

### Landmark Win for Stride, Inc. in Eleventh Circuit Trademark Appeal

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Sheppard Mullin achieved a significant appellate win victory for Stride, Inc. (formerly K12 Inc.) in a long-running trademark infringement and false advertising lawsuit brought by Florida Virtual School before the U.S. Court of Appeals for the Eleventh Circuit.

On January 15, 2026, the Eleventh Circuit issued an opinion affirming the district court's ruling that Stride's "Florida Online School" mark does not infringe on Florida Virtual School's trademarks. The Court found that Florida Virtual's trademark—despite its federal registration—was commercially and conceptually weak and that there was no evidence of actual or likely confusion between the two brands.

The appellate decision reinforces important principles in trademark law, noting that a presumption of mark strength can be rebutted when facts show limited distinctiveness and marketplace impact. The Court also highlighted the absence of any customer confusion and Stride's prompt action to address objections, further supporting the favorable outcome.

Steve Hollman, who acted as lead counsel for Stride, said, "We are gratified that both the trial court and the Eleventh Circuit recognized that Florida Virtual School produced zero evidence of actual damage to support its pie-in-the-sky damage claims against Stride. Stride has stood resolutely against what the trial court aptly referred to as 'trademark bullying.'"

The case is *Florida Virtual School v. K12 Inc.*, 11th Cir., No. 24-10449, opinion filed January 15, 2026

The Sheppard Mullin team also included Abraham Shanedling and Marie-Laura Coltre. Daniel Johnson of Carlton Fields PA served as co-counsel.

#### Attorneys

Abraham J. Shanedling

#### Practice Areas

Litigation

Trademarks and Trade Dress

#### Industries

Education