

No. 20-1309

**In the
United States Supreme Court**

CORCAMORE, LLC,
Petitioner,

~ v. ~

SFM, LLC
Respondent.

On Petition for a Writ of Certiorari to
The United States Court of Appeals
for the Federal Circuit

**SUPPLEMENTAL BRIEF ON
PETITION FOR A WRIT OF CERTIORARI
ERRATA & SUPPLEMENTAL CITATION**

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CORPORATE DISCLOSURE STATEMENT

Petitioner Corcamore LLC is privately owned, it has no parent corporation, and no publicly held company owns ten percent or more of its stock.

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SUMMARY OF THE ERRATA AND SUPPLEMENTAL CITATION

This Supplemental Brief is presented under the provisions of Supreme Court Rule 15.3.

Due to a printing error, two words were omitted from the First Question Presented in the petition for certiorari, as filed. A corrected page is provided for the Court's consideration.

After the filing of Corcamore's petition, it became known that a decision from the U.S. Court of Appeals for the Federal Circuit decision, cited therein, now is the subject of another petition for certiorari. A supplemental citation is provided for the Court to consider.

A.
Corrected Questions Presented

1st Question.

Whether this Court's *Lexmark* test is the sole determinant of the statutory *power* of the Trademark Trial and Appeal Board to adjudicate a § 1064 petition to cancel a trademark registration, or can the Federal Circuit's make its "real interest" and "reasonable belief" approach an optional, more lenient way to plead for the statutory remedy.

Whether the Federal Circuit panel erred in its decision (i) that does not adhere to this Court's *Lexmark* precedent, and (ii) that also conflicts with the Fourth Circuit's decision on the interpretation and application of the same statutory standard that applies to pleading for the remedy created in Section § 1064 of the Lanham Act.

2nd Question.

Can the Trademark Trial and Appeal Board, an Article I administrative tribunal, endow itself with "inherent authority," not conferred by rule or statute, and use that to impose a punitive sanction on a party.

If the Trademark Trial and Appeal Board can impose a punitive terminating sanction, for reasons unrelated to trademark registerability, then must that administrative tribunal provide at least the same due process protections as an Article III court.

B.

Supplemental Citation

In Corcamore's petition for certiorari, in footnotes 12 and 21 on pages 14 and 18, another decision of the U.S. Court of Appeals for the Federal Circuit was cited. That decision presents a similar question of law about Lanham Act standing to plead for trademark cancellation under 15 U.S.C. §1064.

The complete citation is *Australian Thera. Supplies Pty. Ltd. v. Naked TM, LLC*, 965 F.3d 1370 (Fed. Cir. 2020), *reh. and reh. en banc denied, with dissent*, 981 F.3d 1083 (2020), *petition for certiorari filed*, Supreme Court of the U.S., Dkt. #20-1552 (May 7, 2021).

CONCLUSION

Petitioner Corcamore LLC respectfully requests this Court to consider the corrected statement of Questions Presented, and the supplemental citation of authority.

Respectfully submitted,

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