

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-11798

D.C. Docket No. 1:11-cv-20526-JLK

PHAT FARM HOLDING COMPANY, LLC,

Plaintiff - Appellee,

versus

LISA L. WRIGHT,
PHAG FARM, INC.,

Defendants - Appellants.

Appeal from the United States District Court
for the Southern District of Florida

(May 3, 2013)

Before DUBINA, Chief Judge, BARKETT and KLEINFELD,* Circuit Judges.

* The Honorable Andrew J. Kleinfeld, Senior United States Circuit Judge for the Ninth Circuit, sitting by designation.

PER CURIAM:

This is a trademark infringement suit by Phat Fashions LLC. We have jurisdiction to hear this appeal under 28 U.S.C. § 1292. We vacate the August 14, 2012 order partially dismissing this appeal and exercise jurisdiction over the district court's entire order granting summary judgment. See Cable Holdings of Battlefield, Inc. v. Cooke, 764 F.2d 1466, 1472 (11th Cir. 1985). Considering de novo the seven factors set forth in Lone Star Steakhouse & Saloon, Inc. v. Longhorn Steaks, Inc., 122 F.3d 1379, 1382 (11th Cir. 1997), we conclude that genuine issues of fact exist as to likelihood of confusion. We therefore vacate the district court's order granting summary judgment in favor of Phat Fashions and remand for further proceedings consistent with this disposition. We need not and do not decide any other issues raised by the parties.

VACATED and REMANDED.