 28, 2007)  
electronic bulletin board in the field of adult entertainment  
Reg. No. 3,122,247 (Aug. 1, 2006)
- SHAVERS.COM, online mail order services featuring electric shavers and accessories  
Reg. No. 3,356,401 (Dec. 18, 2007)  
Reg. No. 2,407,495 (Nov. 21, 2000)
- SOFTWARE.COM, computer software facilitating communications over computer networks  
Reg. No. 2,252,250 (June 15, 1999)
- STAMPS.COM, retail store services featuring postage  
Reg. No. 4,085,625 (Nov. 1, 2011)
- TENNIS.COM, interactive databases featuring tennis news and information; computer tennis bulletin board  
Reg. No. 2,226,886 (Feb. 23, 1999)
- TICKETS.COM, ticketing operations and management software  
Reg. No. 2,963,959 (June 28, 2005)

- TRAVEL.COM, travel agency services  
Reg. No. 2,652,850 (Nov. 19, 2002)
- TRIP.COM, travel agency services  
Reg. No. 2,696,186 (Mar. 11, 2003)
- TURKISHTOWELS.COM, online retail store services  
featuring Turkish towels  
Reg. No. 3,903,955 (Jan. 11, 2011)
- TUTOR.COM, online research and reference services  
Reg. No. 3,860,755 (Oct. 12, 2010)  
promoting the goods and services of others to  
students, parents, teachers, and business people  
Reg. No. 3,819,846 (July 13, 2010)
- VACATION.COM, membership services for professional  
travel agencies  
Reg. No. 2,903,217 (Aug. 24, 2004)
- WAITTIME.COM, website that enabling consumers to  
upload and share user-contributed wait-time  
information  
Reg. No. 5,047,167 (Sept. 20, 2016)
- WEATHER.COM, meteorological instruments and  
instruments for weather forecasts and alerts  
Reg. No. 3,927,183 (Mar. 8, 2011)  
online meteorology and climatology publications  
Reg. No. 2,699,088 (Mar. 25, 2003)
- WEB.COM, registration of domain names to identify  
users on a global computer network  
Reg. No. 3,666,813 (May 26, 2009)
- WEDDING.COM, online magazine featuring wedding  
planning and wedding-related goods and  
services  
Reg. No. 2,603,086 (July 30, 2002)

WINDSHIELDS.COM, cost comparison shopping services  
in the field of auto-glass repair and replacement  
Reg. No. 3,510,252 (Sept. 30, 2008)

WORKOUT.COM, information about exercise programs  
and weight training  
Reg. No. 4,460,827 (Jan. 7, 2014)

WRESTLINGFIGURES.COM, online retail store services  
featuring wrestling action figures  
Reg. No. 4,824,929 (Oct. 6, 2015)

**.COM (cont'd)**

1-800-BASKETS.COM, online retail shop featuring gift  
baskets  
Reg. No. 2,782,517 (Nov. 11, 2003)

1-800-CANDIES.COM, candy and confectionary products  
Reg. No. 2,976,683 (July 26, 2005)

1800CEILING.COM, online retail store services featuring  
parts for ceilings and ceiling repair  
Reg. No. 5,461,041 (May 1, 2018)

1800CONTACTS.COM, online retail store and telephone  
order services featuring contact lenses  
Reg. No. 3,833,549 (Aug. 17, 2010)

1-800-DENTIST.COM, online referrals of and marketing  
for medical and dental professionals  
Reg. No. 3,877,773 (Nov. 16, 2010)

1-800-DOCTORS.COM, information about health care  
providers  
Reg. No. 2,490,017 (Sept. 18, 2001)

1-800-DOGBONE.COM, online shopping site in the field  
of dog supplies and treats  
Reg. No. 4,397,937 (Sept. 3, 2013)

1800FLOWERS.COM, receiving online orders for flowers  
and floral products  
Reg. No. 2,825,367 (Mar. 23, 2004)

- 1800LAWYERS.COM, online marketing and promotional services for the legal industry  
Reg. No. 3,970,491 (May 31, 2011)  
Reg. No. 3,005,192 (Oct. 4, 2005)
- 1-800 LENS.COM, online retail store and mail order services featuring contact lenses  
Reg. No. 3,875,337 (Nov. 16, 2010)
- 1-800LIGHTING.COM, online retail store services featuring lighting  
Reg. No. 4,242,006 (Nov. 13, 2012)
- 1-800-VEHICLES.COM, dealership selling used cars  
Reg. No. 3,684,647 (Sept. 15, 2009)
- 800WINE.COM, online retail services featuring wine and wine accessories  
Reg. No. 5,789,921 (June 25, 2019)
- BATTERYDEPOT.COM, services including online, batteries and battery-related goods  
Reg. No. 2,979,732 (July 26, 2005)
- BEAUTYHUT.COM, online retail store services featuring health and beauty products  
Reg. No. 4,718,095 (Apr. 7, 2015)
- BLINDSONLINE.COM, online retail store services featuring custom window blinds and shades  
Reg. No. 3,552,359 (Dec. 28, 2008)
- CABLESONLINE.COM, computer cables  
Reg. No. 4,810,448 (Sept. 8, 2015)
- CARPARTSWAREHOUSE.COM, online retail store services featuring auto parts  
Reg. No. 4,405,428 (Sept. 24, 2013)
- CATHOLICSUPPLY.COM, online retail store services featuring religious affiliated items  
Reg. No. 3,195,289 (Jan. 2, 2007)



FOODSERVICEWAREHOUSE.COM, retail and online retail store services featuring restaurant, food-service, and beverage equipment and supplies  
Reg. No. 4,531,767 (May 20, 2014)

HEALTHWAREHOUSE.COM, online retail store services featuring prescription drugs, pharmaceuticals, over-the-counter medicine, health products, nutritional supplements, etc.  
Reg. No. 5,873,238 (Oct. 1, 2019)

INSURANCECOMPANY.COM, online insurance agent referral services  
Reg. No. 2,835,595 (Aug. 20, 2004)

INSUREONLINE.COM, insurance information  
Reg. No. 4,924,570 (Oct. 2, 2010)

LAWMART.COM, online retail store services featuring legal forms  
Reg. No. 3,134,050 (Aug. 22, 2006)

LAWMOWINGONLINE, website for connecting buyers with lawn care and lawn mowing providers  
Reg. No. 5,098,862 (Dec. 13, 2016)  
lawn mowing services  
Reg. No. 4,416,286 (Oct. 8, 2013)

OFFICEMART.COM, online retail store services featuring office supplies and office equipment  
Reg. No. 4,745,390 (May 26, 2015)

ONLINELABELS.COM, address and shipping labels  
Reg. No. 3,674,811 (Aug. 25, 2009)

ONLINEMETALS.COM, processing, fabrication, and cutting of metal and plastic stock materials  
Reg. No. 3,585,577 (Mar. 10, 2009)

ONLINESHOES, online shoe retail store services  
Reg. No. 4,263,330 (Dec. 25, 2012)

- PLASTIC-MART.COM, plastic storage containers for commercial or industrial use  
Reg. No. 4,630,962 (Nov. 4, 2014)
- RUNNINGSTORE.COM, online store services for athletic clothing and sporting goods  
Reg. No. 2,726,061 (June 10, 2003)
- SCAFFOLDMART.COM, online retail store services for scaffolding and related accessories  
Reg. No. 4,017,595 (Aug. 30, 2011)
- SEWING PARTS ONLINE, online ordering services for replacement parts for sewing machines and related parts  
Reg. No. 4,666,104 (Jan. 6, 2015)
- SIGNWAREHOUSE.COM, online retail store services for signage supplies  
Reg. No. 2,376,302 (Aug. 8, 2000)
- SUNSCREENWAREHOUSE.COM, online ordering services for sunscreen creams and lotions  
Reg. No. 4,527,234 (May 6, 2014)
- THELUBRICANTSTORE.COM, online retail store services for petroleum products, lubricants, and related automotive items  
Reg. No. 5,014,892 (Aug. 2, 2016)
- THESHOEMART.COM, online retail store services for footwear  
Reg. No. 3,053,352 (Jan. 31, 2006)
- WIRELESSSTORE.COM, online retail store services for wireless and mobile handheld devices  
Reg. No. 3,878,344 (Nov. 16, 2010)
- WWW.LAWFIRMONLINE.COM, legal services  
Reg. No. 5,139,168 (Feb. 7, 2017)

YOGAOUTLET.COM, online retail store services  
for clothing, including yoga apparel  
Reg. No. 5,584,077 (Oct. 16, 2018)

**Company**

FOODS CO., retail grocery store services  
Reg. No. 3,044,478 (Jan. 17, 2006)

GARDENERS' SUPPLY COMPANY, online retail store  
services featuring gardening products  
Reg. No. 2,523,984 (Jan. 1, 2002)

MARGARITA COMPANY, restaurant and broker services  
Reg. No. 4,466,670 (Jan. 14, 2014)

PHOTOBOOTH SUPPLY Co., cameras and photography  
equipment  
Reg. No. 4,783,718 (July 28, 2015)

SEAFOOD SUPPLY COMPANY, wholesale distributorships  
featuring seafood  
Reg. No. 4,746,840 (June 2, 2015)

THE AGENT'S COMPANY, services for insurance agents  
Reg. No. 5,910,844 (Nov. 12, 2019)

THE CAP COMPANY, plastic caps and other protective  
parts for use in industrial settings  
Reg. No. 2,472,508 (July 24, 2001)

THE CUTTING COMPANY, cutting and welding torches  
Reg. No. 4,618,919 (Oct. 7, 2014)

THE DRIVEWAY COMPANY, concrete maintenance and  
repair on driveways  
Reg. No. 5,867,399 (Sept. 24, 2019)

THE FLAGPOLE COMPANY, retail and online store  
services featuring flagpoles, flags, etc.  
Reg. No. 3,411,374 (Apr. 15, 2008)

THE FERTILITY COMPANY, physician-assisted  
reproduction services  
Reg. No. 2,665,787 (Dec. 24, 2002)

- THE LITERACY COMPANY, consulting services in the field of reading skills and reading comprehension, retention, and recall  
Reg. No. 4,349,278 (June 11, 2013)
- THE MOISTURE COMPANY, body scrub; skin care creams and lotions  
Reg. No. 5,347,433 (Nov. 28, 2017)
- THE MOTION PICTURE COMPANY, video and film production  
Reg. No. 4,426,871 (Oct. 29, 2013)
- THE ORGANISM COMPANY, custom manufacturing and custom synthesis in the nature of genetically engineered DNA, biological organisms  
Reg. No. 5,893,479 (Oct. 22, 2019)
- THE PHILLIPS SCREW COMPANY, metal hardware, including Phillips screws  
Reg. No. 5,857,599 (Sept. 10, 2019)
- THE POETRY COMPANY, poetry writing service  
Reg. No. 4,519,474 (Sept. 10, 2019)
- THE PREGNANCY COMPANY, medical diagnostic testing services to detect pregnancy complications  
Reg. No. 5,853,620 (Sept. 3, 2019)
- THE PUPPET COMPANY LTD, dolls and puppets  
Reg. No. 4,184,460 (Sept. 10, 2019)
- THE RAG COMPANY, premium articles for cleaning, including microfiber cloths, mitts of fabric  
Reg. No. 5,791,324 (July 2, 2019)
- THE SASH COMPANY, sashes  
Reg. No. 5,361,623 (Dec. 19, 2017)
- THE SHAVING Co., bar soap; bath soaps; cleaning agents and preparations  
Reg. No. 5,521,328 (July 17, 2018)

