

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,  
ET AL., PETITIONERS

*v.*

BOOKING.COM B.V.

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

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**REPLY BRIEF FOR THE PETITIONERS**

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## REPLY BRIEF FOR THE PETITIONERS

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As our opening brief explains, and as every other court of appeals that has considered similar questions has held, a term like BOOKING.COM may not be federally registered as a trademark. It is undisputed that “booking” is a generic term for the class of hotel reservation services described in respondent’s trademark applications. The addition of “.com” conveys only that respondent operates a commercial website via the Internet. Under this Court’s decision in *Goodyear’s India Rubber Glove Manufacturing Co. v. Goodyear Rubber Co.*, 128 U.S. 598 (1888) (*Goodyear*), those facts taken together resolve this case.

Respondent’s contrary arguments lack merit. Respondent contends that the Lanham Act, ch. 540, 60 Stat. 427 (15 U.S.C. 1051 *et seq.*), overruled *Goodyear*, but the Act contains no language expressing an intent to accomplish that result, and it has not previously been thought

to have that effect. Under respondent's approach, moreover, there is no practical distinction between generic and descriptive terms, since respondent would treat either as a protectable trademark so long as a survey indicates that the public associates it with a particular brand. Respondent's proposed rule is particularly ill-suited to the Internet, where the fact that only one entity at a time can hold the contractual rights to a particular domain name gives all "generic.com" brands virtual assurance of consumer recognition. This Court should reverse the judgment below.

**A. *Goodyear* Remains Good Law And Resolves The Question Presented Here**

1. The Court in *Goodyear* held that adding an entity designation like "Company" or "Inc." to a generic term like "wine," "cotton," or "grain" does not create a protectable mark, because those terms "only indicate[] that parties have formed an association or partnership to deal in [the relevant] goods." 128 U.S. at 602-603. The same principle applies to proposed marks that are formed by adding the top-level domain ".com" to a generic term that denotes the goods or services provided. Gov't Br. 18-25. As a general matter, the addition of ".com" conveys only that the would-be rights-holder operates a commercial website via the Internet. BOOKING.COM therefore is no more entitled to federal trademark registration than "Booking Company" or "Booking Inc." would be.

Respondent briefly contends (Br. 43-45) that, if *Goodyear* remains good law, it does not apply here. Respondent observes (Br. 43) that the "purpose" of domain names is to "facilitate online activities," but it does not explain why that distinguishes ".com" terms from "Company" or "Inc.," which "facilitate" business more

generally. Respondent also observes (*ibid.*) that “each domain name is unique.” But that feature of the domain-name system does not distinguish this case from *Goodyear*, in which the Court did not discuss, much less rest its decision on, the possibility that multiple firms could call themselves “Grain Inc.” Indeed, the fact that only one entity at a time can hold the contractual rights to a given domain name strengthens, rather than detracts from, the rationales for *Goodyear*’s rule. See Gov’t Br. 32-34; pp. 14-16, 20-23, *infra*.

Respondent argues (Br. 43) that the United States Patent and Trademark Office (USPTO) and courts of appeals have rejected the government’s approach. But the USPTO and every court of appeals to consider the issue have acknowledged *Goodyear*’s applicability to “generic.com” terms. Gov’t Br. 22-25. The USPTO’s Trademark Trial and Appeal Board (TTAB) has long held that *Goodyear*’s reasoning is “equally applicable \* \* \* to cyberspace domain names.” *In re CyberFinancial. Net Inc.*, 65 U.S.P.Q.2d 1789, 1793 (2002). The Federal Circuit has explained that “the comparison of” “.com” to “‘Corp.’ and ‘Inc.’ has merit,” because “[t]he commercial impression created by ‘.com’ is similar to the impression created by” those terms, and “typically will not add any source-identifying significance.” *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1175, 1177 (2004); see Gov’t Br. 24. And the Ninth Circuit has held that “ADVERTISING.COM” is not a protectable mark, “much as,” under *Goodyear*, “‘Advertising Company’” would not be. *Advertise.com, Inc. v. AOL Adver., Inc.*, 616 F.3d 974, 981-982 (2010).

Contrary to respondent’s suggestion (Br. 45), no court of appeals other than the court below has accepted respondent’s view that a standard “generic.com” term is



protectable so long as its user can show an association with its business. To the contrary, other courts have warned of the harms that would result if the fact that such terms “have become identified with a first user” were deemed a sufficient basis for registration. *Advertise.com, Inc.*, 616 F.3d at 981 (citation omitted).

Respondent emphasizes (Br. 43) that courts have “[le]ft open the possibility that in unique circumstances a [top-level domain] could perform a source-indicating function,” as where it “produces a witty double entendre.” *Oppedahl & Larson*, 373 F.3d at 1174-1175; see *Advertise.com*, 616 F.3d at 980. That narrow potential exception has no bearing here, because respondent does not suggest that the “.com” in BOOKING.COM carries such significance. Gov’t Br. 25 n.6. Instead, this case falls in the heartland of “generic.com” terms, to which *Goodyear*’s reasoning applies.<sup>1</sup>

2. Respondent contends that Congress’s enactment of the Lanham Act in 1946 implicitly overruled *Goodyear*. Respondent’s theories of implicit repudiation lack merit.

a. Respondent suggests that the Lanham Act repudiated “common-law rules” “related” to *Goodyear*, and that “[n]othing suggests that *Goodyear* alone survived.” Br. 17-18; see Br. 40. That approach to implied abroga-

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<sup>1</sup> Respondent’s amici note the creation of new top-level domains, like “.GURU” and “.MEME,” which may “differ in their ability to modify second level domain[s].” Int’l Trademark Ass’n Amicus Br. 10-11. Top-level domains other than those that simply designate types of entities are not before the Court. See USPTO, *Trademark Manual of Examining Procedure (TMEP)* § 1209.03(m) (Oct. 2018) (instructing examining attorneys that, “as the number” or “nature” of top-level domains changes, examiners “must consider any potential source-indicating function of” new top-level domains).

tion violates the principle that “statutes will not be interpreted as changing the common law unless they effect the change with clarity.” Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 318 (2012); see, e.g., *Astoria Fed. Sav. & Loan Ass’n v. Solimino*, 501 U.S. 104, 108 (1991). Respondent’s argument also ignores this Court’s trademark-specific recognition that the Lanham Act should be read “in accordance with [its] common-law foundations.” *Dastar Corp. v. Twentieth Century Fox Film Corp.*, 539 U.S. 23, 37 (2003). Indeed, Judge Friendly’s classic catalogue of categories along the trademark spectrum, which this Court adopted in *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992), was based on “[t]he cases, and in some instances the Lanham Act”—not on a wholesale revision of pre-Act precedent. *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2d Cir. 1976) (emphasis added).

Respondent identifies no sound basis for concluding that the Lanham Act overruled *Goodyear*. While the Act “altered existing law concerning trademark rights in several respects,” *Park ’N Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S. 189, 199 (1985), none is relevant here. Respondent focuses on (Br. 40-41) one case in which this Court held that the Lanham Act had altered a common-law principle. In *Qualitex Co. v. Jacobson Prods. Co.*, 514 U.S. 159 (1995), the Court held that the Lanham Act does not categorically bar the use of “color alone as a trademark,” notwithstanding contrary dicta in one of the Court’s pre-Act decisions. *Id.* at 171-173; accord Gov’t Amicus Br. at 21-22, *Qualitex, supra* (No. 93-1577) (explaining that the Lanham Act superseded specific “prior common law doctrines” regarding “product features”). The Court analogized colors to descriptive

marks, which the Lanham Act had made registrable upon a showing of secondary meaning, see pp. 6-9, *infra*. *Qualitex*, 514 U.S. at 163. But the Court did not suggest that the same analysis applies to *generic* terms, or that the Lanham Act had overhauled more general rules governing the availability of trademark protection. To the contrary, the *Qualitex* Court relied on the functionality doctrine to ensure that, despite the absence of any categorical bar on the use of colors as trademarks, trademark law would guard against “anti-competitive consequences” like “color depletion.” *Id.* at 168-170. That reasoning is inconsistent with respondent’s argument, which would permit monopolization of generic terms. See pp. 14-16, 21-23, *infra*.<sup>2</sup>

b. Respondent contends that, by making *descriptive* marks registrable upon a finding of secondary meaning, the Lanham Act “repudiate[d]” *Goodyear*. Br. 39; see Br. 35-40. That argument misunderstands the Lanham Act’s changes to trademark law and *Goodyear*’s relevance here.

The common law recognized a spectrum of distinctiveness much like that under the Lanham Act, albeit with some differences in terminology. Then, as today, trademark law protected suggestive, arbitrary, and fanciful marks—then known as “technical trademarks”—without requiring that the owner establish secondary meaning. 1 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* §§ 4:3-4:4, at 4-3 to

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<sup>2</sup> Respondent observes that the Lanham Act overturned other common-law doctrines by permitting registration of “descriptive geographical names like ‘Lackawanna Coal’” and “proper names” like “YO-YO MA, ADELE, and MADONNA.” Br. 37, 41. But unlike the departure from prior law that respondent advocates here, Congress made those changes expressly. See 15 U.S.C 1052(e)(2) and (4).

