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Attorneys for Defendants

Akanoc Solutions, Inc.,

Managed Solutions Group, Inc.

and Steve Chen

UNITED STATES DISTRICT COURT**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

LOUIS VUITTON MALLETTIER, S.A.,

Plaintiff,

vs.

AKANOC SOLUTIONS, INC., MANAGED
SOLUTIONS GROUP, INC., STEVEN CHEN
AND DOES 1 THROUGH 10, INCLUSIVE,

Defendants.

Case No.: C 07-3952 JW (HRL)

**SUPPLEMENTAL JURY
INSTRUCTION NO. 12**

JURY INSTRUCTION No. ____

**CONTRIBUTORY TRADEMARK INFRINGEMENT –
LIKELIHOOD OF CONFUSION**

A “likelihood” of confusion requires that the confusion be probable, not simply a possibility.
The allegedly infringing conduct must be likely to confound an appreciable number of reasonably
prudent purchasers exercising ordinary care.

1 *Murray v. Cable Nat. Broadcasting Co.*, 86 F.3d 858 (9th Cir.1996) ("A likelihood of confusion
2 exists when a consumer viewing a service mark is likely to purchase the services under a mistaken
3 belief that the services are, or associated with, the services of another provider. [citing *Rodeo
Collection, Ltd. v. West Seventh*, 812 F.2d 1215, 1217 (9th Cir.1987)]. **The confusion must “be
probable, not simply a possibility.”**)

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5 *Entrepreneur Media, Inc. v. Smith*, 279 F.3d 1135, 1151 (9th Cir.2002) ("To constitute trademark
6 infringement, use of a mark must be **likely to confuse an appreciable number of people** as to the
7 source of the product. [citing *Int'l Ass'n. of Machinists and Aerospace Workers v. Winship Green
Nursing Ctr.*, 103 F.3d 196, 201 (1st Cir.1996)] [T]he law has long demanded a showing that the
8 allegedly infringing conduct carries with it a **likelihood of confounding an appreciable number of
reasonably prudent purchasers exercising ordinary care.**" [italics in original])