

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE SOVEREIGN KINGDOM LLC

Plaintiff,

v.

AIRBNB, INC.

Defendant.

Case No. _____

COMPLAINT

Plaintiff The Sovereign Kingdom LLC (“TSK” or “Plaintiff”), by its undersigned attorneys, as and for its Complaint against defendant Airbnb Inc. (“Airbnb” or “Defendant”) herein, alleges in the following numbered paragraphs as follows:

NATURE OF THE ACTION

1. This is an action for a Declaratory Judgment of trademark non-infringement, non-dilution, valid trademark assignment, and statutory fair use under the Lanham Act (15 U.S.C. §§ 1051 et seq.) and the Declaratory Judgment Act (28 U.S.C. §§ 2201 and 2202), and for trademark registration cancellation or modification pursuant to Section 37 of the Lanham Act (15 U.S.C. § 1119).

2. Plaintiff TSK is an ultra-exclusive luxury estate management enterprise and private property steward catering strictly to Ultra-High-Net-Worth Individuals (“UHNWI”) as well as institutional property owners and family offices.

3. TSK lists rental properties on a closed and gated platform and through private business to business referral channels. TSK requires a screening process (including identity and background verification and financial qualification) before any client or guest is granted access to a property listing.

4. TSK operates through specialized commercial channels with an Average Daily Rate (“ADR”) floor of \$20,000 per night and an Average Order Value (“AOV”) of \$165,000 per booking.

5. TSK’s proprietary trademark LUXBNB has been in continuous use since April 13, 2018, when TSK’s predecessor-in-interest Luxairbnb LLC created the commercial Instagram account @luxbnb.

6. Registration for TSK’s proprietary trademark LUXBNB was filed with the United States Patent and Trademark Office (Application Serial No. 87/899,002) on April 28, 2018, for “Real estate services, namely, rental property management” in International Class 36.

7. TSK was assigned the wordmark from Luxairbnb LLC in or about December 2020.

8. Defendant Airbnb operates an open-enrollment, mass-market public online directory platform and booking marketplace connecting budget-conscious and mid-tier travelers with crowd-sourced short-term lodging hosts.

9. Airbnb has explicitly and publicly disclaimed operating as a property management company, landlord, or real estate firm.

10. Nevertheless, on November 20, 2018, Airbnb initiated Opposition No. 91244866 before the Trademark Trial and Appeal Board (“TTAB”), asserting an improper, anti-competitive monopoly over the descriptive acronym “BNB.” Airbnb did so despite stark business model divergences with TSK: non-overlapping trade channels (mass-market listings vs. \$165,000 AOV estate management), legally distinct service classes (Class 36 property management vs. Class 39/43 booking platforms), contrasting demographics (UHNWI vs. general consumers), specialized purchasing conditions, and a total absence of actual confusion.

11. Over an eight-year campaign, Airbnb has weaponized TTAB procedures, including

by asserting (and misrepresenting) its directory software as Class 36 real estate management, and mounting costly evidentiary demands to exhaust Plaintiff's resources in an attempt to cloud Plaintiff's commercial title to the wordmark.

12. Airbnb's aggressive opposition to TSK's LUXBNB wordmark application represents an unlawful effort to clear the commercial landscape of legitimate luxury real estate enterprises and monopolize descriptive lodging vocabulary.

13. Furthermore, after Plaintiff's adoption of and application for LUXBNB, and after Airbnb's opposition was filed, Airbnb rolled out a distinct luxury tier in its mobile application under the designation "Airbnb Luxe" (confusingly similar to the "LUX" in LUXBNB).

14. Airbnb has demanded that TSK cease all commercial use of the LUXBNB mark nationwide. Plaintiff denies that its use violates Airbnb's rights and seeks a determination of the parties' adverse legal interests concerning that use.

15. Airbnb's opposition before the TTAB, threat of nationwide enforcement, and ongoing commercial clouding create a real, concrete, immediate, and justiciable Article III controversy between the parties.

16. TSK thus seeks a declaration from this Court that its LUXBNB mark does not infringe or dilute any valid trademark rights held by Airbnb, confirming TSK's statutory fair use rights, confirming TSK's valid chain of title under 15 U.S.C. § 1060, directing the USPTO Director to dismiss TTAB Opposition No. 91244866 and register TSK's mark, ordering the cancellation or modification of Airbnb's overbroad trademark registrations under 15 U.S.C. § 1119, and awarding TSK prevailing party attorney's fees under 15 U.S.C. § 1117(a).

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§

1331 and 1338, as well as the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

18. Upon information and belief, the Court has personal jurisdiction over Airbnb \ because Airbnb conducts continuous and systematic business in New York, maintains tens of thousands of commercial host listings within New York and the Southern District of New York, generates substantial revenues within this District, and targets New York consumers. Airbnb has purposefully availed itself of the privilege of doing business in the State of New York and this Judicial District.

19. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in this District, Defendant's commercial activities are purposefully directed at consumers and property hosts within this District, and the economic harm threatened by Defendant directly impacts Plaintiff's commercial partnerships and business expansion within New York.

THE PARTIES

20. TSK is a limited liability company organized and existing under the laws of the State of Wyoming, with its principal place of business located at 140 E Broadway Ave, Jackson, Wyoming 83001.

21. Plaintiff TSK was formed in 2020 and operates an estate management platform and ultra-luxury real estate ecosystem serving UHNWI, institutional property owners, and family offices across over 50 countries.

22. Defendant Airbnb, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 888 Brannan Street, San Francisco, California 94103.

23. Defendant actively conducts continuous, substantial, and systematic commercial

business throughout the State of New York and within the Southern District of New York.

FACTUAL ALLEGATIONS

A. Plaintiff's Adoption, Use, and Assignment of LUXBNB

24. In or about April 2018, Plaintiff's predecessor-in-interest, Luxairbnb LLC created the commercial handle @luxbnb on Instagram to market ultra-luxury real estate and estate management services.

25. On April 28, 2018, Luxairbnb LLC filed for registration of the mark LUXBNB (Application Serial No. 87/899,002) with the USPTO in International Class 36 for "Real estate services, namely, rental property management."

26. Between 2018 and 2020, Luxairbnb LLC engaged in continuous, bona fide commercial real estate operations, executed residential master leases, processed commercial client payments, and conducted targeted digital marketing campaigns, including a #luxbnbglobal promotional campaign on October 1, 2020, which reached over 9,000 targeted high-net-worth prospective clients.

27. In December 2020, Luxairbnb LLC assigned all rights, title, and interest in the U.S. Trademark Application Serial No. 87/899,002, together with the ongoing real estate business, customer goodwill, commercial master leases, digital accounts, and common law rights, to TSK. This assignment was memorialized in the document attached as **Exhibit A** (the "Assignment").

28. On May 5, 2022, a corrective Assignment was signed (the "Corrective Assignment"). The Corrective Assignment was memorialized in the document attached as **Exhibit**

B.

29. Plaintiff continues to use LUXBNB for real estate services and rental property management.

30. TSK's core services are strictly positioned at the highest tier of commercial real

estate stewardship. TSK enforces an ADR floor of \$20,000 per night and achieves an AOV of \$165,000 per booking.

31. TSK uses LUXBNB to identify the source of its own services and does not represent or imply that its business is owned, sponsored, operated, or endorsed by Airbnb.

32. Clients hire TSK to manage, staff, and maintain multi-million-dollar residential estates. TSK's provides a 47-point pre-arrival audits for each property (including verification of mechanical systems, security/privacy infrastructure, and fine art/asset condition), bespoke estate management, private aviation and luxury yacht integration, and end-to-end property maintenance. Additionally, TSK manages dedicated on-site estate managers, private security personnel, private chefs, and housekeeping teams tailored to the estate. Plaintiffs' relationships thus involve individualized negotiations and review of the services to be performed and the terms on which property will be managed.

33. TSK does not operate an open-enrollment public directory or self-service booking portal. Rather, access to TSK's services is strictly restricted to vetted individuals and institutional partners (all of whom receive security screenings) and operates through controlled, highly specialized commercial channels, including private B2B referrals.

34. Plaintiff is not aware of actual consumer confusion between its services and Airbnb's services or between the parties' respective marks.

B. Defendant's Mass-Market Software Platform and Opposition to TSK's Registration

35. In contrast to TSK's selective and bespoke services, Airbnb operates an open-enrollment, mass-market online platform and peer-to-peer software marketplace designed to connect budget-conscious and mid-tier travelers with crowd-sourced property hosts. Airbnb's platform connects hosts and guests and facilitates accommodation transactions.

36. While Plaintiff's and Defendant's respective businesses both concern rental

property and accommodations, the nature of their services and the manner in which they are purchased differ.

37. Airbnb does not step foot on a property, inspect a home, or provide property management services whereas TSK manages every layer of operation. Further, Airbnb property listings are uploaded and maintained independently by hosts.

38. Airbnb does not provide on-site property management, real estate brokerage, or physical property stewardship. Section 16 of Airbnb's official Terms of Service explicitly disclaims any property management role, stating: "As the provider of the Airbnb Platform, Airbnb (or its affiliates) does not own, control, offer or manage any Listings or Host Services. Airbnb is not a party to the contracts entered into directly between Hosts and Guests, nor is Airbnb a real estate broker, travel agency, or insurer.."

39. On November 20, 2018, Airbnb filed an opposition before the TTAB (Opposition No. 91244866) to block registration of TSK's LUXBNB mark.

