

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

Date: [Date]

To: [Client Name]

From: [Attorney Name]

Subject: Trademark Availability Opinion - [Proposed Mark]

Dear [Client Name],

As requested, I have conducted a comprehensive trademark clearance search for the proposed mark: "[**Proposed Mark**]" for use in connection with [Description of Goods/Services].

OPINION: HIGH RISK

Based on the results of the search, it is my professional opinion that the adoption and use of this mark carries a **High Risk** of trademark infringement claims and/or refusal of registration by the Trademark Office.

I. PRIMARY CONFLICTS

The search identified the following significant obstacles:

- **Conflicting Mark 1:** "[Name of Conflicting Mark]" (Reg. No. [Number]). This mark is [identical/highly similar] and covers [similar/related] goods.
- **Conflicting Mark 2:** "[Name of Conflicting Mark]" (Serial No. [Number]). This is a pending application that would likely be cited as a prior-filed bar to your registration.

II. RISK ANALYSIS

The high-risk designation is based on the following factors:

- **Likelihood of Confusion:** There is a strong probability that consumers would be confused as to the source of the goods due to the visual and phonetic similarities between the marks.
- **Substantive Refusal:** The mark is likely to be refused under Section 2(d) of the Trademark Act.
- **Enforcement History:** The owners of the conflicting marks listed above are known to be aggressive in enforcing their intellectual property rights.

III. RECOMMENDATIONS

Given the significant legal exposure, I recommend the following:

1. **Abandon Use:** Seek an alternative name that is more distinctive and less likely to conflict with existing registrations.
2. **Substantial Modification:** Modify the mark significantly by adding distinctive terms or design elements, though this may not fully mitigate the risk.
3. **Consent/Coexistence:** Attempt to negotiate a coexistence agreement with the senior user (not recommended unless the brand identity is essential).

CONCLUSION

Proceeding with the mark "[Proposed Mark]" is likely to result in costly litigation or a final refusal from the Trademark Office. Please let me know how you would like to proceed.

Sincerely,

[Attorney Signature]

[Law Firm Name]