

Use of Signal/Parentetical to Support Entire Rule Explanation on All Factors

[Note: Required citations, except for citations to the signaled authorities, have been omitted from these sample rule explanations. They should not be omitted from the rule explanations in your graded memo.]

In Pignons, the court did not find a likelihood of confusion and refused to order the district court to grant Pignons's motion for summary judgment. [*←holding on overall specific issue of "likelihood of confusion," taking into account all eight factors*] Pignons manufactured and sold high-end cameras under the "Alpa" mark, while Polaroid produced a new "Alpha" series of instant cameras. [*← background/underlying LSFs*] Regarding the similarity of the marks [*←name of first factor*], the court determined that Polaroid's use of the "Alpha" mark was not sufficiently similar to Pignons's use of the "Alpa" mark, after taking into account issues such as packaging, the context of the marks, and the marks themselves. [*← here, rule applicable to court's holding is incorporated into explanation of reasoning supporting holding*]. [*Further explanation of facts/reasoning on first factor.*]

Regarding the [*name of second factor,*] [*facts/rule/holding/rule/reasoning*].

[*Repeat for remaining six factors.*]

Thus, the facts did not support a likelihood of confusion finding. *Id.*; see also Astra Pharm. Prods. Inc. v. Beckman Instruments, Inc., 718 F.2d 1201, 1207 (1st Cir. 1983) (holding no likelihood of confusion [*←holding on overall specific issue*] where different manufacturers used the "Astra" mark in connection with, respectively, small pharmaceutical products and large blood analyzer machine [*←LSFs*]).

Use of Signal/Parentetical to Support or Contrast Rule Explanation Regarding a Specific Factor

In Pignons, the court did not find a likelihood of confusion and refused to order the district court to grant Pignons's motion for summary judgment. [*←holding on overall specific issue of "likelihood of confusion," taking into account all eight factors*] Pignons manufactured and sold high-end cameras under the "Alpa" mark, while Polaroid produced a new "Alpha" series of instant cameras. [*← background/underlying LSFs*] Regarding the similarity of the marks [*←name of first factor*], [*explanation of facts/rule/holding/reasoning on first factor.*]

[*Repeat for next four factors.*]

As to actual confusion [*←name of sixth factor*], the court concluded that customer correspondence simply expressing concern that prospective purchasers might confuse the products did not constitute actual confusion. *Id.* at 490. But cf. Xerox Brands, Inc. v. Canon Copiers, LLC, 801 F.2d 444, 446-47 (1st Cir. 1990) (holding that twenty-seven customer letters addressed to Xerox in which customers confused Xerox 702 model copier with Canon 720 model copier [*←LSFs*] demonstrated actual confusion [*←holding on sixth factor*]).

[Note: If you want to make an analogous point rather than a contrasting point, this could just as easily be a "see also" signal to an analogous case.]

[*Repeat for next two factors.*]

Thus, the facts did not support a likelihood of confusion.