4-12.1 (5th ed. 2019); Harry D. Nims, *The Law of Unfair Competition and Trade-Marks* § 185, at 373-374; *id.* §§ 201-203, at 392-398 (2d ed. 1917). Then, as today, the law did not protect generic terms, which were sometimes known as the “common” descriptive name of the product or service. Nims § 46, at 81; *id.* § 50, at 89; see 2 *McCarthy* § 12:57, at 12-228 to 12-241; Gov’t Br. 5 n.1. Unlike today, however, descriptive terms—sometimes known as “merely descriptive” terms—generally were not protectable as trademarks (though their use was regulated by unfair-competition law if they had acquired secondary meaning). 1 *McCarthy* § 4:4, at 4-9 to 4-12.1 (citation omitted).

The Lanham Act altered this framework by making descriptive terms protectable as trademarks upon a showing of secondary meaning, *i.e.*, if the term “has become distinctive of the applicant’s goods in commerce.” *Park ’N Fly, Inc.*, 469 U.S. at 194 (quoting 15 U.S.C. 1052(f) (1982)); see 15 U.S.C. 1052(e) (barring registration of “a mark which \* \* \* is merely descriptive” of the applicant’s goods); 1 *McCarthy* § 4:4, at 4-9 to 4-12:1. But the Act “offers no such exception for generic marks.” *Abercrombie & Fitch Co.*, 537 F.2d at 9. Under the Lanham Act, as under the prior legal regime, “generic marks \* \* \* are not registrable as trademarks,” *Two Pesos, Inc.*, 505 U.S. at 768, “no matter how much money and effort the user of a generic term has poured into promoting the sale of its merchandise and what success it has achieved in securing public identification,” *Abercrombie & Fitch Co.*, 537 F.3d at 9.

Respondent argues that, because the *Goodyear* Court referred to the term “Goodyear Rubber” as “descriptive of well-known classes of goods” produced by “Goodyear’s Invention,” Br. 35-37 (quoting *Goodyear*,

128 U.S. at 602), the Court viewed the term as “descriptive” in the modern sense. But the better reading is that the Court considered “Goodyear Rubber” to be the *common* descriptive—*i.e.*, generic—name for the class of goods. The Court analogized “Goodyear Rubber” to generic terms like “wine,” “cotton,” and “grain.” 128 U.S. at 602. And it explained that “the incorporation of a company in the name of an article of commerce”—a generic term—“without other specification, [will not] create any exclusive right to the use of the name.” *Id.* at 603.

Even if the Court had used the term “descriptive” in the modern sense, that would make no difference. *Goodyear*’s relevance here lies in its holding that adding an entity designation like “Company” or “Inc.” to an otherwise-unprotectable word does not create a protectable mark. 128 U.S. at 602-603. Because it is undisputed that “booking” is generic (and thus not protectable) for respondent’s services, *Goodyear*’s key holding applies.<sup>3</sup>

Respondent suggests in passing (Br. 38) that the *Goodyear* Court considered “‘Company’” and “‘Inc.’” to be modern-day “descriptive word[s].” But the Court was clear that “‘Company’ only indicates that parties have formed an association or partnership to deal in [the relevant class of] goods”—a generic meaning. 128 U.S. at 602. The terms “Company” and “Inc.” do not “describe[] the qualities or characteristics of a good or service,” *Park ’N Fly*, 469 U.S. at 194, and they have little

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<sup>3</sup> Respondent states (Br. 37-38 & n.11) that “[p]re-Lanham Act cases and treaties” construed *Goodyear* to “bar[] trademark protection for *all* descriptive terms.” But the sources respondent cites do not address whether the Court viewed “Goodyear Rubber” as a “common descriptive” or “merely descriptive” term.

in common with descriptive terms like “After Tan post-tanning lotion” and “5 Minute glue.” Gov’t Br. 5 (citation omitted).

c. Respondent argues that the Lanham Act superseded *Goodyear* by defining a “trademark” to “include[] any word \* \* \* or any combination thereof,” 15 U.S.C. 1127—requiring “courts and the PTO to look at the combined effect of the ‘mark.’” Br. 39 (citation omitted). But the words “combination thereof” in a definitional provision would be an extremely subtle way for Congress to overturn this Court’s precedent. This Court had already adopted the so-called “anti-dissection” rule, explaining in *Estate of P. D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538, 545-546 (1920), that “[t]he commercial impression of a trade-mark is derived from it as a whole.” Yet as respondent observes (Br. 38), the Court in *P. D. Beckwith* cited *Goodyear* with approval. 252 U.S. at 544. Just as the *P. D. Beckwith* Court’s enunciation of a general rule regarding assessment of potential trademarks did not overturn *Goodyear*’s more specific holding, the subsequently enacted definition of “trademark” in Section 1127 left *Goodyear* intact.

Respondent is in any event incorrect about *Goodyear*’s method of analysis. The Court considered the terms “Goodyear Rubber” and “Company” separately before determining whether the combination functioned as a protectable trademark. 128 U.S. at 602-603. In considering combined terms under the Lanham Act, courts and the USPTO likewise have “weigh[ed] the individual components of [a proposed] mark” before “determin[ing] whether the mark as a whole \* \* \* conveys any distinctive source-identifying impression.” *Oppedahl & Larson LLP*, 373 F.3d at 1174-1175; see, e.g.,

*In re Tires, Tires, Tires Inc.*, 94 U.S.P.Q.2d 1153, at 1154-1156 (T.T.A.B. 2009) (repetition of generic term); USPTO, *Trademark Manual of Examining Procedure (TMEP)* § 1209.01(c) (Oct. 2018) (multiple generic words); *id.* § 1209.03(m) (domain names); 2 *McCarthy* § 12:39 & n.2, at 12-166.

3. Respondent contends (Br. 39-40) that Congress overruled *Goodyear* by adopting the primary-significance test for evaluating whether a particular mark is generic. That is incorrect. See Gov't Br. 36-40.

a. The primary-significance test originated in this Court's pre-Lanham Act decision in *Kellogg Co. v. National Biscuit Co.*, 305 U.S. 111 (1938). There, the National Biscuit Company, which first made "Shredded Wheat" and held a patent on the product during the years when it was first sold, sought to enjoin Kellogg from calling its competing product by that name after the patent expired. *Id.* at 113-114, 116. The Court held that, because "Shredded Wheat" was "the generic term of the article," "the original maker of the product acquired no exclusive right to use it." *Id.* at 116. The National Biscuit Company also argued that it had acquired "the exclusive right to the name 'Shredded Wheat'" under unfair-competition law because, due to its long period of exclusive use, "many people ha[d] come to associate the product, and as a consequence the name by which the product is generally known, with the plaintiff's factory." *Id.* at 118. The Court rejected that argument, explaining that "[t]here [wa]s no basis \* \* \* for applying the doctrine of secondary meaning." *Ibid.* "[T]o establish a trade name in the term 'shredded wheat,'" the Court explained, "the plaintiff must show more than a subordinate meaning which applies to it"; "[i]t must show that the primary significance of the

term in the minds of the consuming public is not the product but the producer.” *Ibid.*

b. Respondent does not appear to contend (Br. 18) that *Kellogg* itself overruled *Goodyear*. The opinion in *Kellogg* did not cite *Goodyear* or address whether the addition of an entity designation like “Company” or “Inc.” can render protectable an otherwise-unprotectable term. And respondent does not identify (Br. 21-22 & nn.5-6) any subsequent decision suggesting that *Kellogg* overruled *Goodyear*, or that under *Kellogg*, adding “Company” or “Inc.” to a generic term creates a protectable mark.

Respondent instead suggests (Br. 19-24, 39-40) that *Goodyear* has implicitly been abrogated by Congress’s 1984 codification of the primary-significance test. But as respondent acknowledges (Br. 23), Congress codified the primary-significance test because, “in 1982, the Ninth Circuit departed from [that] test to cancel Parker Brothers’ registration of MONOPOLY.” Congress responded by amending the Lanham Act’s *cancellation* provision to state that “[t]he primary significance of the registered mark to the relevant public[,] rather than [the] purchaser motivation” test that the Ninth Circuit had applied, “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). That amendment did “nothing more than cure the problem created by the [N]inth [C]ircuit,” *A Bill to Clarify the Circumstances Under Which a Trademark May Be Canceled or Abandoned: Hearing Before the Subcomm. on Patents, Copyrights and Trademarks of the Senate Comm. on the Judiciary, 98th Cong., 2d Sess. 7 (1984)* (statement of



Sen. Leahy), and it was “not intended to effect important substantive changes in the mainstream of trademark law,” 98 Cong. Rec. 28,866 (1983) (statement of Sen. Hatch). Certainly, nothing in the 1984 amendment suggests that Congress intended to overrule longstanding doctrines like the rule announced in *Goodyear*. See Gov’t Br. 37-40.<sup>4</sup>

c. Respondent emphasizes (Br. 21-22 & nn.5-6) that the USPTO and courts often apply the primary-significance test in determining initial registrability, as well as in making the cancellation decisions to which Section 1064(3) expressly applies. But that does not mean that the USPTO or courts do, or should, apply the test in the same way whenever they decide whether a particular mark is generic. As respondent acknowledges (Br. 23 n.7), courts have “refine[d] the primary-significance test” in particular contexts, such as where a new product is the first in its category. In that situation, the “product name, even if it does tend to indicate the producer or source of the product, must nonetheless be considered” generic, *Genesee Brewing Co. v. Stroh Brewing Co.*, 124 F.3d 137, 144 (2d Cir. 1987) (emphasis omitted), because “competitors need it more to describe their goods than the claimed markholder needs it to distinguish its goods from others,” *A.J. Canfield Co. v. Honickman*, 808 F.2d 291, 304 (3d Cir. 1986); see *Genesee Brewing Co.*, 124 F.3d at 145 (test for new category

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<sup>4</sup> Respondent’s suggestion (Br. 40) that the primary-significance test must have overruled *Goodyear*, because “the PTO has registered multiple GOODYEAR trademarks,” reflects a misunderstanding of *Goodyear*’s relevance. Such registrations show, at most, that for some goods “Goodyear” itself was (or has become) distinctive—not that “Generic Co.,” “Generic Inc.,” or “generic.com” terms are protectable as trademarks.

is a “useful complement to, rather than a rejection of, the primary significance test”).