THE TRUCKERS' COMPANY, freight transportation by truck

Reg. No. 5,699,640 (Mar. 12, 2019)

THE UPGRADE COMPANY, upgrading hardware in consumer electronics

Reg. No. 4,848,266 (Nov. 3, 2015)

THE VOCAL COMPANY, services relating to music

Reg. No. 5,522,398 (July 24, 2018)

THE WATERING COMPANY, garden hoses

Reg. No. 4,919,728 (Mar. 15, 2016)

THE WIG COMPANY, hairpieces and wigs

Reg. No. 5,278,404 (Aug. 29, 2017)

THE WISDOM COMPANY, workshops and seminars in personal awareness

Reg. No. 5,912,955 (Nov. 19, 2019)

WOOD CARVERS' SUPPLY INC., mail order services featuring wood carving supplies

Reg. No. 1,990,603 (July 30, 1996)

**1-800**

1800ACCOUNTANT, tax preparation

Reg. No. 4,697,397 (Mar. 3, 2015)

1-800-AUTOSHOP, promoting automobile servicing

Reg. No. 4,247,660 (Nov. 20, 2012)

1800BACKPAIN, website featuring information about back pain

Reg. No. 4,519,387 (Apr. 22, 2014)

1-800-BARTEND, classes, seminars, workshops in the field of bartending

Reg. No. 4,916,787 (Mar. 15, 2016)

1-800-BOATING, pleasure boating and sport fishing equipment services

Reg. No. 1,437,536 (Apr. 21, 1987)

- 1800BUNKBED, business consulting services in the field  
of furniture construction featuring bunk beds  
Reg. No. 4,327,890 (Apr. 30, 2013)
- 1-800 CAR-LOAN, automobile loan financing services  
Reg. No. 1,885,240 (Mar. 21, 1995)
- 1-800-CHIROPRACTOR, marketing chiropractors  
Reg. No. 3,170,295 (Nov. 7, 2006)
- 1 800 CHOCOLATE, online retail store featuring  
specialty chocolates  
Reg. No. 5,024,273 (Aug. 16, 2016)
- 1-800-CLEANING, cleaning services  
Reg. No. 3,826,658 (July 27, 2010)
- 1800CONTACTS, contact lenses  
Reg. No. 2,675,866 (Jan. 21, 2003)
- 1-800-COOKIES, cookies, chocolates, candies, etc.  
Reg. No. 2,741,280 (July 29, 2003)
- 1-800-DENTIST, advertising services for dentists  
Reg. No. 3,371,531 (Jan. 22, 2008)
- 1-800-DETECTIVE, referrals in the field of detectives  
Reg. No. 1,990,571 (June 30, 1996)
- 1-800-DRYCLEAN, dry-cleaning services  
Reg. No. 3,748,305 (Feb. 16, 2010)
- 1-800-FITNESS, health-club services  
Reg. No. 2,374,747 (Aug. 8, 2000)
- 1-800-FLOORING, wood flooring  
Reg. No. 3,697,879 (Oct. 20, 2009)
- 1-800-FLOWERS, receiving and placing orders for  
flowers and floral products  
Reg. No. 1,009,717 (Apr. 29, 1975)
- 1-800-FURNITURE, retail furniture-store services  
Reg. No. 2,821,840 (Mar. 9, 2004)

- 1-800-GOLF-COURSE, promoting the services of golf courses through telephone messages  
Reg. No. 2,317,336 (Feb. 8, 2000)
- 1-800-GOLFING, online retail store services featuring golf equipment and accessories  
Reg. No. 5,420,240 (Mar. 6, 2018)
- 1800HANDYMAN, advertising for home repair services  
Reg. No. 2,637,533 (Oct. 15, 2002)
- 1800HOTELS, hotel reservation services  
Reg. No. 3,727,287 (Dec. 22, 2009)
- 1.800.LIFEINSURANCE, life insurance brokerage services offered via telephone and online  
Reg. No. 2,562,630 (Apr. 16, 2002)
- 1-800LOANMART, money lending  
Reg. No. 4,087,230 (Jan. 17, 2012)
- 1800 LOOSE DIAMONDS, retail and online services featuring jewelry  
Reg. No. 4,643,534 (Nov. 25, 2014)
- 1800MATTRESS, telephone shop-at-home retail services in the field of mattresses, bedding, and furniture  
Reg. No. 2,915,478 (Jan. 4, 2005)
- 1-800-MOSQUITOES, mosquito and insect control  
Reg. No. 4,611,481 (Sept. 23, 2014)
- 1-800-MUFFINS, muffins  
Reg. No. 4,787,650 (Aug. 4, 2015)
- 1-800-PAINTERS, painting contractor services  
Reg. No. 5,934,415 (Dec. 10, 2019)
- 1-800-PLUMBER, promoting plumbing services  
Reg. No. 3,113,312 (July 11, 2006)
- 1-800-PLUMBING, plumbing services and mechanical contracting services  
Reg. No. 1,774,439 (June 1, 1993)

- 1-800-SHOWERS, installation services for showers  
Reg. No. 3,732,955 (Dec. 29, 2009)
- 1-800 TELEPHONE, merchandising of telephone and  
wireless equipment  
Reg. No. 2,774,333 (Oct. 21, 2003)
- 1-800-WATCHES, online retail store services featuring  
watches and watch bands  
Reg. No. 3,447,109 (June 10, 2008)
- 1-800-WEDDING, wedding reception planning and  
coordination services  
Reg. No. 4,477,333 (Feb. 4, 2014)
- 1-800-WINDOWS, retail, mail order, and online services  
featuring replacement windows  
Reg. No. 3,152,374 (Oct. 3, 2006)
- 1800WINDOWS, retail, mail order, and online services  
featuring replacement windows  
Reg. No. 3,166,929 (Oct. 31, 2006)

**Alliance**

- AUTO ALLIANCE, information related to the automobile  
manufacturing industry; association services,  
promoting interests of auto manufacturers  
Reg. No. 4,007,859 (Aug. 9, 2011)
- BATTERY ALLIANCE, batteries, batteries for vehicles,  
distribution services including battery delivery  
Reg. No. 5,217,958 (June 6, 2017)
- BEAUTY ALLIANCE, wholesale distributorship in the  
field of beauty supplies  
Reg. No. 2,411,386 (Dec. 5, 2000)
- COLON CANCER ALLIANCE, emotional support services  
for individuals affected by colon and rectal  
cancers; related support groups  
Reg. No. 4,591,794 (Aug. 26, 2014)



LAW FIRM ALLIANCE, association services, promoting interests of independent and member law firms  
Reg. No. 4,749,802 (June 2, 2015)

LAWYERS ALLIANCE, association services, promoting interests of organizations providing pro bono legal services; legal services  
Reg. No. 5,701,755 (Mar. 19, 2019)

OUTDOOR ALLIANCE, public advocacy to promote awareness and protection of outdoor resources; association services, namely, promoting public awareness of the need for wildlife preservation  
Reg. No. 5,221,143 (June 13, 2017)

RETAIL ALLIANCE, membership organization of consumer-oriented retail businesses  
Reg. No. 2,951,020 (May 17, 2005)

THE SENIOR ALLIANCE, promoting the interests of senior citizens  
Reg. No. 3,585,254 (Mar. 10, 2009)

**Association**

ALZHEIMER'S AND DEMENTIA ASSOCIATION, association services, promoting the interests of those with neuro-degenerative brain disease  
Reg. No. 5,687,823 (Feb. 26, 2019)

ALZHEIMER'S ASSOCIATION, association services, promoting the interests of those with neuro-degenerative brain disease  
Reg. No. 2,850,223 (June 8, 2004)

AUTCARE ASSOCIATION, association services relating to motor-vehicle aftermarket industry  
Reg. No. 4,557,675 (June 24, 2014)

- CANNABIS BUSINESS ASSOCIATION, association services, promoting the interests of members in the cannabis business  
Reg. No. 5,783,812 (June 18, 2019)
- CEREALS & GRAINS ASSOCIATION, association services relating to cereal grain science  
Reg. No. 5,887,460 (Oct. 15, 2019)
- FINANCIAL PLANNING ASSOCIATION, indicate membership in an association of financial planning and investment advisors  
Reg. No. 2,904,075 (Nov. 23, 2004)
- HEMP INDUSTRIES ASSOCIATION, association services relating to the hemp industry  
Reg. No. 5,604,670 (Nov. 13, 2018)
- IRRIGATION ASSOCIATION, association services, promoting interests of the irrigation industry  
Reg. No. 2,673,647 (Jan. 14, 2003)
- MUSEUM STORE ASSOCIATION (multiple TMs), association services, promoting the interests of the museum-store industry  
Reg. No. 3,816,102 (July 13, 2010)
- SECURITY INDUSTRY ASSOCIATION, association services relating to security industry  
Reg. No. 4,843,640 (Nov. 3, 2015)
- SEMICONDUCTOR INDUSTRY ASSOCIATION, association services relating to the semiconductor industry  
Reg. No. 5,553,143 (Sept. 4, 2018)
- THE INTERNET ASSOCIATION, association services, promoting the general interests of the Internet industry and its global community of users  
Reg. No. 4,452,684 (Dec. 17, 2013)

WIRE ASSOCIATION, association services, promoting  
interests of wire industry  
Reg. No. 1,124,185 (Aug. 14, 1979)

**Boutique**

AUTO BOUTIQUE, automobile dealerships  
Reg. No. 5,946,458 (Dec. 24, 2019)

BALLOON BOUTIQUE, receiving orders for balloons,  
balloon bouquets, and arrangements  
Reg. No. 2,213,896 (Dec. 29, 1998)

CHOCOLATE BOUTIQUE, chocolates and candy  
Reg. No. 2,661,297 (Dec. 17, 2002)

THE CHILDREN'S BOUTIQUE, retail store services  
featuring children's clothing, jewelry, and toys  
Reg. No. 2,487,003 (Sept. 11, 2001)

WATCH ACCESSORIES BOUTIQUE, watch parts  
Reg. No. 5,687,924 (Feb. 26, 2019)

**Bulletin**

GENERIC BULLETIN, periodicals in the field of  
pharmaceuticals  
Reg. No. 3,816,376 (July 13, 2010)

