

THIS OPINION IS NOT A  
PRECEDENT OF THE TTAB

Mailed: March 20, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

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*In re Steed Company LLC*

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Serial No. 98002385  
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Gregory Golla of Merchant & Gould PC,  
for Steed Company LLC.

Henry Urban, Trademark Examining Attorney, Law Office 120,<sup>1</sup>  
David Miller, Managing Attorney.

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Before Pologeorgis, Cohen, and Lavache,  
Administrative Trademark Judges.

Opinion by Lavache, Administrative Trademark Judge:

Steed Company LLC (“Applicant”) seeks registration on the Principal Register of the standard character mark **STEED COMPANY** (COMPANY disclaimed) for “Men’s clothing, namely, t-shirts and sweatshirts, outerwear, namely hats,” in International Class 25.<sup>2</sup>

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<sup>1</sup> The application was reassigned from the original examining attorney to the above-named examining attorney after the filing of Applicant’s appeal brief.

<sup>2</sup> Application Serial No. 98002385, filed May 18, 2023, based on a bona fide intention to use the mark in commerce, under Trademark Act Section 1(b), 15 U.S.C. § 1051(b).

The Trademark Examining Attorney refused registration of Applicant’s mark under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the ground of likelihood of confusion, citing the standard character mark **CORCEL**, which is registered on the Principal Register for, in relevant part, “Bottoms as clothing; Footwear; Headwear; Jackets; Tops as clothing,” in International Class 25.<sup>3</sup> The registration includes the following translation statement: “The English translation of the word ‘Corcel’ in the mark is ‘Steed.’”<sup>4</sup>

After the Examining Attorney issued a final refusal under Trademark Act Section 2(d), Applicant appealed and requested reconsideration, which the Examining Attorney denied. The appeal then resumed and was fully briefed.<sup>5</sup>

We affirm the refusal to register for the reasons explained below.

## **I. Likelihood of Confusion**

Trademark Act Section 2(d), in relevant part, prohibits registration of a mark that “so resembles a mark registered in the Patent and Trademark Office . . . as to be likely, when used on or in connection with the goods of the applicant, to cause confusion.” 15 U.S.C. § 1052(d). To determine whether confusion is likely, we analyze all probative evidence relevant to the factors set out in *In re E. I. du Pont de Nemours*

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<sup>3</sup> Registration No. 6006791 issued on March 10, 2020.

<sup>4</sup> *Id.*

<sup>5</sup> The Examining Attorney’s brief does not fully comply with the Board’s formatting requirements for briefs, as it is not double-spaced. *See* Trademark Rule 2.126(a)(1), 37 C.F.R. § 2.126(a)(1); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1203.01 (2024). Nevertheless, we considered the brief because it otherwise appears to comply with the relevant requirements, including font size and length.

& Co., 476 F.2d 1357, 1361 (CCPA 1973) (“*DuPont*”). See *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003).<sup>6</sup>

In every Section 2(d) case, two key *DuPont* factors are the similarity or dissimilarity of the marks and the relatedness of the respective goods, because the “fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.” *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103 (CCPA 1976). Here, we have considered each *DuPont* factor that is relevant and for which there is evidence and argument of record. See *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379 (Fed. Cir. 2019).

Varying weights may be assigned to each *DuPont* factor depending on the evidence presented. See *Citigroup Inc. v. Cap. City Bank Grp. Inc.*, 637 F.3d 1344, 1356 (Fed. Cir. 2011); *In re Shell Oil Co.*, 992 F.2d 1204, 1205 (Fed. Cir. 1993) (“[T]he various evidentiary factors may play more or less weighty roles in any particular determination.”). Ultimately, however, “each case must be decided on its own facts and the differences are often subtle ones.” *Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 1199 (CCPA 1973).