Other doctrines likewise co-exist with or refine the primary-significance test. For example, under the doctrine of foreign equivalents, “foreign words used as a mark are translated into English and then tested for \* \* \* genericness.” 2 *McCarthy* § 12:41, at 12-190. Thus, the term “Ha-Lush-Ka,” which is Hungarian for noodles, is generic for that product regardless of whether most American consumers (who presumably do not speak Hungarian) would associate the term “Ha-Lush-Ka” with a particular producer. *Weiss Noodle Co. v. Golden Cracknel & Specialty Co.*, 290 F.2d 845, 847 (C.C.P.A. 1961).

*Goodyear*’s continued vitality is consistent with these other doctrines. Under *Goodyear*, “Grain Inc.” is not protectable because consumers would understand the combination to “indicate[] that parties have formed an association or partnership to deal in” “grain.” *Goodyear*, 128 U.S. at 602; see Gov’t Br. 4, 43-44. That is true even if the public might understand “Grain Inc.” to refer to a specific company—either because consumers do not use the term “Grain Incs.” to refer to incorporated grain merchants as a class, or because the applicant has developed an association between the term and its own business. See Gov’t Br. 38-40; accord Resp. Br. 42 (appearing to agree with holding of *In re Wm. B. Coleman Co.*, 93 U.S.P.Q.2d 2019, 2027 (T.T.A.B. 2010), that “ELECTRIC CANDLE COMPANY” is generic because consumers would understand it “to refer to a company that offers” or “sells electric candles”). If that were not the case, then any company could obtain a trademark on a generic word or “Generic Inc.” term—including respondent’s example (Br. 8) of “Oranges” or

“Oranges Inc.”—simply by investing enough money in advertising, a result that would be fundamentally inconsistent with longstanding trademark law. See pp. 21-23, *infra*.

4. In recent decades, the TTAB has consistently denied trademark registrations on the ground that adding terms like “Co.” or “Inc.” does not add trademark significance, often citing *Goodyear*. See, e.g., *In re Don-suemor, Inc.*, No. 78393418, 2007 WL 1697340, at \*4-\*7 (T.T.A.B. June 7, 2007); *In re Engineering Res. Grp., Inc.*, No. 75/931377, 2002 WL 31835449, at \*5 (T.T.A.B. Dec. 18, 2002); *In re The Paint Prods. Co.*, 8 U.S.P.Q.2d 1863, 1866 (T.T.A.B. 1988); *In re E. I. Kane, Inc.*, 221 U.S.P.Q. 1203, 1205 (T.T.A.B. 1984). And as the appendix to this brief demonstrates, see App., *infra*, 1a-65a, the USPTO has denied registration (or required a disclaimer of the words as generic) for scores of other similar marks. Yet respondent identifies no judicial or administrative opinion, treatise, or scholarly article stating that *Goodyear* has been overruled—whether by this Court’s 1938 decision in *Kellogg*, Congress’s 1946 enactment of the Lanham Act, or Congress’s 1984 amendment of the Act.

**B. Sound Trademark Policy Supports The Conclusion That Adding A Top-Level Domain To A Generic Term Does Not Create A Protectable Mark**

1. *Goodyear*’s rationales for not recognizing “Generic Inc.” trademarks—and, in particular, the Court’s recognition that treating such terms as protectable marks would impede competition—apply fully to “generic.com” terms. Gov’t Br. 26-30; see Electronic Frontier Found. Amicus Br. 8-13, 19-20. “[S]uch trademark protection would potentially reach almost any use of the generic term in a domain name,” inhibiting use of

“a vast array of simple, easy to remember domain names and designations that describe the services provided.” *Advertise.com, Inc.*, 616 F.3d at 981. The nature of the Internet would exacerbate that competitive harm. Treating “generic.com” terms as protectable trademarks would permit first adopters to leverage the fact that only one entity at a time can hold the contractual rights to a particular domain name into additional trademark-law benefits that would not be available to brick-and-mortar “Generic Inc.” equivalents. See Gov’t Br. 31-34; Pet. App. 28a-29a (Wynn, J., concurring in part and dissenting in part); Trademark Scholars Amici Br. 13-15.

Respondent suggests (Br. 28), for the first time in the litigation, that it would not use trademark registration to stop competitors from adopting similar domain names like “hotelbooking.com” and “eurobookings.com.” But respondent previously informed the USPTO that it “considers the use and registration of EBOOKING.COM to be a potential infringement.” J.A. 192. Respondent’s previously stated intent to use its mark to oppose that form of competition is especially unsurprising because, if respondent were willing to accede to competitors’ use of such variants, federal registration of BOOKING.COM as a trademark would add little to the existing practical disincentives to competitors’ use of that precise term. See Gov’t Br. 30. It is a fundamental principle of trademark law, moreover, that the owner of a protected trademark can prevent its competitors from using not only the precise mark at issue, but confusingly similar terms as well. See 15 U.S.C. 1052(d), 1114(1). Respondent’s apparent reluctance to invoke that principle with respect to its own proposed mark simply reinforces the conclusion that

BOOKING.COM is not protectable as a trademark in the first place.

2. Respondent suggests (Br. 25-26) that, without trademark protection, it is defenseless against unscrupulous businesses that use similar URLs or misspellings to capture visitors that intended to visit respondent's website. That is incorrect.

a. Unfair-competition law provides substantial protection against efforts to mislead consumers. See Gov't Br. 34-35. Respondent asserts (Br. 48) that state unfair-competition laws "typically bar relief absent actual fraud." But while actual deception may be required for damages, unfair-competition law generally permits injunctive relief "upon proof that deception is likely." Restatement (Third) of Unfair Competition § 4 cmt. c, at 50 (1995); see *id.* § 15 cmt. d, at 148-149; see also, *e.g.*, *Kellogg*, 305 U.S. at 122. Moreover, although some state-law claims may depend on a finding of bad faith, courts have held that federal unfair-competition claims generally do not. See *Genesee Brewing Co.*, 124 F.3d at 149; *Blinded Veterans Ass'n v. Blinded Am. Veterans Found.*, 872 F.2d 1035, 1045 (D.C. Cir. 1989) (R.B. Ginsburg, J.).

In any event, respondent's complaint that its rights are less comprehensive than those available for more distinctive marks simply reflects "the peril of attempting to build a brand around a generic term." *Advertise.com, Inc.*, 616 F.3d at 980 n.6. Like other businesses, respondent could have obtained greater protection (without adopting an "elaborate technical trademark[]" like "DR. DRAKE'S GERMAN CROUP REMEDY," Br. 49) by adopting an inherently distinctive mark like "Amazon" for online shopping services, and, if it desired, appending a top-level domain ("Amazon.com"). Or respondent could have chosen a descriptive term to

communicate characteristics of its goods or services, and demonstrated secondary meaning. The only choice trademark law will not protect is the one respondent made: using the very name of the relevant good or service (“Wine” or “Booking”), with or without a designation like “Inc.” or “.com.” See Pet. App. 28a (Wynn, J., concurring in part and dissenting in part).

b. Respondent argues (Br. 25) that greater protection is necessary here because the Internet “has created new avenues for confusion, diversion, dilution, and fraud.” Respondent relies (Br. 25-26) on the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. 1125(d), which imposes civil liability on anyone who, in bad faith, “registers, traffics in, or uses a domain name that \* \* \* in the case of a mark that is distinctive \* \* \* is identical or confusingly similar to that mark.” 15 U.S.C. 1125(d)(1)(A)(ii)(I). But Congress limited that protection to “distinctive” marks, and there is no reason to suppose that “generic.com” terms categorically satisfy that requirement. And to the extent “generic.com” businesses need additional protections, the ACPA manifests Congress’s attentiveness to the concerns of online businesses when appropriate.<sup>5</sup>

3. Respondent contends (Br. 27-29) that registration of “Generic Company, Generic Inc., or Generic.com” names would not “stymie competitors’ marketing and

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<sup>5</sup> Respondent’s amici cite (*e.g.*, Internet Commerce Ass’n Amicus Br. 21) the *Uniform Domain Name Dispute Resolution Policy*, <https://www.icann.org/resources/pages/policy-2012-02-25-en>, which applies to the bad-faith use of a registered domain name that is identical or confusingly similar to a trademark. *Id.* § 4(a). That policy—adopted by a non-profit organization in 1999—says nothing about congressional intent regarding the protectability of “generic.com” terms.

sales of competing versions of the same products,” on the theory that the USPTO *already* has registered many such terms. See Br. 35, 48-49. That is incorrect. The appendix to this brief provides a sample of the hundreds, if not thousands, of marks for which the USPTO has refused registration based on the agency’s view that *Goodyear* applies to such terms.

