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# Kluwer Trademark Blog

## Trademark case: Wreal, LLC v. Amazon.Com, Inc., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Wednesday, September 14th, 2022

The district court erred by failing to analyze infringement under reverse confusion theory.

The federal district court in Miami erred by concluding as a matter of law that Amazon.com, Inc.'s Fire TV television set-top box service was unlikely to be confused with Wreal LLC's subscription-based adult content video streaming service called FyreTV. The district court failed to take into account the theory of harm and infringement implicated in a reverse confusion case. When properly analyzed, the likelihood of confusion factors weighed heavily in favor of Wreal—the two marks at issue were nearly identical, the commercial strength of Amazon's mark was consistent with Wreal's theory of recovery, the parties' services were the kind that a reasonable consumer could attribute to a single source, and the record established that Amazon intended to flood the market with its mark. Furthermore, Wreal identified two consumers purportedly confused by Amazon's mark (Wreal, LLC v. Amazon.Com, Inc., June 28, 2022, Brasher, A).

Case date: 28 June 2022

Case number: No. 19-13285

Court: United States Court of Appeals, Eleventh Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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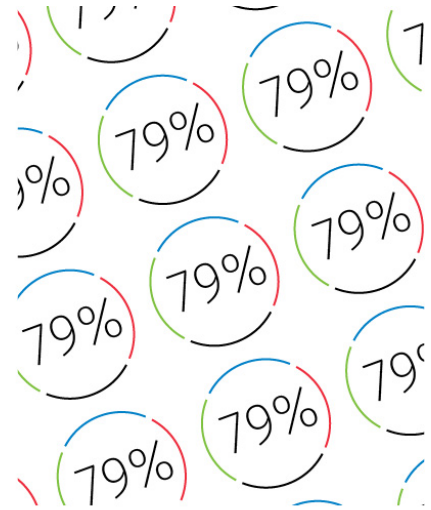
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