HEALTH BULLETIN, magazine columns or sections  
about health  
Reg. No. 3,022,218 (Nov. 29, 2005)

NOTARY BULLETIN, newsletters about notary services  
Reg. No. 3,844,840 (Sept. 7, 2010)

PSYCHOLOGICAL BULLETIN, printed journal pertaining  
to the psychological and social sciences  
Reg. No. 1,855,720 (Sept. 27, 1994)

**Coalition**

AMPUTEE COALITION, promoting interests of and  
advocating for people with limb loss  
Reg. No. 5,011,861 (Aug. 2, 2016)

CHRISTIAN COALITION, promoting public awareness of  
Christian issues in society  
Reg. No. 1,767,080 (Apr. 20, 1993)

COLON CANCER COALITION, includes charitable  
fundraising services, by means of organizing  
and conducting projects and events to promote  
awareness of colon cancer  
Reg. No. 4,288,080 (Feb. 12, 2013)

MATERNITY CARE COALITION, information on seminars  
and educational training concerning or of  
interest to pregnant women and families  
Reg. No. 2,661,079 (Dec. 17, 2002)

SENIORS COALITION, association services, promoting  
the interests of elderly and senior Americans  
Reg. No. 1,843,984 (July 5, 1994)

SHALE COALITION, trade-association services,  
promoting and advocating the interest of gas  
producers and their service providers  
Reg. No. 5,139,059 (Feb. 7, 2017)

VENOUS DISEASE COALITION, advocacy, promoting the  
interests of those with venous diseases  
Reg. No. 3,773,728 (Apr. 6, 2010)

**Collection**

COTTON COLLECTION, unisex cotton sportswear  
Reg. No. 5,753,693 (May 14, 2019)

**Corporation**

THE APPLICATION CORPORATION, application service  
provider  
Reg. No. 5,766,118 (May 28, 2019)

**Council**

DAIRY COUNCIL, information and teaching aids about  
dairy foods  
Reg. No. 1,504,399 (Feb. 2, 1988)

- FABRIC ARTS COUNCIL, promoting interests of fabric industry manufacturers, designers, and retailers  
Reg. No. 4,792,139 (Aug. 11, 2015)
- FERTILITY COUNCIL, marketing and promotion services in the field of fertility  
Reg. No. 4,482,866 (Dec. 24, 2013)
- GORILLA COUNCIL, fundraising relating to the preservation and protection of the world's mountain gorillas, research, and conservation  
Reg. No. 5,144,209 (Feb. 21, 2017)
- HEALTHCARE COUNCIL, healthcare consulting services  
Reg. No. 4,709,732 (Mar. 24, 2015)
- HUNGER COUNCIL, providing food to the needy  
Reg. No. 4,313,707 (Nov. 15, 2011)
- MATTRESS RECYCLING COUNCIL, promoting the interests of those engaged in mattress recycling  
Reg. No. 4,661,212 (Dec. 23, 2014)
- PAPERBOARD PACKAGING COUNCIL, association services, promoting interests of paperboard packaging industry  
Reg. No. 3,766,575 (Mar. 30, 2010)
- STARTUP COUNCIL, association services promoting the interests of startup companies  
Reg. No. 5,958,030 (Jan. 7, 2020)
- THE DATING COUNCIL, coaching services in the field of relationships, dating, etc.  
Reg. No. 4,553,101 (June 17, 2014)
- THE VISION COUNCIL, association services, promoting the interests of the vision-care industry  
Reg. No. 3,604,727 (Apr. 7, 2009)

**Depot**

- BEVERAGE DEPOT, online and retail store services  
featuring beer, wine, and distilled spirits  
Reg. No. 5,671,842 (Feb. 5, 2019)
- CONDOM DEPOT, online retail store services featuring  
adult products, including condoms  
Reg. No. 5,529,508 (July 31, 2018)
- HOTEL SUPPLY DEPOT, online retail store featuring  
hotel and hospitality supplies  
Reg. No. 5,227,451 (June 20, 2017)
- LINEN DEPOT, bath linen and bed linen  
Reg. No. 5,682,291 (Feb. 19, 2019)
- OFFICE DEPOT, retail office-supply store services  
Reg. No. 1,449,065 (July 21, 1987)
- THE HOME DEPOT, retail and online retail store  
featuring home improvement goods and services  
Reg. No. 4,438,588 (Nov. 26, 2013)

**Digest**

- AUTOMOTIVE DIGEST, global computer network  
automotive industry information  
Reg. No. 2,342,028 (Apr. 11, 2000)
- BEVERAGE DIGEST, website featuring business  
information about the beverage industry  
Reg. No. 3,586,119 (Mar. 10, 2009)
- CONSUMER DIGEST, magazine including articles on a  
variety of subjects of interest to consumers  
Reg. No. 1,642,060 (Apr. 23, 1991)
- GOLF DIGEST, information, features, and advertising,  
all relating to golf and golf products  
Reg. No. 2,206,400 (Dec. 1, 1998)
- GUN DIGEST, reference books and other publications,  
all in the field of guns  
Reg. No. 3,284,836 (June 17, 1997)

- HOMELIFE DIGEST, website featuring blogs and non-downloadable publications concerning homes, home care, and related products and services  
Reg. No. 5,940,444 (Dec. 17, 2019)
- INCOME DIGEST, newsletter featuring financial and investment advice  
Reg. No. 2,018,513 (Nov. 19, 1996)
- INVENTORS DIGEST, magazines featuring information relating to innovation, inventions and inventors  
Reg. No. 3,645,838 (June 30, 2009)
- MOTOR DIGEST, magazines of general circulation containing classified ads relating to automobiles  
Reg. No. 2,322,583 (Feb. 22, 2000)
- ONCOLOGY DIGEST, newsletter of recent advances in oncology  
Reg. No. 2,244,075 (May 4, 1999)
- READER'S DIGEST, downloadable electronic publications of general interest, magazines and books  
Reg. No. 5,391,988 (Jan. 30, 2018)
- UNITED STATES SUPREME COURT DIGEST, books and pamphlets containing digests of Supreme Court legal opinions  
Reg. No. 1,247,072 (Aug. 2, 1983)
- WEDDING DIGEST, website featuring blogs and articles in the field of weddings  
Reg. No. 5,917,094 (Nov. 19, 2019)
- YOGA DIGEST, online instruction about yoga and wellness  
Reg. No. 4,906,344 (Feb. 23, 2016)
- Enterprise**
- CAR WASH ENTERPRISES, vehicle washing services  
Reg. No. 2,801,587 (Dec. 30, 2003)

DOCKET ENTERPRISE, computer software, namely,  
calendaring, docketing and task management  
software used in the field of law  
Reg. No. 5,116,182 (Jan. 3, 2017)

WEALTH ENTERPRISE, wealth-management services  
Reg. No. 5,923,936 (Sept. 17, 2019)

**Emporium**

COOKS' EMPORIUM, retail services and online retail  
store services featuring culinary equipment,  
cookware, bakeware, etc.  
Reg. No. 5,965,047 (Jan. 21, 2020)

COTTON EMPORIUM, clothing made largely of cotton  
Reg. No. 2,512,082 (Nov. 27, 2001)

DENTAL EMPORIUM, online retail store services  
featuring dental supplies  
Reg. No. 5,461,093 (May 1, 2018)

FITNESS EMPORIUM, wholesale and retail store  
services featuring fitness equipment  
Reg. No. 4,024,225 (Sept. 6, 2011)

NECKTIE EMPORIUM, neckties  
Reg. No. 5,619,489 (Nov. 27, 2018)

**Establishment**

THE WEDDING ESTABLISHMENT, wedding reception  
planning and coordination services  
Reg. No. 5,229,734 (June 20, 2017)

**Exchange**

BEER EXCHANGE, bar services featuring beer, wine,  
cocktails  
Reg. No. 5,127,838 (Jan. 24, 2017)

BIRDERS' EXCHANGE, association services promoting  
the interests of ornithologists and educational  
services relating to ornithology  
Reg. No. 2,842,323 (May 18, 2004)



- CARPET EXCHANGE, retail store and online services for flooring and flooring accessory products  
Reg. No. 5,947,876 (Dec. 31, 2019)
- COFFEE EXCHANGE, retail shop and mail order services for coffee  
Reg. No. 1,896,628 (May 30, 1995)
- CONCRETE EXCHANGE, retail store services featuring concrete mixes, sealers, coatings, stains, etc.  
Reg. No. 5,362,864 (Dec. 26, 2017)
- ENERGY EXCHANGE, website featuring energy usage management information regarding various energy sources and client energy usage data  
Reg. No. 4,647,972 (Dec. 2, 2014)
- FITNESS EXCHANGE, retail and online store featuring fitness equipment, accessories, and supplements  
Reg. No. 2,793,305 (Dec. 9, 2003)
- MATTRESS EXCHANGE, retail stores with mattresses  
Reg. No. 3,741,207 (Jan. 19, 2010)
- MILITARY PARTS EXCHANGE, retail store and online services for parts, components, equipment, replacement parts, and replacement components for military aircraft and vehicles  
Reg. No. 5,936,348 (Dec. 17, 2019)
- THE ADOPTION EXCHANGE, adoption placement services  
Reg. No. 3,387,960 (Feb. 26, 2008)
- THE BEER EXCHANGE, bar services featuring wine, beer, restaurant and café services  
Reg. No. 4,683,819 (Feb. 10, 2015)
- THE CURTAIN EXCHANGE, draperies  
Reg. No. 2,315,218 (Feb. 8, 2000)

THE DEBT EXCHANGE, commercial lending and loan  
brokerage services, loan management services  
Reg. No. 5,568,088 (Sept. 25, 2018)

THE LABOR EXCHANGE, job and personnel placement  
Reg. No. 4,832,929 (Oct. 13, 2015)

THE LASH EXCHANGE, retail stores for eyelash  
extension products  
Reg. No. 5,268,258 (Aug. 15, 2017)

THE PAIN EXCHANGE, online forum and blogs with  
information on chronic pain and treatments  
Reg. No. 4,412,541 (Oct. 1, 2013)  
Reg. No. 4,412,540 (Oct. 1, 2013)

**Factory**

BAGEL FACTORY, bagels  
Reg. No. 3,788,890 (May 11, 2010)

BOOKFACTORY, publication of texts, books, journals  
Reg. No. 3,460,821 (July 8, 2008)

FABRIC FACTORY, retail fabric store  
Reg. No. 3,084,169 (Apr. 25, 2006)

FENCE FACTORY, installation and rental of fences  
Reg. No. 3,964,203 (May 24, 2011)

FLATBREAD FACTORY, manually operated press for  
tortillas and other flatbreads and bread wraps  
Reg. No. 4,771,666 (July 14, 2015)

GREETING CARD FACTORY, software for making  
greeting cards  
Reg. No. 2,498,083 (Oct. 16, 2001)