The overwhelming majority of respondent’s supposedly contrary examples are irrelevant to the question presented here. This Court held in *Goodyear* that appending a corporate-entity designation like “Company” or “Inc.” to an otherwise-unprotectable term does not create a protectable mark. Lower courts have concluded, and the government agrees, that the same rule governs analogous top-level domain designations like “.com.” Many of respondent’s examples, however, include terms like “Depot,” “Emporium,” “Exchange,” “Factory,” “Hut,” “Shack,” and “Warehouse,” see, *e.g.*, Br. 3-4, 29, 46-47 (capitalization altered), which the government has not argued are governed by *Goodyear*. While respondent’s examples may or may not be generic, their fate will not be decided here.

Many of respondent’s examples are inapposite for the additional reason that they do not include terms that are generic for the class of goods or services listed in the registration. See Gov’t Br. 3-4. For example, “THE PREGNANCY COMPANY” (Resp. Br. 29; Resp. Br. App. 12a) is registered not for pregnancy itself or general pregnancy-related goods, but for, *inter alia*, “[p]roviding medical diagnostic testing services to detect pregnancy complications.”<sup>6</sup> “LAW.COM” (Resp. Br. 4; Resp.

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<sup>6</sup> Descriptions of goods and services may be found by searching USPTO, *Trademark Status & Document Retrieval (TSDR)*, <https://tsdr.uspto.gov/>.

Br. App. 3a) is registered not for legal services, but for “non-downloadable online newspapers, magazines, and newsletters in the field of law.”

Many of respondent’s other examples are descriptive of the subject matter or intended audience of publications or websites, but are not generic for the publications or websites themselves. Unsurprisingly, “PARENTS.COM” (Resp. Br. App. 4a) does not sell parents, but instead “provide[s] online magazines in the fields of child development and parenting.” And “JEWISH.COM” (Resp. Br. 47; Resp. Br. App. 3a) “provide[s] information on issues of interest to the Jewish community.”<sup>7</sup>

Finally, the USPTO receives nearly half a million trademark-registration applications annually and employs hundreds of examining attorneys. Absent opposition, if a USPTO employee erroneously permits a mark to be registered, the TTAB has no occasion to review the decision. See 15 U.S.C. 1063, 1070. “[S]uch errors do not bind the USPTO to improperly register” similar

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<sup>7</sup> Respondent’s examples also ignore that the USPTO follows Federal Circuit precedent, because that court directly reviews the agency’s registration decisions. Some of respondent’s examples thus reflect judicial decisions with which the USPTO may not agree. See, e.g., *In re The Am. Fertility Soc’y*, 188 F.3d 1341, 1346-1348 (Fed. Cir. 1999) (suggesting that a phrase of three or more words, such as “Society for Reproductive Medicine,” cannot be generic if the words have not previously been used in the precise order) (capitalization altered); *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346 (Fed. Cir. 2001) (holding that 1-888-MATRESS was not generic in the absence of evidence “that the relevant public refers to the class of shop-at-home telephone mattress retailers as ‘1-888-M-A-T-R-E-S-’”) (emphasis added); but see *In re 1800Mattress.com IP, LLC*, 586 F.3d 1359, 1364 (Fed. Cir. 2009) (explaining that consumers need not “use,” but must “understand the term to be generic”).



marks in the future. *In re Shinnecock Smoke Shop*, 571 F.3d 1171, 1174 (Fed. Cir. 2009), cert. denied, 558 U.S. 1149 (2010). Congress has authorized administrative and judicial review to ensure that errors may be corrected, see 15 U.S.C. 1070, 1071, and it has authorized cancellation “[a]t any time” if a mark “becomes \* \* \* generic,” 15 U.S.C. 1064(3). Thus, to the extent that trademark examiners have erred in permitting registration of some fraction of the marks in respondent’s brief and appendix, mechanisms exist for correcting those mistakes. But respondent cannot leverage any such errors to overturn this Court’s precedent.

**C. Respondent’s Survey Evidence Does Not Provide A Sound Basis For Treating BOOKING.COM As A Registrable Trademark**

1. *Goodyear*’s application to this case is straightforward. Respondent does not dispute that “booking” is generic for the relevant class of its services. Nor does it contest that “.com” adds only its usual meaning, *i.e.*, that respondent operates a commercial website via the Internet. Thus, just as no company could federally register “Booking Company” or “Booking Inc.” as a trademark, respondent should not be permitted to register “BOOKING.COM.”

Respondent’s survey evidence does not alter that conclusion. While surveys may be relevant in many cases, they are ill-suited to the specific contexts of “Generic Inc.” and “generic.com” terms. Many individuals might understand “Grain Inc.” to refer to a particular business, yet under *Goodyear* such terms cannot receive trademark protection. See Gov’t Br. 36-44; pp. 12-14, *supra*.

The problem is even more acute on the Internet. Because only one entity at a time may hold the contractual

rights to a given domain name, consumers are likely to infer that any particular “generic.com” term refers to a specific entity, even if they have no prior awareness of the particular business involved. “[S]erious difficulties inhere[.]” in using surveys in this context, because they do not necessarily “distinguish between de facto secondary meaning based on domain name exclusivity and trademark meaning.” Trademark Scholars Amici Br. 20.

Respondent’s survey evidence confirms the point. Respondent argues (Br. 33) that the survey shows that 74.8% of survey respondents “identified BOOKING.COM as a brand” name, rather than as a general reference to hotel reservation websites. See Pet. App. 16a. Yet 33% of survey respondents identified WASHINGMACHINE.COM as a brand name, even though no such brand exists—and even though *no* survey respondent made the same error regarding SUPERMARKET. J.A. 53, 66; see J.A. 268 n.12. Thus, while respondent points out that “majority usage” often “controls” under the primary-significance test, BOOKING.COM’s “net recognition” is “meaningfully” lower—approximately 41.8%. Trademark Scholars Amici Br. 20-21.

2. Respondent’s proposed per se rule that all genericness inquiries must turn on survey evidence is inconsistent with the Lanham Act’s preservation of the distinction between generic terms, which are not eligible for trademark protection even upon a showing of secondary meaning, and descriptive terms, which are potentially registrable if secondary meaning is established. See Gov’t Br. 40-42; pp. 6-7, *supra*. Courts have long recognized that “[g]eneric terms cannot be rescued by proof of distinctiveness or secondary meaning no matter how voluminous the proffered evidence may be.” *In re Northland Aluminum Prods., Inc.*, 777 F.2d 1556,

1558 (Fed. Cir. 1985) (brackets in original). Thus, “no matter how much money and effort the user of a generic term has poured into promoting the sale of its merchandise and what success it has achieved in securing public identification,” the term remains generic and therefore unregistrable. *Abercrombie & Fitch Co.*, 537 F.2d at 9; cf. *KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc.*, 543 U.S. 111, 122 (2004) (trademark law does not countenance one entity obtaining “a complete monopoly on use of a descriptive term simply by grabbing it first”). Many courts therefore have declined to rely on survey evidence purporting to show that consumers associate a generic term with a specific producer. Gov’t Br. 42; Trademark Scholars Amici Br. 15-18.

Respondent purports (Br. 31, 32 n.10) not to contest “the proposition that no amount of evidence of consumer perceptions can make generic terms non-generic.” Instead, respondent contends (Br. 31-33) that this principle applies only where “a mark \* \* \* has *already* become generic” because a “judicial decision” has so “deemed” it, or the term was “commonly used or understood” as generic before a particular user adopted it. But while respondent accuses the government of “atextual feat[s],” Br. 43, it does not attempt to link its artificial limitations to the Lanham Act’s terms. Nor are those limitations grounded in the common law, which has long treated generic terms as insusceptible to monopolization by first users.

Respondent’s limitations are a particularly poor fit for “Generic Inc.” and “generic.com” terms. Contrary to respondent’s suggestion (Br. 8), no consumer would use or understand “Oranges Inc.” to refer to the fruit generally, and no court would have occasion to label that term generic before a particular business adopted it. The same

would be true for “oranges.com.” Thus, respondent’s argument effectively would result in trademark protection for *all* “Generic Inc.” or “generic.com” terms so long as a first adopter could demonstrate secondary meaning—a task made much easier by the nature of the “.com” suffix and the exclusive contractual rights conveyed by the domain-name system. That result contravenes *Good-year* and bedrock trademark-law principles.

\* \* \* \* \*

For the foregoing reasons and those stated in our opening brief, the judgment of the court of appeals should be reversed.

Respectfully submitted.

