

*In The Supreme Court of the  
United States*

November Term, 2016

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**Pattel, Inc.,**

*Petitioner,*

**v.**

**Cammy Gardashyan,**

*Respondent.*

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**ORDER**

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The petition for writ of certiorari is granted and limited to the following questions:

- 1. Should we adopt a nominative fair use test in a trademark infringement action under § 1114 of the Lanham Act when a defendant used the plaintiff's mark in reference to the plaintiff, and if so, should we adopt it as an affirmative defense that may be asserted by the defendant despite a finding of a likelihood of confusion or does it become a part of the likelihood of confusion analysis?**
- 2. Assuming a nominative fair use test is adopted, how should the test be articulated and applied to the present case?**