JAVA FACTORY, coffee  
Reg. No. 4,721,869 (Apr. 14, 2015)

JEWELRY FACTORY, wholesale and retail store services  
for jewelry sales  
Reg. No. 2,258,187 (June 29, 1999)

- LAW FACTORY, legal services  
Reg. No. 5,419,455 (Mar. 6, 2018)
- MEMORY FOAM FACTORY, online and retail store  
services featuring foam cushioning products  
Reg. No. 2,952,393 (May 17, 2005)
- PHOTO FACTORY, photography and photography  
services  
Reg. No. 4,711,214 (Mar. 31, 2015)
- SOFT PRETZEL FACTORY, soft pretzels  
Reg. No. 2,885,994 (Sept. 21, 2004)
- SMOOTHIE FACTORY, retail store services for  
smoothies, etc.  
Reg. No. 4,379,473 (Aug. 6, 2013)
- THE ARTWORK FACTORY, art pictures  
Reg. No. 5,230,145 (June 27, 2017)
- THE BAG FACTORY, various bags  
Reg. No. 2,765,955 (Sept. 16, 2013)
- THE BATH FACTORY, bath soaps in many forms  
Reg. No. 4,884,768 (Jan. 12, 2016)
- THE BARBER FACTORY, barbershop services  
Reg. No. 4,727,650 (Feb. 10, 2015)
- THE CHEESECAKE FACTORY, cakes and restaurant  
services  
Reg. No. 1,549,370 (July 25, 1989)
- THE CHOCOLATE FACTORY, chocolate bakery goods  
and products  
Reg. No. 3,875,027 (Nov. 9, 2010)
- THE CHIP FACTORY, tortilla chips  
Reg. No. 5,211,188 (May 23, 2017)
- THE CLOSET FACTORY, custom design and  
development of cabinets, closets, furniture,  
shelves, etc.  
Reg. No. 4,862,364 (Dec. 1, 2015)

- THE DRY CLEANING FACTORY, dry cleaning services  
Reg. No. 2,673,345 (Jan. 7, 2003)
- THE GARDEN FACTORY, online retail store services for  
lawn, garden, and landscaping supplies  
Reg. No. 5,349,633 (Dec. 5, 2017)
- THE GEMSTONE FACTORY, wholesale and distribution  
services for minerals, rocks, and stones  
Reg. No. 4,587,766 (Aug. 19, 2014)
- THE JELLY BEAN FACTORY, jelly beans and candies  
Reg. No. 1,270,118 (Mar. 13, 1984)
- THE KINK FACTORY, adult sexual stimulation aids  
Reg. No. 5,217,615 (June 6, 2017)
- THE LOAN FACTORY, mortgage brokerage and lending  
Reg. No. 5,688,491 (Mar. 5, 2019)
- THE MILK SHAKE FACTORY, milk shakes  
Reg. No. 3,934,138 (Mar. 22, 2011)
- THE OLIVE OIL FACTORY, extra virgin olive oil  
Reg. No. 3,078,876 (Apr. 11, 2006)
- THE PAYROLL FACTORY, payroll services  
Reg. No. 5,227,113 (June 20, 2017)
- THE PEARL FACTORY, retail store services featuring  
pearls  
Reg. No. 2,279,284 (Sept. 21, 1999)
- THE PILLOW FACTORY, pillows, pillow cases, bed sheets  
Reg. No. 3,026,030 (Dec. 13, 2015)
- THE POPCORN FACTORY, online retail store services  
featuring popcorn  
Reg. No. 4,086,790 (Jan. 17, 2012)  
mail/catalog order services for merchandise  
such as popcorn  
Reg. No. 1,902,060 (June 27, 1995)  
popped popcorn confections  
Reg. No. 1,110,635 (Jan. 2, 1979)

THE POSTCARD FACTORY, postcards, posters, etc.  
Reg. No. 1,802,057 (Aug. 10, 1993)

THE RIBBON FACTORY, ribbons of textile materials  
Reg. No. 5,687,761 (Feb. 26, 2019)

THE ROOF FACTORY, roofing services  
Reg. No. 4,904,797 (Feb. 23, 2016)

THE SINK FACTORY, wash basins and toilet tanks  
Reg. No. 1,725,374 (Oct. 20, 1992)  
Reg. No. 1,402,642 (July 22, 1986)

THE TAPE FACTORY, retail and wholesale stores in the  
field of adhesive tapes and tape dispensers  
Reg. No. 5,142,091 (Feb. 14, 2017)

TRADEMARK FACTORY, trademark-related legal  
services  
Reg. No. 4,635,555 (Nov. 11, 2014)

**Federation**

CIGAR FEDERATION, social networking services in the  
field of cigars  
Reg. No. 4,223,488 (Oct. 9, 2012)

COASTAL AND ESTUARINE RESEARCH FEDERATION,  
association services, promoting awareness of  
estuaries and coasts  
Reg. No. 4,465,028 (Jan. 14, 2014)

FREEDOM FEDERATION, association services,  
preserving freedom and justice  
Reg. No. 4,123,410 (Apr. 10, 2012)

WATER ENVIRONMENT FEDERATION, association  
services, water preservation and enhancement,  
and related environmental issues.  
Reg. No. 5,544,209 (Aug. 21, 2018)

**Firm**

FURNITURE FIRM, retail store services featuring  
chairs, recliners, and massage chairs  
Reg. No. 4,657,971 (Dec. 16, 2014)

THE LASH FIRM, false eyelashes  
Reg. No. 5,895,707 (Oct. 29, 2019)

YOGA FIRM, yoga instruction  
Reg. No. 4,630,894 (Nov. 4, 2014)

**Foundation**

AUTISM SCIENCE FOUNDATION, promoting public  
awareness of autism spectrum disorders  
Reg. No. 4,666,951 (Jan. 6, 2015)

ALZHEIMER'S FOUNDATION, promoting public interest  
and awareness of and understanding of  
Alzheimer's disease and related illnesses  
Reg. No. 4,661,324 (Dec. 23, 2014)

ARTHRITIS FOUNDATION, association services,  
promoting elimination and control of arthritis  
Reg. No. 3,043,606 (Jan. 17, 2006)

BRAIN ANEURYSM FOUNDATION, association and  
charitable fundraising relating to brain  
aneurysms  
Reg. No. 3,297,709 (Sept. 25, 2007)

CELIAC DISEASE FOUNDATION, public advocacy to  
promote awareness of celiac disease  
Reg. No. 5,103,620 (Dec. 20, 2016)

COLON CANCER FOUNDATION, charitable fundraising  
services for colorectal cancer research  
Reg. No. 5,273,095 (Aug. 22, 2017)

FETAL HEALTH FOUNDATION, charitable fundraising  
promoting research and education relating to  
fetal syndromes  
Reg. No. 4,903,095 (Feb. 16, 2016)

EPILEPSY FOUNDATION, association services,  
promoting the interests of people with epilepsy  
Reg. No. 2,297,602 (Dec. 7, 1999)

IMMUNE DEFICIENCY FOUNDATION, medical research  
relating to primary immune deficiency disease  
and its diagnosis and treatment  
Reg. No. 3,290,969 (Sept. 11, 2007)

MELANOMA RESEARCH FOUNDATION, efforts to  
achieve advances in melanoma research  
Reg. No. 4,572,350 (July 22, 2014)

PARKINSON'S FOUNDATION, research, and providing  
information, about Parkinson's disease  
Reg. No. 5,859,251 (Sept. 10, 2019)

PEDIATRIC BRAIN TUMOR FOUNDATION, charitable  
fundraising relating to childhood brain tumors  
Reg. No. 3,479,084 (Aug. 5, 2008)

RHEUMATOLOGY RESEARCH FOUNDATION, charitable  
fundraising services relating to rheumatology  
Reg. No. 4,725,531 (Apr. 21, 2015)

THE BREAST CANCER RESEARCH FOUNDATION,  
charitable fundraising for breast cancer  
research  
Reg. No. 3,097,128 (May 30, 2006)

THE CHEMOTHERAPY FOUNDATION, association  
services, raising funds, and sponsoring research  
relating to cancer treatment and allied diseases  
by chemotherapy  
Reg. No. 1,209,166 (Sept. 14, 1982)

THE CHILDREN'S CANCER FOUNDATION, charitable  
services, namely fund raising  
Reg. No. 2,733,684 (July 8, 2003)

THE EYE CANCER FOUNDATION, promoting public awareness of eye care and wearing sunglasses  
Reg. No. 4,881,988 (Jan. 5, 2016)

THE GLAUCOMA FOUNDATION, charitable fundraising services, and promoting public awareness of glaucoma and treatments for glaucoma  
Reg. No. 5,362,591 (Dec. 26, 2017)

THE OCEAN FOUNDATION, association services and charitable foundation services relating to marine conservation and healthy ocean ecosystems  
Reg. No. 4,829,726 (Oct. 13, 2015)

THE ORAL CANCER FOUNDATION, charitable foundation services; cancer screening services  
Reg. No. 3,913,529 (Feb. 1, 2011)

THE SOLAR FOUNDATION, workshops and webinars in the field of solar energy technologies  
Reg. No. 4,401,946 (Sept. 10, 2013)

THE SPINA BIFIDA FOUNDATION, association services, promoting interests of people with Spina Bifida  
Reg. No. 3,685,691 (Sept. 22, 2009)

VASCULAR DISEASE FOUNDATION, association and charitable fundraising services relating to vascular disease  
Reg. No. 4,401,946 (Sept. 10, 2013)

**Fund**

CHILDFUND, disbursing money to promote the welfare of children  
Reg. No. 3,584,579 (Mar. 3, 2009)

OVARIAN CANCER RESEARCH FUND, charitable fundraising to support education and research concerning cancer detection, treatment and cure  
Reg. No. 4,193,004 (Aug. 21, 2012)



**Group**

CAMPGROUP, summer camp services, recreational camp services, sport camp services, etc.

