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# Kluwer Trademark Blog

## Trademark case: FCOA LLC v. Foremost Title & Escrow Services LLC, USA

Anne H. Gibson (Wolters Kluwer Legal & Regulatory US) · Friday, April 7th, 2023

District court failed to draw inferences in favor of nonmoving party in finding no likelihood of confusion.

The federal district court in Miami erred in awarding summary judgment for a title insurance company regarding its use of the mark 'FOREMOST,' the U.S. Court of Appeals for the Eleventh Circuit has held. The Eleventh Circuit found that the district court did not make all inferences in favor of the non-moving party. The dispute involved the use of the mark FOREMOST by two companies, one a national insurance company in operation since the 1950s, and the other a subsidiary of a law firm, offering title insurance services. In reviewing the case de novo, the court of appeals found that a reasonable factfinder could determine that there was a likelihood of confusion, contrary to the decision of the district court, and reversed and remanded for a bench trial (FCOA LLC v. Foremost Title & Escrow Services LLC, January 12, 2023, Tjofalt, G.).

Case date: 12 January 2023

Case number: No. 19-13390

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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