NOEL J. FRANCISCO  
*Solicitor General*

MARCH 2020

**APPENDIX**

<b>Mark (Wording) and Serial No.</b>	<b>Goods/ Services</b>	<b>Abandonment Date</b>
<b>.Com</b>		
401KPLANS. COM 87,549,560	Services including financial retire- ment plan consult- ing	4/5/19
AD.COM 77,578,055	Advertising, mar- keting, and pro- motional services, namely, placement and dissemination of advertising for others	9/22/11
ADOPTING. COM 86,815,950	Adoption place- ment and provid- ing information about adopting children	12/24/18
ADULT MEMBER SITES.COM 86,073,794	Computer services, including creating and implementing websites for others in the field of adult entertainment	1/5/15

## 2a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
AFFILIATE PROGRAMS. COM 77,905,684	Advertising, mar- keting, and promo- tion of websites, goods, services, and business affil- iate programs of- fered by others	5/20/11
ANGER MANAGEMENT ONLINE.COM 85,224,897	Conducting online instructional pro- grams in the field of anger manage- ment	8/23/12
ANNUITY PURCHASE PROGRAMS. COM 77,286,296	Investment man- agement of and distribution of an- nuities	11/20/08
APUMPSTORE. COM 88,098,154	Goods including industrial pumps and pumping ap- paratus	5/21/19
AUTHENTIC WATCHES. COM 77,590,252	Online retail store services featuring watches and jew- elry	2/8/10

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
AUTOMATIC DOORS.COM 77,252,458	Installation, main- tenance, and re- pair of manual and automatic doors and door sensors, switches, and ac- cess controllers	1/17/09
BAND SAWPARTS. COM 85,472,621	Online retail store services featuring industrial supplies	5/6/13
BANK NOTES.COM 77,493,513	Collectible paper money	7/24/09
BEACH HOUSE.COM 85,295,868	Providing search engines for obtain- ing data related to vacation rentals and beach houses, among other things, on a global computer network	9/4/12

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
BEACH HOUSE.COM 85,295,871	Services includ- ing providing a searchable online advertising web- site and informa- tional guide fea- turing the goods and services of other vendors via the Internet in the field of travel, va- cation properties, rental properties, real estate, and temporary accom- modations	9/4/12
BEACH PARKING.COM 87,257,764	Parking space res- ervation service	12/1/17
BEDAND BREAKFAST. COM 85,240,747	Travel club ser- vices for consumer of inn services and bed and breakfast services	8/7/13



Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
BIKETOURS. COM 86,216,452	Arranging travel tours for bicy- clists, and making reservations and bookings for trans- portation for bicy- cle tours	1/30/15
BIRTHPLAN. COM 77,385,368	Providing online health-related in- formation for cre- ating a birth and delivery plan	6/24/09
BOARDGAMES. COM 85,145,782	Online retail store services featur- ing games, board games, and toys	7/20/11
BOATHISTORY REPORT.COM 86,713,068	Providing online information ser- vices on watercraft records, namely, providing certain watercraft history information	12/28/16

## 6a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
BONDS.COM 75,482,561	Services including providing certain electronic commerce services via a global computer network, with respect to certain debt instruments and related investment securities	8/28/02
BOOKKEEPING INC.COM 86,847,429	Bookkeeping	11/16/17
BOOKRENTER. COM 77,909,007	Book rental	6/25/14
BOWLING BALL.COM 78,870,988	Online retail store services featuring bowling equipment and apparel	10/9/07
BURIAL INSURANCE. COM 88,182,505	Providing a website featuring educational information in the field of insurance	8/15/19

## 7a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
BUSINESS FURNITURE. COM 77,020,647	Online retail store services provided over the global communications network featuring furniture, office ac- cessories, lamps, and white boards	11/2/08
BUSINESS PARTNERS. COM 85,371,223	Business partner- ship networking referral services	10/8/12
CABINETS. COM 86,530,182	Online retail and wholesale store services featuring goods including various kinds of cabinets	1/29/16
CALCIUM. COM 78,343,969	Calcium supple- ments	8/16/05

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
CARFINANCE.COM* 86,753,128	Services including loan financing services and lending services, namely, acquisition, servicing, and provision of loans for vehicles; and providing an Internet website portal featuring financial information in the field of loans for vehicles	5/15/17
CAR INSURANCE.COM 77,953,314	Insurance brokerage, and insurance agency services in the field of automobile insurance	12/13/10

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\* Although the U.S. Patent and Trademark Office registered a different mark for CARFINANCE.COM that featured a design, in doing so it required a disclaimer of "CARFINANCE.COM" on the ground that the term is generic. See CARFINANCE.COM, Reg. No. 5,239,076 (July 11, 2017).

## 9a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
CELLPHONE CASES.COM 86,174,923	Online retail store services featuring carrying cases and protective covers for electronic de- vices, including mobile phones	11/7/14
CHARGEBACK. COM 86,284,063	Chargeback reco- very services	6/9/15
CHEESECAKE. COM 85,750,614	Retail store ser- vices featuring cheesecake and other baked goods, accessible online and by telephone, facsimile, and mail order	5/7/15
CO2METER. COM 86,564,819	Electronic circuit boards for instru- ments for moni- toring and meas- uring concentra- tions of various gases in an envi- ronment	4/14/16

## 10a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
COINSAND PINS.COM 77,754,000	Online retail store services featuring goods including commemorative and collectable coins and pins	3/15/10
COKING.COM 76,660,686	Providing a web- site that dissemi- nates news, infor- mation, and trends and promotes safe practices relating to oil refinery op- erations	4/26/08
COMICBOOK. COM 87,107,787	Providing a web- site featuring en- tertainment infor- mation	10/20/18
COMPUTER TRAINING. COM 77,570,090	Vocational educa- tion in the field of technology and the use of computers	7/6/09
CONFERENCE CALL.COM 78,739,755	Telecommunica- tions services, namely, audio and	10/2/08

## 11a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
	video teleconferencing	
CONSULTING.COM 87,185,167	Business development consulting services	7/6/17
COOKBOOKS.COM 76,683,706	Services including online retail store services featuring cookbooks	11/16/09
COOKIETINS.COM 77,729,629	Tin cans, sold empty	12/8/10
COOLER GASKETS.COM 88,195,022	Online retail store services featuring commercial refrigeration parts and supplies	8/27/19
CREDIT CARDS.COM 77,271,560	Providing consumer information about the services of credit card companies, credit card reviews, and credit card offers	3/28/09

## 12a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
CREDIT MONITORING. COM 85,657,234	Providing con- sumer credit mon- itoring services for fraud prevention and/or protection	10/21/13
DENTAL PLANS.COM 78,954,070	Dental plan bro- kerage services for reduced rate and discounted dental plans	7/19/07
DOGHOUSES. COM 78,491,759	Online retail store services featuring dog houses and related goods	5/31/06
DOORS.COM 87,273,777	Online retail store services featuring doors	12/6/17
DOWN PILLOWS.COM 85,773,048	Online retail store services featuring goods including down pillows and down alternative pillows	4/14/14



## 13a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
DRUGSTORE. COM 85,434,188	Online retail store services featuring goods including prescription drugs and over-the-counter medicine	7/13/18
DRUG TESTING.COM 78,973,181	Drug testing for substance abuse	8/13/07
DRUG TESTING SUPPLIES. COM 88,251,216	Online retail store services featuring medical equipment and accessories	9/26/19
E-RIGGING. COM 88,064,547	Online retail store services featuring rigging and wire rope related products	1/31/20
E-RIGGING. COM 88,064,627	Online retail store services featuring rigging and wire rope related products	1/31/20

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
EXPATTAX. COM 87,481,612	Tax filing services and tax prepara- tion	6/12/18
FLAGAND BANNER.COM 87,587,366	Wholesale and re- tail store services featuring goods in- cluding flags, ban- ners, bunting, and pennants	12/27/18
FLOATING MATS.COM 86,836,967	Floats for recrea- tional use, namely, floating device made of foam	11/10/16
GIFTCARDS INC.COM 77,400,545	Internet website where consumers can purchase gift cards for retailers and restaurants	7/7/09
GIFT CERTIFICATES. COM 87,443,710	Services including promoting the goods and services of others through the issuance of gift certificates via the Internet	4/17/19

## 15a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
GLASSES.COM 85,447,561	Online retail store services featuring spectacles and related products	2/28/13
GUTTER SUPPLY.COM 86,784,157	Online retail store services featuring goods including gutters and gutter products	9/8/16
HALLOWEEN COSTUMES.COM 87,067,580	Online retail store services in the field of costumes and decorations	6/12/17
HAND SANITIZER.COM 86,598,729	Antibacterial alcohol skin sanitizer gel	2/14/17
HOME INSURANCE.COM 85,888,205	Services including providing advice in the field of property and casualty insurance via telephone and a global	8/6/14

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
	computer network, and insurance agency and brokerage services in the field of homeowners and automobile insurance	
HOME MORTGAGE.COM 85,504,865	Mortgage brokerage	5/14/13
IDENTITY THEFT.COM 86,926,582	Services including providing a website featuring information about topics including data security, credit reporting monitoring, and fraudulent account charges	3/22/17
INGREDIENTS ONLINE.COM 87,364,149	Online wholesale and retail store services featuring	6/4/18

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
	natural food, pharmaceutical, and nutraceutical ingredients	
IT RECRUIT MENT. COM 86,132,624	Employment recruiting, placement, and staffing in the field of software engineering, information technology specialists, and project management	12/15/14
LAND LEASE.COM 87,174,044	Real estate marketing services in the field of land leases	1/9/18
LAWBOOKS. COM 77,731,098	Online retail store services featuring goods, including books, relating to the study and practice of law and other legal topics	3/2/10