Reg. No. 2,620,116 (Sept. 17, 2002)

HOUSING SERVICES GROUP, real estate property cleaning, maintenance, and repair services

Reg. No. 4,351,735 (June 11, 2013)

LAWFINANCE GROUP, financial investment in the field of civil litigation

Reg. No. 2,511,455 (Nov. 27, 2001)

THE BUILDING GROUP, real estate services

Reg. No. 2,560,592 (Apr. 9, 2002)

THE FIDUCIARY GROUP, wealth management services for individuals and families

Reg. No. 3,464,813 (July 8, 2008)

THE INTERNET LAW GROUP, legal consulting services in the field of e-commerce

Reg. No. 4,151,990 (May 29, 2012)

THE OFFICE GROUP, leasing and rental of office space

Reg. No. 5,747,729 (May 7, 2019)

THE RETIREMENT GROUP, investment advice and financial planning advisory services

Reg. No. 4,820,766 (Sept. 29, 2015)

TRANSPORTATION FUNDING GROUP, financial services for the transportation industry

Reg. No. 3,226,245 (Apr. 3, 2007)

**Guide**

BASS GUIDE, periodical magazines about fishing

Reg. No. 2,090,267 (Aug. 19, 1997)

BEACH GUIDE, printed guide books featuring rental vacation property listings

Reg. No. 4,920,429 (Mar. 22, 2016)

- CAR AND DRIVER BUYERS GUIDE, magazine  
Reg. No. 1,041,307 (June 15, 1976)
- CATFISH GUIDE, magazines about fishing  
Reg. No. 2,029,380 (Jan. 7, 1997)
- EMPLOYER'S GUIDE, series of books on employment  
law and regulations  
Reg. No. 2,337,979 (Apr. 4, 2000)
- GOLFER'S GUIDE, magazines related to golf  
Reg. No. 2,148,503 (Apr. 7, 1998)
- MOVER'S GUIDE, a booklet containing relocation advice,  
change of address forms, and advertisements  
Reg. No. 2,614,173 (Sept. 3, 2002)
- TV GUIDE, magazines containing information with  
respect to TV programming  
Reg. No. 1,767,448 (Apr. 27, 1993)

**House**

- ANIMAL HOUSE, dog kennels  
Reg. No. 4,810,439 (Sept. 8, 2015)
- AREPAS HOUSE, arepas and restaurant services  
Reg. No. 5,567,514 (Sept. 18, 2018)
- CHARCOAL HOUSE, online and retail store services  
featuring charcoal-related products  
Reg. No. 5,825,053 (Aug. 6, 2019)
- CHESS HOUSE, chess games, chess pieces, chess sets  
Reg. No. 5,195,269 (May 2, 2017)
- HELMET HOUSE, storage, distribution, packing,  
shipping of motorsport helmets, etc.  
Reg. No. 3,523,178 (Oct. 28, 2008)
- HOUSE OF BRUSSELS CHOCOLATES, fine chocolates and  
chocolate truffles  
Reg. No. 2,926,189 (Feb. 15, 2005)

- HOUSE OF CUPCAKES, retail shops featuring baked goods  
Reg. No. 4,479,742 (Feb. 11, 2014)
- HOUSE OF FITNESS, health and fitness club services  
Reg. No. 4,377,737 (July 30, 2013)
- HOUSE OF HERBS, various herbs  
Reg. No. 0,769,655 (May 12, 1964)
- HOUSE OF JERKY, jerky  
Reg. No. 4,972,470 (June 7, 2016)
- HOUSE OF KEBAB, restaurant services  
Reg. No. 4,736,970 (May 12, 2015)
- HOUSE OF MARBLES, marbles  
Reg. No. 1,291,320 (Aug. 21, 1984)
- HOUSE OF MUFFLERS & BRAKES, automotive maintenance and repairs  
Reg. No. 3,789,580 (May 18, 2010)
- HOUSE OF PIES, pies of all kinds  
Reg. No. 1,302,940 (Oct. 30, 1984)
- HOUSE OF SMOKE, retail store services featuring glass pipes, cigars, and novelties  
Reg. No. 4,596,268 (Sept. 2, 2014)
- ICE CREAM HOUSE, retail store services featuring ice cream  
Reg. No. 5,111,850 (Jan. 3, 2017)
- INSURANCE HOUSE, insurance agency services  
Reg. No. 4,473,947 (Jan. 28, 2014)
- KNIFE HOUSE, retail store services featuring knives  
Reg. No. 5,081,567 (Nov. 15, 2016)
- LINEN HOUSE, linen and textile goods  
Reg. No. 3,485,283 (Aug. 12, 2008)
- MAPLE HOUSE, syrups, including maple syrup  
Reg. No. 1,673,576 (Jan. 28, 1992)

PAPER HOUSE, online retail store services featuring stationery, etc.

Reg. No. 5,608,070 (Nov. 13, 2018)

SOFTWARE HOUSE, computer hardware, software, etc.

Reg. No. 3,010,766 (Nov. 1, 2005)

TAILOR HOUSE, clothes tailoring

Reg. No. 5,830,494 (Aug. 6, 2019)

TAX HOUSE, tax preparation and accounting services

Reg. No. 5,784,873 (June 25, 2019)

TELECOM HOUSE, telecommunications services

Reg. No. 2,622,459 (Sept. 17, 2002)

THE LIQUOR HOUSE, retail store services featuring wine, liquor, beer, beverages

Reg. No. 5,745,489 (May 7, 2019)

THE MALT HOUSE, bar and restaurant services

Reg. No. 4,453,189 (Dec. 24, 2013)

THE ONION HOUSE, onions

Reg. No. 2,969,606 (July 19, 2005)

THE SALAD HOUSE, restaurant services

Reg. No. 4,434,056 (Nov. 12, 2013)

THE WIPE HOUSE, flushable wipes holder

Reg. No. 4,428,661 (Nov. 5, 2013)

TOOL HOUSE, hand tools

Reg. No. 4,505,779 (Apr. 1, 2014)

WAFFLE HOUSE, restaurant services

Reg. No. 2,965,520 (July 12, 2005)

### **Hut**

BIKINI HUT, retail store services featuring bikinis, etc.

Reg. No. 5,390,669 (Jan. 30, 2018)

DIAMOND HUT, various services featuring jewelry

Reg. No. 5,254,419 (Aug. 1, 2017)

- GLOVE HUT, glove display rack  
Reg. No. 2,573,016 (May 28, 2002)
- GOLF HUT, retail store for golf equipment  
Reg. No. 2,016,526 (Nov. 12, 1996)
- PIZZA HUT, restaurant services  
Reg. No. 0,729,847 (Apr. 10, 1962)
- SUNGLASS HUT, retail optical store services  
Reg. No. 1,475,511 (Feb. 2, 1988)
- TACO HUT, restaurant services for Mexican-type foods  
Reg. No. 0,852,058 (July 2, 1968)
- TROPHY HUT, online and retail store services in the  
field of trophies  
Reg. No. 3,449,957 (June 17, 2008)
- VITAMIN HUT, online and retail store services featuring  
vitamins and nutritional supplements  
Reg. No. 4,807,284 (Sept. 8, 2015)

**Institute**

- ANIMAL WELFARE INSTITUTE, educational services  
related to protection and well-being of animals  
Reg. No. 5,877,544 (Oct. 8, 2019)
- BEER INSTITUTE, association promoting the beer  
industry  
Reg. No. 4,391,238 (Aug. 27, 2013)
- CANNABINOID RESEARCH INSTITUTE, scientific  
research in the field of cannabinoid-based  
medicines  
Reg. No. 5,765,928 (May 28, 2019)
- CARING INSTITUTE, promoting acts of caring  
Reg. No. 5,583,546 (Oct. 16, 2018)
- FOODSERVICE INSTITUTE, training of people in the  
food service industry  
Reg. No. 5,343,056 (Nov. 21, 2017)

HEALTH & SAFETY INSTITUTE, educational services in  
the field of emergency medical response and  
environmental, health, and safety training  
Reg. No. 5,460,918 (May 1, 2018)

THE DATING INSTITUTE, dating services  
Reg. No. 4,636,734 (Nov. 11, 2014)

THE FERTILIZER INSTITUTE, association services,  
promoting the interests of the fertilizer industry  
Reg. No. 2,853,120 (June 15, 2004)

THE HAND AND WRIST INSTITUTE, surgical and other  
treatments for conditions of the hand and wrist  
Reg. No. 5,111,511 (Dec. 27, 2016)

THE SPORTS INSTITUTE, programs about sports safety  
Reg. No. 5,899,395 (Oct. 29, 2019)

THE TRAVEL INSTITUTE, travel-related courses  
Reg. No. 5,573,436 (Oct. 2, 2018)

TRANSGENDER LAW INSTITUTE, educational seminars  
on issues concerning the transgender  
community  
Reg. No. 5,435,800 (Apr. 3, 2018)

**Journal**

CANINE JOURNAL, website covering pet breeds, pet  
food, pet medical concerns, and pet insurance  
Reg. No. 4,410,479 (Oct. 1, 2013)

CAREER JOURNAL, newspaper column in the field of  
employment and business  
Reg. No. 2,470,768 (July 17, 2001)

CLERGY JOURNAL, journals of interest to ministers  
Reg. No. 1,929,220 (Oct. 24, 1995)

COWBOY JOURNAL, online journals featuring  
biographical and rodeo stories  
Reg. No. 5,588,408 (Oct. 16, 2018)

- FARM JOURNAL, magazines about agribusiness  
Reg. No. 5,140,218 (Feb. 14, 2017)
- FLIGHT JOURNAL, magazine about aviation  
Reg. No. 2,200,766 (Oct. 27, 1998)
- JOURNAL OF ASTHMA, journal covering asthma  
Reg. No. 2,634,805 (Oct. 15, 2002)
- JOURNAL OF NEUROSURGERY, periodical about  
neurosurgery  
Reg. No. 2,773,359 (Oct. 14, 2003)
- JOURNAL OF PHYSICS, periodicals about science and  
physics  
Reg. No. 4,431,340 (Nov. 12, 2013)
- JOURNAL OF SEXUALLY TRANSMITTED DISEASES,  
articles about sexually transmitted diseases  
Reg. No. 4,492,787 (Mar. 4, 2014)
- OIL & GAS JOURNAL, magazine about oil and gas  
Reg. No. 3,981,599 (June 21, 2011)
- THE BEVERAGE JOURNAL, magazines featuring  
alcoholic brand and pricing information  
Reg. No. 5,466,460 (May 8, 2018)
- THE EQUESTRIAN JOURNAL, journals in the field of  
equestrian and horse services  
Reg. No. 5,759,660 (May 21, 2019)
- THE GOLFER'S JOURNAL, journals about sports,  
namely golf  
Reg. No. 5,917,053 (Nov. 19, 2019)
- THE HOUSING JOURNAL, journals related to housing  
Reg. No. 5,139,186 (Feb. 7, 2017)
- THE JOURNAL OF FINANCE, journals concerning  
various financial topics  
Reg. No. 3,533,255 (Nov. 18, 2008)

