



---

## 2013 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

1-10-2013

## Kinbook v. Microsoft Corp

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/thirdcircuit\\_2013](https://digitalcommons.law.villanova.edu/thirdcircuit_2013)

---

### Recommended Citation

"Kinbook v. Microsoft Corp" (2013). *2013 Decisions*. 1408.  
[https://digitalcommons.law.villanova.edu/thirdcircuit\\_2013/1408](https://digitalcommons.law.villanova.edu/thirdcircuit_2013/1408)

This decision is brought to you for free and open access by the Opinions of the United States Court of Appeals for the Third Circuit at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in 2013 Decisions by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 12-1488

---

KINBOOK, LLC,  
Appellant

v.

MICROSOFT CORPORATION

---

Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil No. 2-10-cv-04828)  
District Judge: Honorable Gene E. K. Pratter

---

Submitted Under Third Circuit LAR 34.1(a)  
January 7, 2013

Before: RENDELL, FISHER and JORDAN, Circuit Judges

(Opinion Filed: January 10, 2013)

---

OPINION OF THE COURT

---

RENDELL, Circuit Judge.

This is a reverse trademark infringement case in which Kinbook, LLC (“Kinbook”) alleges that Microsoft Corporation’s (“Microsoft”) trademarks “Kinect” (particularly when used in conjunction with its “XBox 360” mark) and “KIN” are confusingly similar to Kinbook’s registered “Kinbox” and “Munchkinbox” trademarks.

After considering the non-exhaustive list of factors enumerated in *Interpace Corp. v. Lapp, Inc.*, 721 F.2d 460 (3d Cir. 1983), as applied in reverse confusion cases, *see Freedom Card, Inc. v. J.P. Morgan Chase & Co.*, 432 F.3d 463, 472 (3d Cir. 2005), the District Court concluded that no reasonable jury could find a likelihood of confusion between the parties' marks exists and therefore granted summary judgment in favor of Microsoft. Kinbook timely appealed. The District Court had jurisdiction pursuant to 28 U.S.C. § 1331 and we have jurisdiction pursuant to 28 U.S.C. § 1291.

We have carefully considered the appellate briefs of the parties and the record, including the detailed thirty-page memorandum of the District Court. We see no need to expand upon the District Court's thorough analysis and surely cannot improve upon its sound reasoning. Accordingly, for substantially the same reasons set forth by the District Court, we will affirm its judgment in favor of Microsoft.