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
LEGALPORNO. COM 87,086,743	Providing a web- site featuring pho- tographic, video, and prose presen- tations featuring adult-oriented subject matter	6/13/18
LEMONLAW. COM 76,233,689	Legal services	8/25/05
LENDING. COM 78,700,467	Services including mortgage banking services and con- sumer loan ser- vices	6/19/08
LENS.COM 86,720,128	Retail store ser- vices available online and via other means, fea- turing goods in- cluding contact lenses and eye- glasses	7/25/17

## 19a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
LIMOUSINE. COM 87,900,675	Services including transportation of people, packages, and freight by cars, limousines, vans, and/or buses	2/26/19
LIPOSUCTION. COM 77,922,948	Services including providing physician referral services pertaining to liposuction surgery via a global computer network	5/31/11
LISTINGS. COM 77,713,818	Providing real estate listings and real estate information via the Internet	3/1/11
LIVERYCAR. COM 86,480,218	Services including limousine services and providing shuttle services by limousine, car, van, bus, and trolley	2/23/16

## 20a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
MAGAZINES. COM 75,902,670	Interactive online ordering services via the global computer network featuring magazines	1/10/05
MOVING INSURANCE. COM 85,698,423	Providing information in the field of insurance services and products by means of a global computer network; and insurance agency and brokerage, and insurance underwriting services in the fields of moving, property, casualty, and liability insurance	6/7/13
NEWSPAPER ARCHIVE.COM 77,526,053	Hosting an interactive website that provides searchable archives of newspaper content	11/19/09



## 21a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
NUTRITION. COM 85,546,603	Providing a web- site featuring in- formation on health and nutrition	12/5/12
ORGANIC TEXTILES. COM 87,949,962	Goods including bed and table linen, bed blan- kets, and bed sheets, all com- prised in signifi- cant part of or- ganic materials	7/10/19
PACHINKO. COM 85,081,623	Providing an on- line computer da- tabase in the field of gaming, athletic competition, and entertainment in- formation	8/13/13
PAYROLL TAXES.COM 78,966,356	Providing infor- mation in the field of taxes via the Internet	11/2/07

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
PCCABLES. COM 88,289,210	Goods including computer cables, power cables, and USB cables	2/4/20
PECANS.COM 77,903,414	Online retail store services featuring pecans, pecan- based snacks and foods, and pecan related products	11/30/10
PETSTORE. COM 85,434,025	Retail pet stores	7/19/12
PETSUPPLIES. COM 78,616,642	Services including online retail store services in the field of pet prod- ucts, pet supplies, and books	12/22/06
PISTOL- TRAINING. COM 77,933,803	Providing a web- site featuring in- formation about firearms training and instruction	3/22/11

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
PLC HARDWARE. COM 77,730,881	Goods including micro-processor based hardware and software used to monitor the sta- tus of industrial machinery, and programmable logic controllers (PLC)	4/15/11
POOLTOY.COM 78,528,851	Swimming pool toys	8/4/06
POPCULTURE. COM 87,469,701	Providing news and information online in certain fields including public personali- ties, actors and celebrities, televi- sion, music, and movies	3/13/19
PORTRAITS. COM 85,479,269	Services including portrait photog- raphy	3/29/13

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
PUPPYSTORE. COM 78,609,304	Services including online retail store services featuring animal products and services for animals	5/15/06
RADIO-INFO. COM 77,171,708	Services including providing online news and informa- tion in the field of radio broadcasting	8/15/11
RATE.COM 87,052,240	Services including mortgage bank- ing, mortgage bro- kerage, mortgage lending, and mort- gage refinancing	8/10/18
RECRUITING. COM 77,622,277	Employment and recruiting busi- ness services for finding, selecting, recruiting, and managing pro- spects and job can- didates, namely, hosting web serv-	10/20/09

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
	ers for entities desiring to find, attract, track, and manage job candidate prospects	
RECRUITING.COM 86,673,415	Services including employment recruiting, placement, staffing, and career networking services; and providing an online searchable database featuring job postings, employment opportunities, and resumes	10/12/16
RECYCLING BIN.COM 77,891,216	Trash and recycling can liners and recycling/trash bags, and metal and non-metal recycling/trash containers	8/1/11

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
RENTALCARS.COM 87,322,714	Services including making reservations and booking for transportation via the Internet and providing on-line reservation services for vehicle leasing and rental	7/30/19
RENTSKIS.COM 78,897,474	Rental of ski and snowboarding equipment via the Internet	7/9/08
RESTAURANT SUPPLY.COM 86,126,379	Services including wholesale distributorship and retail store services featuring restaurant supplies and equipment	3/10/16
RX.COM 86,860,959	Retail pharmacy services, and mail order services featuring health products and nutritional supplements	5/16/17

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
SALTWATER FISH.COM 78,658,293	Tropical fish, corals, and invertebrates	7/20/06
SCENTOILS. COM 87,647,410	Online retail and wholesale store services featuring scented oils, room fresheners, housewares, and electric oil warmers	2/14/19
SCHOLAR SHIPS.COM 76,628,798	Providing online scholarship and financial aid information services	5/13/09
SCHOLAR SHIPS.COM 76,628,799	Providing online scholarship and financial aid information services	4/17/09
SELF STORAGE.COM 85,289,761	Services including providing an online searchable business directory in the self storage industry to enable	8/28/12

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
	consumers to find self storage units	
SHOES.COM 85,913,706	Online retail services featuring goods including footwear, namely, shoes, boots, slippers, sandals, and tennis shoes	2/28/14
SOAP EQUIPMENT.COM 85,382,490	Services including online retail store services featuring equipment used in the handcrafted and body care industry, including soap cutters, soap pot tippers, and soap molds	2/4/13
SOCIALMEDIA ONLINE CLASSES.COM 85,302,022	Interactive online training services in the field of social media websites	9/5/12



## 29a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
SPORTSART. COM 87,416,779	Online retail store services for goods including sports-related photographs, art prints, and original artwork of athletes	8/16/18
SPORTSBET. COM 85,081,203	Computer services, namely, providing databases featuring sports news	9/19/13
SPORTS BETTING.COM 76,331,011	Services including providing contests and sweepstakes on and through a global computer network; and providing a website featuring information in the fields of gaming, athletic competition, and entertainment	12/6/05
STUDSAND SPIKES.COM 77,641,632	Studs, spikes, spots, rivets, and decorative nail heads	9/19/09

## 30a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
TEAMSTORE. COM 85,065,054	Online retail store services featuring apparel, sporting goods, and sporting equipment	6/18/13
TEXTBOOKS. COM 85,099,434	Online retail store services in the field of textbooks, electronic textbooks, and digital textbooks	10/26/11
TEXTBOOKS. COM 85,099,442	Online retail store services in the field of textbooks, electronic textbooks, and digital textbooks	10/26/11
THEATRE. COM 86,101,790	Services including computerized online ordering services in the field of live theater ticketing, via an interactive global computer network	10/20/16

## 31a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
TIRECHAIN. COM 85,771,295	Goods including tire chains, anti- skid chains for ve- hicle tires, and tire snow chains	4/2/14
TOILETS.COM 86,570,063	Commodes, port- able toilets, toilet bowls, toilet cis- terns, and toilets	2/14/17
TOILET TRAILERS. COM 85,779,253	Providing an on- line marketplace for the purchase and rental of toi- let trailers	9/16/13
VACATION RENTALS. COM 87,261,543	Services including providing tempo- rary lodging infor- mation via the In- ternet and provid- ing online reserva- tion services for temporary lodging	9/14/18

## 32a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
WATCH DESIGN.COM 88,097,314	Timepieces, and custom design and development of timepieces for oth- ers	12/6/19
WATER.COM 76,329,125	Services including online retail store services featuring water filtration de- vices, water cool- ers, and bottled water	11/17/03
WEBSITE.COM 85,518,601	Services including creating, maintain- ing, designing, and implementing web- sites for others; and hosting web- sites on the Inter- net	1/22/13
WEDDING VEIL.COM 77,122,843	Wedding gown ac- cessories, namely, wedding veils, wed- ding headpieces, shawls, slips, and garter belts	4/20/08

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>.Com</b>		
WWW.LEGAL ETHICS CONSULTING. COM 87,100,573	Legal ethics con- sulting services	10/4/18
YOGA ACCESSORIES. COM 87,941,558	Services includ- ing online whole- sale and retail store services fea- turing yoga and fitness equip- ment, accessories, and yoga studio supplies	3/26/19
<b>Company</b>		
ATHLETIC SHOE COMPANY 85,255,530	Footwear and clothing	1/14/13
BAKED PIE COMPANY 87,455,259	Pies	4/18/18

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
BASIC TEE SHIRT CO. 76,631,100	Tee shirts	2/12/08
BEESWAX CANDLE CO. 86,521,464	Candles	1/20/16
COMPUTER REPAIRCO 78,521,669	Repair or maintenance of computers	9/12/06
DEALERS FLOORPLAN COMPANY 85,744,729	Services including inventory financing services and financing relating to automobiles	8/28/14
DEDUCTIBLE REIMBURSE- MENT COMPANY 88,074,022	Services including financial administration of health reimbursement arrangements	1/9/20