- THE JOURNAL OF HYPNOTISM, newsletters about  
hypnotism  
Reg. No. 4,178,482 (July 24, 2012)
- THE JOURNAL OF NEUROSCIENCE, journal dealing with  
neuroscience research  
Reg. No. 2,959,143 (June 7, 2005)
- THE JOURNAL OF NUTRITION, journals relating to  
nutritional sciences  
Reg. No. 3,238,971 (May 8, 2007)
- THE JOURNAL OF UROLOGY, magazines about urology  
Reg. No. 4,358,075 (June 25, 2013)
- THE LINGERIE JOURNAL, trade magazine covering  
intimate apparel  
Reg. No. 5,146,088 (Feb. 21, 2017)
- THE PARALEGAL JOURNAL, magazine covering  
paralegal education  
Reg. No. 4,394,176 (Aug. 27, 2013)
- WATCH JOURNAL, magazines and journals featuring  
information about watches  
Reg. No. 4,137,184 (May 1, 2012)
- Magazine**
- DANCE MAGAZINE, magazines about dance  
Reg. No. 2,023,369 (Dec. 17, 1996)
- GLASS MAGAZINE, magazines dealing with glass  
industry  
Reg. No. 1,686,384 (May 12, 1992)
- GOLF MAGAZINE, monthly magazine  
Reg. No. 1,521,775 (Jan. 24, 1989)
- MASSAGE MAGAZINE, magazines about massage  
Reg. No. 5,334,734 (Nov. 14, 2017)
- ONCOLOGISTICS MAGAZINE, industry news of interest  
in the operation of oncology practices  
Reg. No. 4,148,140 (May 29, 2012)



SILVER MAGAZINE, magazines directed to collecting  
antiques and articles of silver  
Reg. No. 2,448,886 (May 8, 2001)

SKI MAGAZINE, magazine  
Reg. No. 1,630,827 (Jan. 8, 1991)

**Market**

FRAGRANCEMARKET, retail store services featuring  
perfume and cologne, among other goods  
Reg. No. 2,763,335 (Sept. 16, 2003)

HOLIDAY MARKET, holiday decorations  
Reg. No. 3,763,588 (Mar. 23, 2010)

SALMON MARKET, caviar, fish fillets, fish roe, prepared,  
fish, canned, among other goods  
Reg. No. 5,718,291 (Apr. 2, 2019)

SKINMARKET, online retail store featuring cosmetics  
and bath and body products  
Reg. No. 5,676,914 (Feb. 12, 2019)

THE BEER MARKET, bar services  
Reg. No. 4,255,483 (Dec. 4, 2012)

THE SOUP MARKET, soups, stews  
Reg. No. 4,647,800 (Dec. 2, 2014)

THE YACHT MARKET, advertising of boats, yachts, and  
other water vehicles  
Reg. No. 4,929,246 (Mar. 29, 2016)

**Mart**

BEAUTY MART, retail and wholesale services in the field  
of beauty supplies  
Reg. No. 1,635,090 (Feb. 12, 1991)

BRIDAL MART, retail store services in the field of  
women's clothing and accessories  
Reg. No. 2,596,271 (July 16, 2002)

- CONVENIENT FOOD MART, retail store services  
featuring convenience store items and gasoline;  
retail delicatessen services  
Reg. No. 3,222,097 (Mar. 27, 2007)
- DECORATING MART, retail store services featuring  
wallpaper, wallcoverings, blinds, fabric, etc.  
Reg. No. 2,042,467 (Mar. 4, 1997)
- DOOR-MART, installation, maintenance and repair of  
garage doors, and accessories  
Reg. No. 4,067,057 (Dec. 6, 2011)
- FENCESMART, online retail store featuring fence parts  
Reg. No. 5,828,945 (Aug. 6, 2019)
- FISH MART, various services featuring fish, pets,  
plants, and aquatic supplies  
Reg. No. 2,763,335 (Sept. 16, 2003)
- LINGERIE MART, lingerie retail and wholesale store  
services  
Reg. No. 3,048,590 (Jan. 24, 2006)
- PAPER MART, various services relating to offices  
supplies and packaging supplies  
Reg. No. 3,698,151 (Oct. 20, 2009)  
Reg. No. 2,704,421 (Apr. 8, 2003)
- ROBEMART, online and retail store services featuring  
home textiles, spa accessories, and robes  
Reg. No. 5,075,472 (Nov. 1, 2016)
- SOFA MART, retail furniture store services  
Reg. No. 2,416,878 (Jan. 2, 2001)
- SPICEMART, retail and wholesale store services in the  
field of spices  
Reg. No. 4,600,427 (Sept. 9, 2014)
- STONE MART, retail store for natural stone products  
Reg. No. 4,249,839 (Nov. 27, 2012)

THE BANK MART, banking services  
Reg. No. 1,290,437 (Aug. 14, 1984)

TRUCK INSURANCE MART, insurance agencies and  
insurance consultation  
Reg. No. 3,404,518 (Apr. 1, 2008)

WELDINGMART, online and retail store services  
featuring welders and welding supplies  
Reg. No. 3,556,608 (Jan. 6, 2009)

**Monthly**

CANCER MONTHLY, health information about cancer  
Reg. No. 3,762,383 (Mar. 23, 2010)

MUSIC MONTHLY, online interview and review of music  
Reg. No. 4,344,435 (May 28, 2013)

WINE BUSINESS MONTHLY, magazine about wine and  
wine-related businesses  
Reg. No. 3,057,812 (Feb. 7, 2006)

**News**

ANTHROPOLOGY NEWS, newsletters on anthropology  
Reg. No. 2,966,046 (July 12, 2005)

ASSOCIATION NEWS, magazine concerning meeting,  
planning arrangements and conferences  
Reg. No. 2,642,022 (Oct. 29, 2002)

BEDDINGS NEWS & DESIGN, magazine featuring new  
developments in sleep products  
Reg. No. 2,250,657 (June 1, 1999)

CARDIOLOGY NEWS, online magazines covering medical  
and cardiology news  
Reg. No. 3,824,563 (July 27, 2010)

CATHOLIC NEWS SERVICE, current events from a  
Catholic perspective  
Reg. No. 2,630,640 (Oct. 8, 2002)

- COLLEGE NEWS, printed periodicals in the field of  
higher education and academics  
Reg. No. 4,285,218 (Feb. 5, 2013)
- CRUISE INDUSTRY NEWS, newsletters and reference  
manuals focusing on the cruise industry  
Reg. No. 2,118,588 (Dec. 2, 1997)
- E-DOCUMENT NEWS, online newsletters for the  
electronic document industry  
Reg. No. 2,993,506 (Sept. 6, 2005)
- ENDOCRINE NEWS, printed periodicals and newsletters  
in the field of endocrinology  
Reg. No. 4,022,870 (Sept. 6, 2011)
- FRAME BUILDING NEWS, magazines relating to the  
post-frame building construction industry  
Reg. No. 3,229,797 (Apr. 17, 2007)
- GOURMET NEWS, newspapers for the gourmet food  
industry  
Reg. No. 2,272,049 (Aug. 24, 1999)
- INVESTMENTNEWS, newspapers and newsletters for  
the financial services industry  
Reg. No. 3,135,672 (Aug. 29, 2006)
- JOB NEWS, magazines about available employment  
Reg. No. 2,580,875 (June 18, 2002)
- MODEL AIRPLANE NEWS, magazines and newsletters  
about model aircraft  
Reg. No. 2,473,014 (July 31, 2001)
- MOTORCYCLE PRODUCT NEWS, magazine for the retail  
motorcycle industry  
Reg. No. 2,363,575 (July 4, 2000)
- NURSERY NEWS, newspaper directed to the nursery  
and landscaping industry  
Reg. No. 1,478,141 (Feb. 23, 1988)

OPERA NEWS, magazines containing news and features  
about classical music  
Reg. No. 5,906,585 (Nov. 12, 2019)

PET PRODUCT NEWS, magazines about pet products  
Reg. No. 1,967,786 (Apr. 16, 1996)

POKER NEWS, hosting digital content relating to  
gaming and online casinos  
Reg. No. 4,264,771 (Dec. 25, 2012)

RELIGIOUS PRODUCT NEWS, magazine providing  
information on products and services to  
churches  
Reg. No. 2,984,318 (Aug. 9, 2005)

SCIENCE NEWS, magazine  
Reg. No. 1,155,569 (May 26, 1981)

SECURITIES INDUSTRY NEWS, newspaper providing  
information on the financial industry  
Reg. No. 2,290,723 (Nov. 2, 1999)

SECURITY SYSTEMS NEWS, newspapers featuring  
products and services in the field of security  
Reg. No. 2,959,161 (June 7, 2005)

SENIOR LIVING NEWS, industry news newsletters in  
the field of senior and assisted living  
Reg. No. 5,802,775 (July 9, 2019)

SUPERMARKET NEWS, business information for food  
distribution industry  
Reg. No. 4,950,209 (May 3, 2016)

WOODSHOP NEWS, website in the field of woodworking  
Reg. No. 4,069,020 (Dec. 13, 2011)

**.ORG**

ACNE.ORG, acne treatment preparations  
Reg. No. 3,578,273 (Feb. 17, 2009)

BREASTCANCER.ORG, online electronic bulletin boards  
and chat rooms for women concerning breast  
cancer

Reg. No. 2,828,665 (Mar. 30, 2004)

BROADWAY.ORG, the live theatrical shows of others

Reg. No. 5,954,814 (Jan. 7, 2020)

CHANGE.ORG, website promoting social change

Reg. No. 4,713,278 (Mar. 31, 2015)

CREDIT.ORG, credit counseling

Reg. No. 5,434,972 (Mar. 27, 2018)

HEALTHCARE.ORG, insurance underwriting in the field  
of auto, life, health, home, and motorcycle

Reg. No. 4,802,526 (Sept. 1, 2015)

WATER.ORG, educational services, namely, providing  
training in the fields of hygiene, safe water

Reg. No. 3,801,355 (June 8, 2010)

WWW.TEENPREGNANCY.ORG, promoting the awareness  
of the consequences of teen pregnancy

Reg. No. 2,557,481 (Apr. 2, 2002)

#### **Other Publications**

BICYCLING, magazine having a subject matter of  
interest to bicycles

Reg. No. 1,079,823 (Dec. 20, 1977)

BOATING, downloadable electronic publications in the  
nature of a magazine in the field of boating

Reg. No. 4,430,298 (Nov. 5, 2013)

FLYING, downloadable electronic publications in the  
nature of a magazine in the field of aviation

Reg. No. 4,355,777 (June 18, 2013)

PARENTING, information on pregnancy, child rearing,  
child development, parent/child relationships,  
family health and related topics

Reg. No. 2,026,010 (Dec. 24, 1996)

POETRY, magazines and books about poetry  
Reg. No. 2,198,539 (Oct. 20, 1998)

SCOUTING, magazine for adult leaders in scouting  
Reg. No. 1,197,851 (June 15, 1982)

SKIING, magazine published seven times a year  
Reg. No. 0,909,613 (Mar. 9, 1971)

**Outlet**

FRAGRANCE OUTLET, retail store services featuring  
perfume, cologne  
Reg. No. 5,970,209 (Jan. 28, 2020)

GENTLEMEN'S SUIT OUTLET, retail store services  
featuring men's clothing  
Reg. No. 5,923,030 (Nov. 26, 2019)

HAM RADIO OUTLET, retail store services featuring  
amateur radio and electronics equipment  
Reg. No. 5,911,801 (Nov. 19, 2019)

INSURANCE OUTLET, insurance agency and brokerage  
Reg. No. 3,777,204 (Apr. 20, 2010)

