

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

Date: [Insert Date]

To: [Client Name/Company]
Attn: [Contact Person]
[Client Address]

Re: Freedom to Operate (FTO) Opinion - Design Patent Analysis for [Project Name/Product Description]

Dear [Name],

1. Introduction

This letter provides our legal opinion regarding the freedom to operate (FTO) for the commercialization of your proposed design, identified as [Product Name/Code] (the "Subject Design"). The purpose of this analysis is to identify potential risks of infringing third-party design patents.

2. Scope of Search

We conducted a search of design patents and published applications in the [List Jurisdictions, e.g., United States Patent and Trademark Office (USPTO)] through [Date]. The search focused on the following classifications: [List Classifications].

3. Legal Standard

In [Jurisdiction], design patent infringement is determined using the "Ordinary Observer" test. Infringement occurs if an ordinary observer, giving such attention as a purchaser usually gives, would find the two designs substantially the same, and the resemblance is such as to deceive such an observer, inducing them to purchase one supposing it to be the other.

4. Analysis of Identified Patents

Based on our search, we identified the following patents of interest:

- **Patent No. [Insert Number]:** [Briefly describe the patent].
Analysis: [Compare Subject Design to Patent Figures].
- **Patent No. [Insert Number]:** [Briefly describe the patent].
Analysis: [Compare Subject Design to Patent Figures].

5. Opinion

Based on the results of our search and the analysis provided above, it is our opinion that:

[Select one:]

- There is a low risk that the Subject Design infringes any valid, enforceable design patent identified in our search.

- The Subject Design may present a risk of infringement regarding Patent No. [Number], and we recommend [Modification/Licensing].

6. Limitations

This opinion is based on the Subject Design as provided to us on [Date]. Any changes to the design may alter this analysis. This search does not guarantee that no patents exist that may be asserted against the product, as some applications may remain unpublished or were not captured by search parameters.

Sincerely,

[Attorney Name]

[Law Firm Name]