## 35a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
ELECTRIC CANDLE COMPANY 77,067,861	Light bulbs; light- ing accessories, namely, candle sleeves; and light- ing fixtures	5/18/10
ELECTRO SURGICAL INSTRUMENT COMPANY 87,041,947	Surgical apparatus and instruments	10/2/17
HEART STICKER CO. 87,807,685	Decals and stick- ers	12/9/18
INK TATTOO CO. 87,774,233	Custom tattoo ser- vices	2/26/19
ORGANIC GARMENTS CO. 77,440,854	Goods including shirts, socks, pants, dresses, coats, and underwear	1/22/09

## 36a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
POOLS COMPANY 78,628,221	Swimming pools and installation, swimming pool merchandise, and swimming pool books	6/8/06
RESIDENTIAL ELECTRICIAN COMPANY 88,394,678	Electrical contract- ing and electrical contractor services	12/31/19
SAPPHIRE RING CO. 85,970,445	Goods including natural sapphires, and earrings, pen- dants, and rings, all featuring natu- ral sapphires	11/10/14
SCOREBOARD SERVICE COMPANY 77,496,922	Installation, main- tenance, and repair of scoreboards, timers, marquees, digital displays, and electronic mes- sage displays	9/27/09



Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
SHADESCO 85,860,998	Services including retail store services featuring window treatments, including shades, blinds, curtains, and drapes	8/22/14
STAINLESS VALVE CO. 85,051,039	Metal valves not being parts of machines	6/11/11
THE 3D ART COMPANY 87,349,132	Framed art pictures, framed art prints, and lenticular prints	6/7/18
THE ANTIBIOTICS COMPANY 86,083,077	Drug discovery services, and research and development of antibiotics	6/30/15
"THE ANTIOXIDANT COMPANY" 76,599,480	Dietary animal food supplements, namely, vitamins, anti-oxidants, and	10/16/06

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
	mineral supple- ments	
THE AVOCADO TEA COMPANY 87,600,367	Beverages with an avocado leaf tea base	6/13/18
THE BABYSITTING COMPANY 87,345,458	Services including childcare services	11/28/17
THE BANDANNA COMPANY 76,438,708	Manufacture of handkerchiefs and bandannas for sale to distributors and retailers	8/2/05
THE BLACK & WHITE COOKIE COMPANY 85,890,832	Bakery desserts	1/14/14
THE BLOOD MANAGEMENT COMPANY 77,528,722	Computer software for use in the col- lection, control, and usage of blood and blood products	11/17/10

## 39a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
THE BUSINESS INFORMATION COMPANY 86,301,818	Services including business advice and information, and business con- sulting and infor- mation services	11/6/15
THE CAFETERIA PLAN COMPANY 77,661,038	Creation and ad- ministration of pre- tax employee ben- efit plans relating to insurance and health care ser- vices and products	5/14/10
THE CALPROTECTIN COMPANY 85,808,024	Medical diagnostic reagents and as- says for testing of body fluids	12/2/14
THE CARBON ACCOUNTING COMPANY 85,781,420	Technical consult- ing in the field of environmental science	3/13/14
THE CARRIER ETHERNET COMPANY 78,744,385	Goods including computer network- ing hardware, and services including	1/24/11

## 40a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
	providing telecommunication services between computer networks	
THE CASH ADVANCE COMPANY 78,249,983	Financial services, namely, money lending	9/22/05
THE CATALYST COMPANY 85,662,874	Enhancement parts for internal combustion engines, namely, fuel catalysts	5/13/14
THE CBD COMPANY 86,976,767	Goods including gelatin capsules containing CBD-rich hemp oil, hemp oil, and spiced herbal blend	3/30/17
THE CHEESE & WINE CO 87,201,693	Wines, and services including online retail services through direct solicitation featuring	7/27/17

## 41a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
	wine and cheese products	
THE CUSTOM PROCEDURE TRAY COMPANY 77,490,639	Surgical and medical procedure trays, and custom design of surgical and medical procedure trays	5/26/10
THE DOG PARK COMPANY 87,745,827	Recreational dog park services	4/19/19
THE DOLL CASE COMPANY 78,663,177	Doll accessories, carriers, cases, trunks, and hangers	1/26/08
THE FOOD HALL CO 87,114,559	Operating a concessions venue featuring the restaurants and bars of others	11/19/18

## 42a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
THE FRANCHISE CONSULTING COMPANY 86,971,564	Services including providing business advice and infor- mation in the field of franchising	2/2/17
THE GIFT WRAP COMPANY 76,708,999	Goods including wrapping paper, gift bags, and gift boxes	6/28/12
THE GLASS COMPANY 78,698,764	Services including custom manufac- ture of glass prod- ucts	12/16/08
THE GLASS COMPANY 78,698,679	Goods including glass blocks, bul- letproof glass, and glass tiles	11/30/08
THE GUMMIES CO. 87,344,029	Dietary supple- ments	7/12/18

## 43a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
THE GUN SAFE COMPANY 86,133,121	Gun safes	4/3/15
THE GUTTER CLEANING COMPANY 86,905,424	Services including cleaning of build- ing gutters	1/13/17
THE ICE DAM COMPANY 86,555,972	Services including installation of in- sulation, ventila- tion, roofing, and heat cables for homes and build- ings for the pur- poses of prevent- ing snow and ice build-up	8/22/17
THE JACKFRUIT COMPANY 86,928,370	Meat substitutes	8/22/18

## 44a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
THE JACKFRUIT COMPANY 87,531,667	Goods including refrigerated meals consisting primar- ily of fruit, vegeta- bles, or meat sub- stitutes	9/17/19
THE KEY LOCKSMITH COMPANY 86,646,873	Installation, chang- ing, replacement, and repair of locks	5/3/16
THE MAGNOLIA COMPANY 87,296,508	Goods including seeds for planting, live trees, dried flower wreaths, and garlands of natural flowers	1/15/19
THE MEDIA BUYING COMPANY, INC. 86,128,327	Services including advertising ser- vices, and provid- ing information and advice on pur- chasing media time	9/18/14



## 45a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
THE NATURAL SAPPHIRE COMPANY 85,271,056	Jewelry, precious stones, and online retail store ser- vices featuring precious stones and jewelry	12/22/11
THE NO-BAKE COOKIE CO. 86,449,320	Cookies	10/7/15
THE ORGANIC COOKIE COMPANY 86,131,118	Cookies	2/5/15
THE ORGANIC TURF COMPANY 85,790,722	Organic lawn care services and or- ganic tree care services	8/7/15
THE PANT CO 87,442,190	Bottoms	9/6/18
THE PEROXIDE COMPANY 77,307,882	Services for cus- tomers in the field of organic perox- ides	5/26/09

## 46a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
THE PLATE COMPANY 86,802,383	Distributorship services in the field of steel plates	3/17/17
THE REAL ESTATE INSPECTION CO. 85,759,079	Inspections of houses, not during the course of con- struction	1/10/14
THE SHADE COMPANY 85,603,500	Services including consultation ser- vices on the selec- tion and design of window treat- ments, including shades, blinds, cur- tains, and drapes	2/15/13
THE STADIUM CHAIR COMPANY 87,556,066	Stadium chairs, stadium cushions, sideline chairs, and timeout stools	7/2/19
THE SUBPOENA COMPANY 86,810,239	Legal services, namely, process serving	12/12/16

## 47a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Company</b>		
THE SUBPOENA COMPANY  87,139,561	Legal services	5/31/17
THE SUMP PUMP COMPANY  85,923,740	Sump pump sys- tem installation, maintenance, and repair	3/3/14
THE TRAILER COMPANY  86,347,188	Trailers and re- pair of trailers	8/31/16
THE ZA'ATAR COMPANY  87,421,338	Vegetable-based spreads and zaatar spice blend	2/11/19
<b>Corporation</b>		
AUDIO VISUAL SERVICES CORPORATION  76,332,540	Services including rental of audiovis- ual equipment	8/18/04

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Corporation</b>		
AUDIO VISUAL SERVICES CORPORATION 76,332,548	Services including rental of audiovis- ual equipment	6/17/04
AUDIO VISUAL SERVICES CORPORATION 76,333,267	Services including rental of audiovis- ual equipment	5/21/04
AYURVEDA HERBAL CORP 85,176,043	Herbal supple- ments	12/13/12
BRAT CORP. 86,636,591	Meat	7/22/16
BRAT. CORP. 86,636,594	Meat	7/22/16
CABERNET CORPORATION 76,639,784	Services including wine distributor- ship services and online retail store services featuring wine	7/23/07

## 49a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Corporation</b>		
COLLEGE LOAN CORPORATION 77,102,070	Services including debt counseling services and stu- dent loan services	8/2/09
DATA SECURITY CORPORATION 76,444,326	Data services, namely, providing protection of data for others	1/25/05
DEFENSE ELECTRONICS CORPORATION 77,426,049	Services including engineering re- search and devel- opment of mechan- ical, electrical, and electromechanical devices for others	12/23/10
EDUCATION LOAN SERVICING CORPORATION 78,346,067	Providing infor- mation on the sub- ject of education loans via an online electronic database and website over a global computer network	2/28/06