SKIRT OUTLET, clothing, including skirts  
Reg. No. 5,676,914 (Feb. 12, 2019)

THE COSMETIC OUTLET, online and retail store  
services with skin and body topical lotions,  
creams and oils for cosmetic use, and cosmetic  
products  
Reg. No. 3,976,461 (June 14, 2011)

THE MARKET OUTLET, discount stores for retail store  
services for close-out of supermarket items  
Reg. No. 3,743,466 (Jan. 26, 2010)

THE UNIFORM OUTLET, uniforms  
Reg. No. 4,903,001 (Feb. 16, 2016)

THE VACATION OUTLET, travel agency services  
Reg. No. 1,519,447 (Jan. 3, 1989)

THE WINE CELLAR OUTLET, retail store services  
featuring wine

Reg. No. 5,694,800 (Mar. 12, 2019)

VIOLIN OUTLET, online and retail stores featuring  
musical instruments, including violins and other  
stringed instruments

Reg. No. 3,751,042 (Feb. 23, 2010)

**Partnership**

AUTISM PARTNERSHIP, behavioral health services in  
the nature of behavior analytic treatment for  
individuals with Autism Spectrum Disorder

Reg. No. 5,792,084 (July 2, 2019)

PRO BONO PARTNERSHIP, free legal services to  
community based nonprofit organizations

Reg. No. 2,651,369 (Nov. 19, 2002)

THE CHILDREN'S PARTNERSHIP, promoting public  
awareness of the needs of children; research and  
policy analysis in the field of children's needs

Reg. No. 2,042,746 (Mar. 11, 1997)

SPIRITUAL PARTNERSHIP, classes, conferences,  
retreats, seminars, and workshops in the field of  
spirituality

Reg. No. 3,394,179 (Mar. 11, 2008)

1ST AMENDMENT PARTNERSHIP, newsletters,  
magazines, pamphlets, white papers on First  
Amendment rights and liberties and freedom of  
religion

Reg. No. 5,576,060 (Oct. 2, 2018)

**Place**

A FUNDING PLACE, website for businesses to search  
for financial services offered by lenders, finance  
companies, and banks

Reg. No. 5,696,110 (Mar. 12, 2019)



- BATHROOM PLACE, retail stores featuring bathroom vanities and fixtures, toilets, sinks, faucets, shower panels, and bathroom accessories  
Reg. No. 3,281,145 (Aug. 14, 2007)
- CRYSTALPLACE, online retail store featuring crystal chandeliers, crystal chandelier parts, crystals and prisms for chandeliers, jewelry, chandelier cleaners, crystal ornaments  
Reg. No. 5,156,043 (Mar. 7, 2017)
- EDUCATION PLACE, educational resource services, namely, providing educational information  
Reg. No. 2,140,700 (Mar. 3, 1998)
- HAIRPLACE, hair salon services, namely, hair cutting and hair styling services  
Reg. No. 4,577,851 (July 29, 2014)
- LAWPLACE, legal support services  
Reg. No. 3,164,967 (Oct. 31, 2006)
- MOVING PLACE, moving and storage of goods  
Reg. No. 5,766,092 (May 28, 2019)
- PERMIT PLACE, permitting, namely, obtaining environmental, design, zoning, and other governmental permits for development projects  
Reg. No. 5,594,102 (Oct. 30, 2018)
- PHOTO PLACE, photographic slide and/or print processing  
Reg. No. 2,098,238 (Sept. 16, 1997)
- SHOE PLACE, children's clothing, namely, footwear, sneakers, shoes  
Reg. No. 2,976,471 (July 26, 2005)
- SPICE PLACE, online retail store services for herbs, spices  
Reg. No. 3,035,737 (Dec. 27, 2005)

- THE COOKIE PLACE, restaurant services featuring fresh-baked cookies  
Reg. No. 5,414,923 (Feb. 27, 2018)
- THE CRAB PLACE, seafood, mainly non-live crabs  
Reg. No. 3,400,981 (Mar. 25, 2008)
- THE FREIGHT PLACE, air freight shipping services; freight shipping services  
Reg. No. 5,004,964 (July 19, 2016)
- THE HAIRCUTTING PLACE, hairstyling and haircutting  
Reg. No. 1,012,643 (June 3, 1975)
- THE MORTGAGE PLACE, mortgage brokerage and lending services  
Reg. No. 2,781,713 (Nov. 11, 2003)
- THE PHONE PLACE, retail store services featuring wireless phones, pagers, and telephones  
Reg. No. 1,974,648 (May 21, 1996)
- THE PLANT PLACE, lawn and garden products, namely, live plants, top soil, and mulch  
Reg. No. 2,292,430 (Nov. 16, 1999)
- THE RUG PLACE, retail stores featuring rugs, rug accessories  
Reg. No. 2,475,678 (Aug. 7, 2001)
- THE SUPPLY PLACE, retail and online retail hardware store services  
Reg. No. 4,492,021 (Mar. 4, 2014)
- THE WINE PLACE, retail wine store services  
Reg. No. 1,578,270 (Jan. 16, 1990)
- TOBACCO PLACE, smokers products, cigars, pipe tobacco, and lighters  
Reg. No. 1,630,260 (Jan. 1, 1991)
- WASTEPLACE, online marketplace for junk removal, permanent waste, and waste dumpster services  
Reg. No. 5,232,097 (June 27, 2017)

**Report**

- CONSUMER REPORTS, consumer information  
Reg. No. 5,064,394 (Oct. 18, 2016)
- MUSIC REPORTS, collection of music usage data  
Reg. No. 5,510,794 (July 10, 2018)
- OPHTHALMOLOGY REPORT, ophthalmology newsletter  
Reg. No. 2,252,202 (June 8, 1999)
- TELECOMMUNICATIONS REPORTS, information in  
telephone, telegraph, and radio communications  
field  
Reg. No. 0,930,067 (Feb. 29, 1972)
- THE ADDITIVE REPORT, publications in the field of  
additive manufacturing  
Reg. No. 5,699,597 (Mar. 12, 2019)  
website about additive manufacturing  
Reg. No. 5,735,693 (Apr. 23, 2019)
- THE ONCOLOGY REPORT, magazines in the field of  
oncology  
Reg. No. 4,603,457 (Sept. 9, 2014)
- THE PLANETARY REPORT, featuring articles about  
space exploration, planetary science  
controversies, and discoveries on Earth  
Reg. No. 4,831,568 (Oct. 13, 2015)
- THE SIRLOIN REPORT, articles in the field of meat  
Reg. No. 5,244,819 (July 18, 2017)

**Review**

- CANINE REVIEW, online magazine for pet owners  
Reg. No. 5,969,514 (Jan. 21, 2020)
- CANNABIS REVIEW, ratings and reviews of scientific  
cannabis-related publications  
Reg. No. 5,771,623 (June 4, 2019)

- CHEMICAL REVIEWS, electronic publications in the field of chemistry  
Reg. No. 4,703,250 (Mar. 17, 2015)
- COFFEE REVIEW, publishing of reviews; publishing of web magazines  
Reg. No. 3,346,857 (Dec. 4, 2007)
- COLLEGE REVIEWS, providing a website with information about higher education resources and where users can post ratings, reviews, and recommendations in the field of education  
Reg. No. 3,988,524 (July 5, 2011)
- MATHEMATICAL REVIEWS, providing an online database containing information regarding mathematics  
Reg. No. 5,289,974 (Sept. 19, 2017)
- NUTRITION REVIEWS, scholarly journals on nutrition, science, policy, and related fields  
Reg. No. 2,214,381 (Dec. 29, 1998)
- SOYBEAN REVIEW, magazines about soybeans and soybean industry for soybean growers and those interested in promotion and use of soybeans  
Reg. No. 3,510,717 (Oct. 7, 2008)

**Shack**

- AUTO SHACK, automotive parts and automotive tools  
Reg. No. 5,612,025 (Nov. 20, 2018)
- BURGER SHACK, restaurant services  
Reg. No. 4,575,716 (July 29, 2014)
- CYCLE SHACK, online retail store services featuring bicycles, bicycles parts and accessories  
Reg. No. 5,942,000 (Dec. 24, 2019)
- HAT SHACK, retail store services featuring hats, clothing, caps, and headwear  
Reg. No. 2,271,729 (Aug. 24, 1999)

- POTTERY SHACK, home décor goods, namely,  
dinnerware, ceramic figurines, and pottery  
Reg. No. 3,147,240 (Sept. 26, 2006)
- RADIO SHACK, radios, amplifiers, audio speakers, and  
related electronic goods  
Reg. No. 2,164,296 (June 9, 1998)  
retail department store services for in radio and  
sound reproduction equipment  
Reg. No. 0,796,908 (Sept. 28, 1965)
- SHAKE SHACK, milk shakes and frozen custard, among  
other goods  
Reg. No. 4,051,916 (Nov. 8, 2011)
- THE FURNITURE SHACK, online retail store services  
featuring furniture, among other goods  
Reg. No. 5,329,129 (Nov. 7, 2017)
- THE JUICE SHACK, coffee and juice bar services  
Reg. No. 5,070,434 (Oct. 25, 2016)
- THE LUMBER SHACK, retail store services featuring  
semi-worked wood, furniture, wood products,  
processed wood, and unprocessed wood  
Reg. No. 5,122,586 (Jan. 17, 2017)
- THE MAKEUP SHACK, online ad retail store services  
featuring makeup, cosmetic and beauty  
products  
Reg. No. 5,269,898 (Aug. 22, 2017)
- THE PAPER SHACK AND PARTY STORE, retail store  
services for stationery, office and school  
supplies, and party supplies, among other goods  
Reg. No. 2,086,306 (Aug. 5, 1997)
- TRAVEL SHACK, a website featuring information on  
travel  
Reg. No. 4,988,204 (June 28, 2016)

VITAMIN SHACK, online and retail store service in the  
field of nutritional products  
Reg. No. 4,817,125 (Sept. 22, 2015)

YOGA SHACK, yoga instruction services and yoga  
teacher training services  
Reg. No. 4,500,157 (Mar. 25, 2014)

**Shop**

COOKSHOP, food delivery and delivery of prepared food  
Reg. No. 5,312,097 (Oct. 17, 2017)

GRILL SHOP, utensils for use in the outdoor  
preparation of food  
Reg. No. 2,165,240 (June 16, 1998)

LAWYERSHOP, online legal directory information  
services also featuring hyperlinks to lawyers'  
websites  
Reg. No. 2,547,226 (Mar. 12, 2002)

POOP BAG SHOP, plastic bags for pet waste disposal  
Reg. No. 5,445,318 (Apr. 10, 2018)

SALAD SHOP, salad dressings and café-restaurants  
Reg. No. 5,319,065 (Oct. 24, 2017)

SHOPFORBATTERY, batteries and battery chargers  
Reg. No. 4,645,049 (Nov. 25, 2014)