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<sup>6</sup> As part of an internal Board pilot program to broaden acceptable forms of legal citation in Board cases, case citations in this opinion are in a form recommended in TBMP § 101.03. This opinion cites decisions of the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Customs and Patent Appeals by the pages on which they appear in the Federal Reporter (e.g., F.2d, F.3d, or F.4th). For decisions of the Board and the Director of the USPTO, this opinion cites to the Lexis legal database and, in the initial full citation of a case, also identifies the number of the Board proceeding. Practitioners should also adhere to the practice set forth in TBMP § 101.03.

**A. Relatedness of the Goods**

We begin our analysis with the second *DuPont* factor, which concerns the similarity or dissimilarity and nature of the respective goods. *DuPont*, 476 F.2d at 1361. In determining the relatedness of the goods, we must consider the goods as they are identified in Applicant's application and the cited registration. See *Stone Lion Cap. Partners, LP v. Lion Cap. LLP*, 746 F.3d 1317, 1323 (Fed. Cir. 2014) (quoting *Octocom Sys., Inc. v. Hous. Comput. Servs. Inc.*, 918 F.2d 937, 942 (Fed. Cir. 1990)). Registration of Applicant's mark may be refused if likelihood of confusion with the cited mark is found as to any of Applicant's identified goods in International Class 25. See *SquirtCo v. Tomy Corp.*, 697 F.2d 1038, 1041 (Fed. Cir. 1983) (holding that a single good from among several may sustain a finding of likelihood of confusion); *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp.*, 648 F.2d 1335, 1336 (CCPA 1981) (indicating that likelihood of confusion must be found if there is likely to be confusion with respect to any item that comes within the identification of goods in the application).

Here, Applicant's goods are identified as "Men's clothing, namely, t-shirts and sweatshirts, outerwear, namely hats," in International Class 25, and Registrant's goods are identified, in relevant part, as "Bottoms as clothing; Footwear; Headwear; Jackets; Tops as clothing," in International Class 25.

The wording "headwear" and "tops as clothing" in the registration is broad enough to encompass Applicant's more specifically identified "hats" "t-shirts," and

“sweatshirts.”<sup>7</sup> Thus, Applicant’s and Registrant’s goods are legally identical in part. *In re Solid State Design Inc.*, Ser. No. 87269041, 2018 TTAB LEXIS 1, at \*16 (TTAB 2018) (noting that, where the goods in an application or registration are broadly described, they are deemed to encompass all the goods of the nature and type described therein); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, Proc. No. 94002242, 2015 TTAB LEXIS 176, at \*60-61 (TTAB 2015) (same).

Because the respective goods are legally identical in part, the second *DuPont* factor weighs strongly in favor of finding a likelihood of confusion.

### **B. Similarity of Trade Channels**

Next, we consider established, likely-to-continue channels of trade, the third *DuPont* factor. *DuPont*, 476 F.2d at 1361. Because the goods here are legally identical in part and have no restrictions as to channels of trade or classes of consumers, we must presume that the relevant trade channels and classes of purchasers are the same, at least as to the legally identical goods. *See In re Viterra Inc.*, 671 F.3d 1358, 1362 (Fed. Cir. 2012) (finding Board entitled to presume that trade channels and classes of purchasers were the same where the respective goods were identical); *In re Am. Cruise Lines, Inc.*, Ser. No. 87940022, 2018 TTAB LEXIS

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<sup>7</sup> One of the definitions of “top” is “a garment worn on the upper body.” MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/top> (accessed on March 18, 2025). And the term “headwear” is defined as “apparel for the head.” MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/headwear> (accessed on March 18, 2025). The Board may take judicial notice of dictionary definitions, including online dictionaries that exist in printed form or regular fixed editions. *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, Opp. No. 91061847, 1982 TTAB LEXIS 146, at \*7 (TTAB 1982), *aff’d*, 703 F.2d 1372 (Fed. Cir. 1983); *In re Red Bull GmbH*, Ser. No. 75788830, 2006 TTAB LEXIS 136, at \*7 (TTAB 2006); TBMP § 1208.04.

