

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**IN RE: GJ & AM, LLC,**  
*Appellant*

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2019-1214

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Appeal from the United States Patent and Trademark Office, Trademark Trial and Appeal Board in No. 86858003.

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Before DYK, CLEVINGER, and HUGHES, *Circuit Judges*.

PER CURIAM.

**O R D E R**

On June 30, 2020, the Supreme Court of the United States issued its decision in *United States Patent and Trademark Office v. Booking.com B.V.*, No. 19-46. Upon this court's request, the parties filed supplemental briefs stating their positions relating to the appropriate action to be taken by the court following the Supreme Court's decision.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The case is remanded for further consideration in light of the Supreme Court's decision. Although the government contends in its supplemental brief that the

Trademark Trial and Appeal Board's ("Board") holding on acquired distinctiveness is undisturbed by *Booking.com*, the Board's acquired distinctiveness holding was "[b]ased on the evidence . . . in connection with the genericness refusal." J.A. 39. The impact of the Supreme Court's decision in *Booking.com* is best determined by the Board in the first instance.

(2) No costs.

FOR THE COURT

July 21, 2020

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court