

No. 19-46

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

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UNITED STATES PATENT AND TRADEMARK OFFICE;  
ANDREI IANCU, UNDER SECRETARY OF COMMERCE FOR  
INTELLECTUAL PROPERTY AND DIRECTOR, UNITED  
STATES PATENT AND TRADEMARK OFFICE, PETITIONERS

*v.*

BOOKING.COM B.V.

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

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**PETITION FOR A WRIT OF CERTIORARI**

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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.

(I)

## RELATED PROCEEDINGS

United States District Court (E.D. Va.):

*Booking.com B.V. v. Matal*, No. 16-cv-425 (Aug. 9, 2017) (order on summary judgment)

*Booking.com B.V. v. Matal*, No. 16-cv-425 (Oct. 26, 2017) (order on defendants' motion to amend judgment and motion for expenses)

United States Court of Appeals (4th Cir.):

*Booking.com B.V. v. United States Patent & Trademark Office*, No. 17-2458 (Feb. 4, 2019, amended Feb. 27, 2019), petition for reh'g denied, Apr. 5, 2019 (defendants' appeal of partial grant of summary judgment)

*Booking.com B.V. v. United States Patent & Trademark Office*, No. 17-2459 (Feb. 4, 2019, amended Feb. 27, 2019), petition for reh'g denied, Apr. 5, 2019 (plaintiff's cross-appeal on expenses)

Supreme Court of the United States:

*Booking.com B.V. v. United States Patent & Trademark Office*, petition for cert. pending, No. 18-1309 (filed Apr. 10, 2019)

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