40. In its Opposition, Airbnb asserted claims of likelihood of confusion under 15 U.S.C. § 1052(d) and dilution under 15 U.S.C. § 1125(c) and subsequently moved to challenge the assignment of the mark to TSK claim under 15 U.S.C. § 1060.

41. Airbnb's Opposition remains pending before the TTAB.

42. Airbnb's opposition to TSK's wordmark is an anti-competitive tactic intended to suppress emerging luxury real estate enterprises and reserve generic lodging terminology for Airbnb's exclusive use.

43. Despite clear public disclaimers establishing that Airbnb does not provide rental property management services, Airbnb improperly opposed TSK's Class 36 application before the TTAB, falsely claiming likelihood of confusion and service overlap.

44. Airbnb’s persistent attempts to monopolize the descriptive acronym “BNB” places TSK under the immediate threat of federal trademark infringement litigation, restricts TSK’s business expansion, and interferes with TSK’s ongoing commercial operations.

45. An actual, definite, and concrete controversy exists between TSK and Airbnb regarding TSK’s right to use and register its commercial LUXBNB mark without interference or liability.

46. Furthermore, in or about June 25, 2019, Airbnb launched a specialized luxury accommodation filter within its directory under the designation “Airbnb Luxe” which is confusingly similar to the “LUX” in LUXBNB).

C. The Generic, Descriptive Nature of "BNB" and Genericide of “Airbnb”

47. The acronym “BNB” or “bnb” is an internationally recognized, generic, and unregistrable descriptive abbreviation for “Bed and Breakfast,” which is defined in standard dictionaries, travel guides, and lexicographical sources as overnight lodging accommodations providing breakfast.

48. Generic terms like “BNB” are incapable of attaining trademark protection or source significance.

49. Airbnb originated as a portmanteau from the generic phrase “Air Bed and Breakfast” before shortening its consumer-facing name to Airbnb.

50. Portmanteau marks constructed from generic components receive protection strictly as a unitary composite mark, not as individual syllables or generic acronyms.

51. Through widespread, ubiquitous public usage, Airbnb’s mark has suffered significant genericide where it is used colloquially by consumers as a common noun and verb (e.g., “let’s airbnb a house”, “we stayed in an airbnb”) rather than a brand-source identifier, further weakening any legal standing to police third-party usage of the underlying descriptive acronym

“BNB”.

52. Internet consumers routinely search the term “BNB” as a general industry category descriptor alongside terms like “rent,” “apartments,” and “hotels,” completely independent of Defendant’s mark.

53. Service marks sharing weak or descriptive terms like “BNB” or “Bed & Breakfast” are not confusingly similar as a matter of law when paired with distinct prefixes (for example “LUX” vs. “AIR”), as relevant consumers rely on the distinctive leading elements to distinguish commercial origin.

54. The dominant leading prefixes “LUX” and “AIR” create completely distinct sight, sound, connotation, and commercial impression. Consumers parse composite marks from left to right, focusing on the leading distinctive prefix. Consumers rely on the non-common, distinctive leading prefixes to distinguish commercial origin.

55. Commercial entities across the lodging and real estate sectors utilize “BNB” or “Bed & Breakfast” in their commercial marks, including BNB TOGO and KOSHER BNB.

56. Moreover, in prior TTAB decisions—including *Airbnb, Inc. v. Tillman*, Cancellation No. 92083886 (TTAB Sept. 30, 2025) (denying Airbnb petition to cancel COMPLETE BNB) and *Airbnb, Inc. v. Soul BNB*, Opposition No. 91288785 (TTAB Feb. 3, 2026) (dismissing Airbnb opposition to SOUL BNB) – the TTAB explicitly rejected Airbnb’s attempts to monopolize “BNB,” ruling that Airbnb holds no monopoly over the descriptive acronym, that “BNB” possesses minimal trademark strength, and that composite marks sharing “BNB” are distinguished by their distinct leading prefixes.

FIRST CLAIM FOR RELIEF
(Declaratory Judgment of Non-Infringement — 15 U.S.C. § 1114)

57. TSK re-alleges and incorporates by reference the allegations contained in

paragraphs 1 through 56 as if fully set forth herein.

58. An actual, immediate, and justiciable controversy exists between TSK and Airbnb concerning whether TSK's LUXBNB mark infringes any valid trademark rights asserted by Airbnb under 15 U.S.C. § 1114 or common law.