SLEEP SHOP, online retail store services featuring  
sleep-related goods and products  
Reg. No. 5,705,607 (Mar. 19, 2019)

THE AIRPLANE SHOP, retail store services featuring  
aviation models  
Reg. No. 5,367,867 (Jan. 2, 2018)

THE BEE SHOP, online retail store services featuring  
beehives and accessories for beehives  
Reg. No. 5,505,242 (June 26, 2018)

THE BODY SHOP, magazines, catalogs, informational brochures, and posters in the fields of skin care, cosmetics, hair care, beauty, self-esteem  
Reg. No. 2,739,864 (July 22, 2003)

THE CABIN SHOP, online retail store services for cabin decor, rustic lighting, cabin bedding, etc.  
Reg. No. 4,413,474 (Oct. 8, 2013)

THE FRIED TURKEY SANDWICH SHOP, restaurant services featuring fried turkey and fried turkey sandwiches  
Reg. No. 4,437,726 (Nov. 19, 2013)

THE KERATIN SHOP, hair salon services  
Reg. No. 4,995,166 (July 5, 2016)

THE ROSE SHOP, retail floral services  
Reg. No. 2,441,923 (Apr. 10, 2001)

THE TILE SHOP, retail store services featuring tile and tile-related products  
Reg. No. 5,430,768 (Mar. 27, 2018)

TOOL SHOP, hand-operated tools  
Reg. No. 2,127,019 (Jan. 6, 1998)

UNDEESHOP, socks, t-shirts, undergarments, undershirts, and underwear  
Reg. No. 4,594,700 (Aug. 26, 2014)

WIGSHOP, wigs and hairpieces  
Reg. No. 5,273,052 (Aug. 22, 2017)

**Shoppe**

BUTTER SHOPPE, butter  
Reg. No. 4,369,731 (July 13, 2016)

COFFEE SHOPPE, instant coffee and cocoa  
Reg. No. 3,150,136 (Sept. 26, 2006)

DAIQUIRI SHOPPE, frozen alcoholic cocktails  
Reg. No. 1,958,417 (Feb. 27, 1996)

- DELI SHOPPE, sandwiches  
Reg. No. 1,291,397 (Aug. 21, 1984)
- SUNDAE SHOPPE, ice cream  
Reg. No. 1,498,841 (Aug. 2, 1988)
- THE BOX SHOPPE, gift and package wrapping for  
others  
Reg. No. 1,379,490 (Jan. 21, 1986)
- THE FAUCET SHOPPE, retail store services in the field  
of plumbing parts, fixtures, and accessories  
Reg. No. 3,401,911 (Mar. 25, 2008)
- THE MATTRESS SHOPPE, retail store services, namely,  
a gallery featuring mattresses and other  
bedding products  
Reg. No. 4,852,950 (Nov. 10, 2015)
- THE MEDICINE SHOPPE, retail drug prescription  
services  
Reg. No. 2,994,255 (Sept. 13, 2005)
- THE VITAMIN SHOPPE, vitamins, vitamin and mineral  
supplements, and nutritional supplements  
Reg. No. 2,481,640 (Aug. 28, 2001)  
various retail services featuring vitamins and  
nutritional supplements  
Reg. No. 2,481,906 (Aug. 28, 2001)

**Source**

- PAPER SOURCE, stationery and office supplies, and  
retail store services featuring stationery and  
other  
Reg. No. 2,857,817 (June 29, 2004)

**Society**

- ALZHEIMER'S SOCIETY, providing health and medical  
information  
Reg. No. 3,266,780 (July 17, 2007)



- AUTISM SOCIETY, indicating membership in an organization of people interested in autism; promoting public awareness of autism and developmental disabilities  
Reg. No. 4,767,322 (July 7, 2015)
- CONNECTIVE TISSUE ONCOLOGY SOCIETY, educational services in the field of medical care of patients with connective tissue tumors  
Reg. No. 5,294,901 (Sept. 26, 2017)
- ENDOUROLOGICAL SOCIETY, association services, namely, promoting and advocating the interests of endourologists  
Reg. No. 5,030,555 (Aug. 30, 2016)
- LIFEGUARD SOCIETY, educational services, providing classes in the field aquatic safety  
Reg. No. 5,017,083 (Aug. 9, 2016)
- SLEEP RESEARCH SOCIETY, association services related to sleep research and academic sleep medicine  
Reg. No. 3,335,279 (Nov. 13, 2007)
- THE ENDOCRINE SOCIETY, association services, to promote research and study in the science of endocrinology  
Reg. No. 1,631,160 (Jan. 8, 1991)
- ONCOLOGY NURSING SOCIETY, education services in the field of oncology nursing  
Reg. No. 5,268,853 (Aug. 22, 2017)
- THE HEART FOUNDATION, charitable services relating to heart disease  
Reg. No. 5,362,591 (Dec. 26, 2017)
- THE LEUKEMIA & LYMPHOMA SOCIETY, association services, promoting public and professional interest and awareness in blood-related cancer

research and education

Reg. No. 2,396,611 (Oct. 17, 2000)

THE OPTICAL SOCIETY, educational services in the fields of optics and photonics

Reg. No. 3,873,804 (Nov. 9, 2010)

THE PLANETARY SOCIETY, charitable foundation services, namely, fundraising activities to support space exploration

Reg. No. 4,831,569 (Oct. 13, 2015)

**Store**

BEDWETTING STORE, online retail store services for goods relating to bedwetting prevention and amelioration

Reg. No. 4,801,895 (Sept. 1, 2015)

SKINSTORE, online retail store services featuring skin care products

Reg. No. 3,087,484 (May 2, 2006)

THE BANKING STORE, banking services

Reg. No. 2,784,901 (Nov. 18, 2003)

THE CONTAINER STORE, retail store services for household accessories, storage items, storage systems, and space organizers

Reg. No. 1,164,143 (Aug. 4, 1981)

THE COVER STORE, online retail store services featuring outdoor and indoor semi-fitted tarpaulins

Reg. No. 4,215,690 (Sept. 25, 2012)

THE GARAGE STORE, online retail store for home and garage organization accessories and related hobby accessory products

Reg. No. 4,925,020 (Mar. 29, 2016)

THE INSURANCE STORE, insurance brokerage services

Reg. No. 1,196,015 (May 18, 1982)

- THE JAR STORE, online retail and wholesale store services featuring glass jars and containers  
Reg. No. 5,342,858 (Nov. 21, 2017)
- THE MUTUAL FUND STORE, mutual fund management services  
Reg. No. 2,735,936 (July 15, 2003)
- THE POSTAL STORE, retail store services and computerized online retail services for stamps, among other goods  
Reg. No. 2,630,445 (Oct. 8, 2002)
- THE SKI BOOT STORE, retail stores featuring ski boots and other outdoor recreation products  
Reg. No. 2,841,896 (May 11, 2004)
- THE WEDDING PARTY STORE, online retail gift shops  
Reg. No. 5,676,892 (Feb. 12, 2019)

**Supply**

- FISH HOUSE SUPPLY, retail and online retail store services for parts, accessories and supplies used in building, outfitting and maintaining buildings for use in ice fishing  
Reg. No. 4,169,445 (July 3, 2012)
- GARDENERS' SUPPLY, online retail store services for gardening products and gardening-related products  
Reg. No. 3,914,243 (Feb. 1, 2011)
- GOLF CART TIRE SUPPLY, online retail store services for golf cart tires, golf cart wheels, golf cart accessories, and golf cart parts  
Reg. No. 5,440,001 (Apr. 3, 2018)
- GROCERS SUPPLY, wholesale food distributorship services  
Reg. No. 4,272,318 (Jan. 8, 2013)

ONCOLOGY SUPPLY, wholesale oncologic  
pharmaceutical and medical supply  
distributorship services  
Reg. No. 3,946,357 (Apr. 12, 2011)

WOODWORKERS' SUPPLY, retail store and catalog  
services for woodworking tools, equipment, and  
supplies  
Reg. No. 1,637,203 (Mar. 5, 1991)

**Warehouse**

CANDYWAREHOUSE, online retail store services for  
candy  
Reg. No. 4,127,841 (Apr. 17, 2012)

COFFEE WAREHOUSE, online retail store services for  
beverage and coffee supplies including coffee  
Reg. No. 4,824,070 (Sept. 29, 2015)

DRILL WAREHOUSE, bits for hand drills and other tools  
Reg. No. 5,278,598 (Aug. 29, 2017)

JEANS WAREHOUSE, online and retail store services for  
clothing and accessories  
Reg. No. 5,364,178 (Dec. 26, 2017)

PARTS WAREHOUSE, online retail store services for  
vacuum parts, pool and spa parts, construction  
tool parts, appliance parts and yard equipment  
parts  
Reg. No. 4,929,336 (Mar. 29, 2016)

POOL WAREHOUSE, retail and wholesale store services  
featuring pools, spas and saunas  
Reg. No. 3,500,963 (Sept. 16, 2008)

SIGN WAREHOUSE, Retail store services for signage  
supplies  
Reg. No. 2,376,316 (Aug. 8, 2000)

SKATE WAREHOUSE, online and retail store services for skateboards and skateboarding equipment, accessories, clothing, footwear, gear, and sport bags

Reg. No. 3,156,449 (Oct. 17, 2006)

SPRINKLER WAREHOUSE, online services featuring irrigation systems, parts, and accessories

Reg. No. 5,849,554 (Sept. 3, 2019)

Reg. No. 3,730,540 (Dec. 29, 2009)

SUNGLASS WAREHOUSE, eyeglasses and goggles

Reg. No. 3,809,210 (June 29, 2010)

retail optical store services

Reg. No. 3,478,452 (July 29, 2008)

SUPERMARKET PARTS WAREHOUSE, online retail store services for replacement parts for supermarkets, grocery stores and other refrigerated equipment

Reg. No. 5,907,894 (Nov. 12, 2019)

TENNIS WAREHOUSE, online retail store and retail store services for tennis clothing, tennis footwear, tennis gear, tennis equipment, tennis accessories, and tennis sport bags

Reg. No. 3,132,128 (Aug. 22, 2006)

THE AWNING WAREHOUSE, custom manufacture of retractable woven fabric awnings

Reg. No. 4,525,235 (May 6, 2014)

Reg. No. 2,675,726 (Jan. 14, 2003)

THE DRESS WAREHOUSE, online retail store services for clothing and dresses

Reg. No. 5,823,648 (July 30, 2019)

THE SUIT WAREHOUSE, retail clothing store services

Reg. No. 2,458,708 (June 5, 2001)

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UNIFORM WAREHOUSE, services featuring uniforms  
Reg. No. 5,272,972 (Aug. 22, 2017)

WATCH WAREHOUSE, online and retail store services  
for watches, clocks, watch straps, and bands  
Reg. No. 2,898,804 (Nov. 2, 2004)