

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
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dmd/sr

Mailed: June 18, 2015

In re Booking.com B.V.

Serial No. 79114998

Filed: 6/5/2012

Serial No. 79122365

Filed 11/7/2012

Serial No. 79122366

Filed 11/7/2012

Serial No. 85485097

Filed 12/1/2011

**Denise M. DelGizzi,
Chief Clerk of the Board:**

The Trademark Examining Attorney refused registration in all four involved applications under Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), on the grounds that the mark BOOKING.COM is generic for the listed goods in International Classes 39 and 43 and, even if the mark is capable of functioning as a mark, Applicant has failed to support its claim of acquired distinctiveness under Section 2(f) of the Trademark Act, 15 U.S.C. §1052(f).

When the refusal was made final in each involved application, Applicant appealed and requested that the Board consolidate the appeals. The

consolidated appeal is fully briefed, and Applicant has filed a request for an oral hearing.

On May 27, 2015, Applicant filed a “Supplemental Brief to Advise of New Federal Circuit Case” and has submitted argument as to why the decision in *Princeton Vanguard, LLC v. Frito-Lay N. Am., Inc.*, has a direct bearing on this consolidated appeal. The Board accepts and will consider the filing in its review of the appeal.

In view thereof, it is appropriate to allow the Examining Attorney to file a supplemental brief. Accordingly, the application is forwarded to the Examining Attorney for appropriate action consistent with this order. The supplemental brief should be completed within thirty days and should not exceed five pages. The Examining Attorney may not make a requirement or refuse registration on a new ground. Nor may the Examining Attorney submit additional evidence relating to the Section 2(e)(1) refusal.

In view of the above, the appeal is suspended.