59. The controversy is sufficiently immediate to warrant the issuance of a declaratory judgment

60. For the reasons described herein, TSK's use and registration of LUXBNB does not create any likelihood of confusion, mistake, or deception among relevant consumers, for reasons including:

- Airbnb has explicitly and repeatedly admitted that it is *not* a property management company or real estate company, whereas TSK operates strictly in Class 36 rental property management;
- TSK operates a luxury operating property management platform with a \$20,000/night ADR floor and an AOV of \$165,000 and catering exclusively to UHNWI, whereas Airbnb operates an open-enrollment online directory for budget-conscious and mid-tier mass-market travelers;
- The descriptive acronym "BNB" cannot form the dominant basis of confusion. Relevant consumers distinguish the marks based on their distinct leading prefixes ("LUX" vs. "AIR");
- Third-party usage and registration of other "BNB" marks condition consumers to rely on non-common matter;
- TSK provides luxury estate management, proprietary 47-point pre-arrival audits, and private aviation and yacht integration services that Airbnb does not provide;
- There is no record of actual consumer confusion.

61. TSK is entitled to a judicial declaration that TSK's LUXBNB mark does not infringe, directly or indirectly, any trademark rights of Airbnb.

62. TSK has no adequate remedy at law

SECOND CLAIM FOR RELIEF
(Declaratory Judgment of Non-Dilution — 15 U.S.C. § 1125(c))

63. TSK re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 62 as if fully set forth herein.

64. Airbnb has asserted that TSK's mark dilutes Airbnb's alleged famous marks by blurring or tarnishment.

65. TSK's mark does not cause dilution by blurring because TSK's LUXBNB mark is distinct in sight, sound, commercial impression, and market positioning, and Airbnb cannot establish statutory fame across generic "BNB" variations.

66. TSK's mark does not cause dilution by tarnishment because TSK's rental property management services are rendered at the highest commercial standards of ultra-luxury, VIP estate stewardship.

67. TSK is entitled to a judicial declaration that TSK's mark does not dilute Airbnb's marks under federal or state law.

THIRD CLAIM FOR RELIEF
(Declaratory Judgment of Valid Assignment & Chain of Title — 15 U.S.C. § 1060)

68. TSK re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 67 as if fully set forth herein.

69. Airbnb disputes the validity of the assignment of the LUXBNB mark to Plaintiff.

70. Based on the Assignment and Corrective Assignment TSK is entitled to a judicial declaration confirming that TSK holds valid legal title, chain of title, and ownership rights in U.S. Trademark Application Serial No. 87/899,002.

FOURTH CLAIM FOR RELIEF
(Cancellation / Modification of Registrations & USPTO Order — 15 U.S.C. § 1119)

71. TSK re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 70 as if fully set forth herein.

72. Under Section 37 of the Lanham Act (15 U.S.C. § 1119), this Court has broad

statutory authority to order the cancellation of registrations, restore canceled registrations, direct the registration of marks, and otherwise rectify the register.

73. To the extent Airbnb asserts exclusive trademark rights in the generic term “BNB” apart from its stylized corporate logo, such term is generic and descriptive of bed-and-breakfast lodging services.

74. Airbnb’s enforcement of marks incorporating “BNB” without disclaimer constitutes an unlawful attempt to monopolize generic industry nomenclature and restrict fair commercial competition.

75. TSK is entitled to an order pursuant directing the Director of the USPTO to: (i) dismiss TTAB Opposition No. 91244866 with prejudice; (ii) and register the LUXBNB trademark application (Ser. No. 87/899,002) on the Principal Register.

FIFTH CLAIM FOR RELIEF
(Statutory Descriptive Fair Use — 15 U.S.C. § 1115(b)(4))

76. TSK re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 75 as if fully set forth herein.

77. To the extent TSK utilizes the letters “BNB” or variations thereof, such use is made other than as a single source identifier, in good faith, and solely to describe functional, geographic, or luxury bed-and-breakfast nature of lodging and accommodation management services.

78. TSK is entitled to a judicial declaration that its use of descriptive terminology in the LUXBNB mark constitutes protected statutory fair use under 15 U.S.C. § 1115(b)(4).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff TSK respectfully requests that this Court enter judgment in its favor and against Defendant Airbnb as follows:

- A. for a declaration that TSK's use and registration of its LUXBNB mark does not infringe any trademark or common law rights owned or asserted by Airbnb;
- B. for a declaration that TSK's LUXBNB mark does not dilute any marks owned or asserted by Airbnb by blurring or tarnishment;
- C. for a declaration that TSK holds valid and legal chain of title and ownership rights in U.S. Trademark Application Serial No. 87/899,002;
- D. for a declaration that TSK's LUXBNB mark's use of descriptive terminology constitutes statutory fair use;
- E. Directing the Director of the USPTO to dismiss TTAB Opposition No. 91244866 with prejudice, register TSK's trademark application Serial No. 87/899,002 on the Principal Register, and enter genericness disclaimers on Airbnb's registrations regarding "BNB";
- F. Awarding TSK its reasonable attorney's fees, litigation expenses, and costs pursuant to 15 U.S.C. § 1117(a); and
- G. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, TSK hereby demands a trial by jury on all issues so triable.

Dated: October 5, 2026
New York, New York

Respectfully submitted,

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