## 50a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Corporation</b>		
ELECTRONIC TRANSACTION SYSTEMS CORPORATION 85,230,597	Services including merchant banking services; and credit and debit card processing or handling, authorization, and clearing	11/1/12
ELECTRONIC TRANSACTION SYSTEMS CORPORATION 86,363,396	Services including merchant banking services; and credit and debit card processing or handling, authorization, and clearing	2/15/17
ENTERPRISE DATABASE CORPORATION 85,045,153	Goods including computer software for creating searchable databases of information and data, and computer software for use in database management	1/4/14

## 51a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Corporation</b>		
ENTERPRISE DATABASE CORPORATION 85,045,149	Services including consultation ser- vices, and compila- tion of data as in- formation stores and provision of in- formation there- from	1/4/14
ENTERPRISE DATABASE CORPORATION 85,045,141	Services includ- ing computer con- sulting services, namely, computer systems analysis and design of com- puter systems and information tech- nology systems for others	1/4/14
FIBER BY- PRODUCTS CORPORATION 78,829,663	Recycling and pro- cessing wood fibers	10/11/07
INVENTION SUBMISSION CORPORATION 76,016,143	Intellectual prop- erty and patent referral services, including assisting	6/25/03

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Corporation</b>		
	inventors in the packaging and submitting of their inventions to industry	
MONK FRUIT CORP. 87,181,178	Goods including fruit extracts and fruit juice	9/11/18
NATURAL DIAMOND CORPORATION 87,438,840	Wholesale and retail store services featuring natural diamonds and jewelry made wholly or substantially in part of natural diamonds	9/6/18
NEWS CORP 78,639,115	Providing multiple-user access to a global computer network for the transfer and dissemination of various things, including entertainment, information, and advertisements	6/30/06



Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Corporation</b>		
NEWS CORPORATION 78,639,117	Providing multiple-user access to a global computer network for the transfer and dissemination of various things, including entertainment, information, and advertisements	6/30/06
OPTICAL CABLE CORPORATION 77,794,004	Goods including cables for electrical or optical transmission	4/16/10
POC PHYSICAL OPTICS CORPORATION 87,959,315	Goods including fiber optic instruments and holographic optical elements	5/28/19
REAL ESTATE RESEARCH CORPORATION 86,552,134	Real estate services, namely, research, valuation, appraisal, and consulting services	6/8/16

## 54a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Corporation</b>		
TECHNOLOGY MANAGEMENT CORPORATION  87,820,818	Planning and de- sign of information technology sys- tems and consult- ing in the field of information tech- nology	6/17/19
THE CLEARING CORPORATION  85,200,429	Services including financial clearing- house services, namely, clearing and settlement of financial transac- tions involving cur- rencies, securities, and other financial instruments	7/13/12
<b>Inc.</b>		
AFRICAN TRAVEL, INC.  85,267,969	Travel services, namely, organiz- ing, arranging, and operating escorted tours and safaris	3/9/12

## 55a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
ASBESTOS ABATEMENT, INC. 86,704,412	Services includ- ing hazardous and toxic material clean-up, removal, and remediation services	12/7/16
BRAKE PARTS INC 87,271,599	Goods including land vehicle brake parts and braking systems for vehi- cles	9/28/18
BRAKE PARTS INC 87,221,571	Land vehicle brake parts, namely, brake pads, brake calipers, and trailer brakes	9/28/18
C CLINICAL RESEARCH ASSOCIATES, INC. 86,789,561	Services including conducting clinical trials for others	2/27/17

## 56a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
CAPSULE ENDOSCOPY SERVICES, INC. 86,121,251	Medical services and telemedicine services	8/8/14
CAR FINANCIAL SERVICES, INC. 85,320,146	Financing relat- ing to automobiles	4/13/12
CAST STONE PRODUCTS INC. 76,045,146	Architectural cast stone for building and construction, and for household and garden orna- ments	7/8/03
COLLECTION- CENTER, INC. 87,520,247	Accounts receive- able management services and debt collection	11/14/18
COUPONS, INC. 76,546,275	Services including promoting the goods and services of others through	2/15/05

## 57a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
	the dissemination of advertisements, discounts, and savings incentives via a secure global computer network	
CRUISES, INC. 85,452,448	Services including travel, excursion, and cruise arrangement	9/10/13
DETAILING, INC. 85,184,280	Vehicle detailing	1/18/12
EMERGING MARKETS GROWTH FUND, INC. 85,240,558	Services including financial analysis, investment management, and advice	8/6/12
FIN-ACCTG INC 87,509,357	Services including financial planning services and accounting services	4/26/18

## 58a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
HOSPITALIST CONSULTANTS, INC. 86,077,569	Services including hospitalist practice management ser- vices	2/17/15
INTERNA- TIONAL BUSINESS COMPANY FORMATION, INC. 87,257,624	Preparing and fil- ing incorporation papers, and public document filing services	11/24/17
JETS, INC. 77,809,023	Safety testing of aircraft and in- spection of aircraft	3/23/11
JETS, INC. 77,812,045	Safety testing of aircraft and in- spection of aircraft	3/23/11
LAWINC 86,016,751	Services including business assis- tance, advisory, and consulting ser- vices in the field of business for- mations and filing	4/24/15

## 59a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
	business forma- tion documents	
LAWINC 86,016,763	Services including legal services, and preparing and fil- ing incorporation papers	4/24/15
LED LIGHTING, INC. 85,724,011	Manufacturing and distribution of LED lighting sys- tems	4/8/14
MANUAL PHYSICAL THERAPY, INC. 86,041,221	Physical rehabili- tation and physi- cal therapy	7/1/14
MOLD DETECTION SERVICES, INC. 76,654,935	Inspection, test- ing, and sampling for environmental issues in residen- tial and commer- cial properties us- ing conventional techniques and dogs trained to dis-	5/2/08

## 60a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
	criminate mold by scent	
MOVIES INC 86,538,845	Motion picture theaters	2/7/17
ONLINE BROKERAGE SERVICES, INC. 78,765,638	Services including online brokerage and trading ser- vices in the field of securities, stocks, and commodities	1/17/08
PLASTIC ENGINEERING & TECHNICAL SERVICES, INC. 76,151,723	Engineering and consulting ser- vices, namely, de- sign and develop- ment of hot mani- fold systems for use in injection molding	4/25/04
PLASTIC INDUSTRIES INC. 86,334,477	Goods including semi-finished injec- tion molded prod- ucts of plastic for use in a variety of industries	12/11/15



## 61a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
RELOCATION MOVERS' SERVICES, INC.  85,010,770	Services includ- ing disassembly/ disconnection of items which re- quire disassembly for the purposes of transport or mov- ing, including ov- ens, furniture, and digital cabling	9/10/13
SHIFT CALENDARS, INC.  77,875,781	Printed calendars	5/6/11
SUBROGATION DIVISION, INC.  86,560,706	Services including insurance subroga- tion services, and insurance claim col- lection and recov- ery services	10/27/16
TATTOO INC.  85,307,660	Temporary tattoos and removable tat- toos	2/2/12

## 62a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
TAX MATERIALS, INC.  77,351,238	Reference manu- als in the field of taxation	3/3/09
TEAMBUILD- ING, INC.  77,851,825	Services including business manage- ment consulting in the field of team development	7/26/10
TEST DEVICES INC.  87,444,659	Mechanical testing equipment for use in testing dynamic spin tolerance pa- rameters of cer- tain equipment in- cluding turbines	11/21/19
TUBULAR STEEL, INC.  86,594,075	Distributorship services in the field of steel pipe, tubing, bar, and plate products	7/23/15

## 63a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Inc.</b>		
VEHICLE INFORMATION SERVICES, INC.  78,205,294	Consultation ser- vices in the field of automobile value information and analysis of automo- bile sales contracts	7/21/06
WELDING SERVICES INC.  78,608,577	Services including maintenance of major mechanical components criti- cal to the produc- tion process in various heavy in- dustries	2/25/08
<b>Limited</b>		
ANIMAL TRAPPING & REMOVAL SERVICE, LTD.  87,511,526	Animal removal services	10/30/18

## 64a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>Limited</b>		
BILLING SERVICES GROUP LIMITED 76,653,388	Services including negotiation and settlement of com- mercial transac- tions for third par- ties	9/18/07
INCORPORAT- ING SERVICES, LTD. 85,505,499	Commercial regis- tered agent ser- vices, public docu- ment retrieval, and public document filing services	5/1/13
UNDERWATER LIGHTS LIMITED 87,067,244	Goods including submersible through-hull ma- rine lights, and dock and marina lights	10/25/17
VINTAGE WINES, LTD. 76,365,414	Distributorships in the field of alchoh- lic beverages	7/17/03

## 65a

Mark (Wording) and Serial No.	Goods/ Services	Abandonment Date
<b>LLC</b>		
FILM INDUSTRY TRAINING SEMINARS LLC  86262733	Film industry training seminars	12/14/16
TRAVEL ASSISTANCE LLC  86262733	Services including travel assistance services, namely, matching air trav- elers with travel companions who fly with the trav- eler and help with travel-related is- sues	10/18/16
LED LIGHTING, LLC  87,939,217	Goods including light emitting di- odes (LEDs), LED lighting fixtures, and LED light bulbs	3/26/19