

DATE: [Insert Date]

TO: [Client Name]
[Client Address]
[City, State, Zip Code]

RE: Trademark Availability Opinion: "[Insert Proposed Mark]"

Dear [Client Name],

At your request, I have conducted a preliminary trademark search and evaluation regarding the availability of the mark "[Insert Proposed Mark]" for use in connection with **[Insert Goods/Services]**.

1. Scope of Search

The search included the USPTO federal database, state trademark registries, and common law sources. The objective was to identify marks that are identical or "confusingly similar" to your proposed mark.

2. Evaluation of Similarity

Under trademark law, a conflict exists if a mark is likely to cause confusion among consumers. This is determined by the similarity of the marks in appearance, sound, or meaning, and the relatedness of the goods or services.

Our search identified the following potentially conflicting marks:

- **[Existing Mark 1]:** Owned by [Owner Name]. (Reg. No. [Number]). Used for [Goods/Services].
- **[Existing Mark 2]:** Owned by [Owner Name]. (Serial No. [Number]). Used for [Goods/Services].

3. Legal Opinion

Based on the findings, it is my professional opinion that your proposed mark is:

[Select One: LOW RISK / MODERATE RISK / HIGH RISK]

Analysis: [Explain why the marks are or are not confusingly similar. Mention similarities in phonetic sound, visual representation, or commercial impression.]

4. Recommendation

Based on this assessment, I recommend the following:

- [Option A: Proceed with the trademark application.]
- [Option B: Modify the mark to increase distinctiveness.]
- [Option C: Seek a co-existence agreement or choose a different mark.]

Please note that this opinion does not guarantee registration, as the USPTO examining attorney may reach a different conclusion during the application process.

Sincerely,

[Your Name/Signature]

[Firm Name]

[Contact Information]