363, at \*5 (TTAB 2018); *In re Inn at St. John's, LLC*, Ser. No. 87075988, 2018 TTAB LEXIS 170, at \*6 (TTAB 2018), *aff'd*, 777 Fed. Appx. 516 (Fed. Cir. 2019).

Therefore, we find that the third *DuPont* factor also weighs heavily in favor of a finding of likelihood of confusion.

### **C. Strength of the Cited Mark**

Before we compare the marks at issue, we consider Applicant's arguments that the cited mark CORCEL is weak as used in connection with the relevant goods listed in the cited registration. We do so because a determination of the strength or weakness of the mark helps inform us as to its scope of protection. *See Morinaga Nyugyo*, 2016 TTAB LEXIS 448, at \*17-18 (“[T]he strength of the cited mark is—as always—relevant to assessing the likelihood of confusion under the *du Pont* framework.”).

When evaluating the strength or weakness of a mark, we look at the mark's inherent conceptual strength based on the nature of the term itself and its commercial strength in the marketplace. *See Spireon, Inc. v. Flex Ltd.*, 71 F.4th 1355, 1362 (Fed. Cir. 2023) (“There are two prongs of analysis for a mark's strength under the sixth factor: conceptual strength and commercial strength.”); *In re Chippendales USA, Inc.*, 622 F.3d 1346, 1353-54 (Fed. Cir. 2010) (measuring both conceptual and marketplace strength); *Made in Nature, LLC v. Pharmavite LLC*, Opp. No. 91223352, 2022 TTAB LEXIS 228, at \*24 (TTAB 2022).

#### **1. Conceptual Strength of the Cited Mark**

Conceptual strength is a measure of a mark's distinctiveness and may be placed “in categories of generally increasing distinctiveness: . . . (1) generic; (2) descriptive;

(3) suggestive; (4) arbitrary; or (5) fanciful.” *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992). Because the cited mark issued on the Principal Register without a claim of acquired distinctiveness, the mark is presumed to be inherently distinctive as to the goods listed in the cited registration. 15 U.S.C. § 1057(b); *Tea Bd. of India v. Republic of Tea, Inc.*, Opp.No. 9118587, 2006 TTAB LEXIS 330, at \*62 (TTAB 2006) (“A mark that is registered on the Principal Register is entitled to all Section 7(b) presumptions including the presumption that the mark is distinctive and moreover, in the absence of a Section 2(f) claim in the registration, that the mark is inherently distinctive for the goods.”).

However, the Federal Circuit has held that if there is evidence that a mark, or an element of a mark, is commonly adopted by many different registrants, that may indicate that the mark or common element has some conceptual weakness as an indicator of a single source. *See Jack Wolfskin Ausrustung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 1374 (Fed. Cir. 2015) (“[E]vidence of third-party registrations is relevant to ‘show the sense in which a mark is used in ordinary parlance,’ . . . that is, some segment that is common to both parties’ marks may have ‘a normally understood and well-recognized descriptive or suggestive meaning, leading to the conclusion that segment is relatively weak.”) (quoting *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 1339 (Fed. Cir. 2015)).

Here, Applicant argues that the “strength of the cited mark is not significant,”<sup>8</sup> noting that CORCEL is Portuguese for “steed,”<sup>9</sup> which, in turn, “is defined as a horse,”<sup>10</sup> and asserting that “the term ‘STEED’ or ‘HORSE’ is used [by] and registered to a number of unrelated third parties.”<sup>11</sup> In support of this argument, Applicant submitted copies of third-party registrations for the following marks, all for clothing items in International Class 25:<sup>12</sup>

- FIRESTEED (Reg. No. 2019431);
- FOURSTEEDS and design (Reg. No. 5203481);
- YLSTEED (Reg. No. 5529575);
- BLACK STEED and design (Reg. No. 4991846);
- FIRESTEED (Reg. No. 2326993);
- STEEDS (Reg. No. 1869713);
- STEEDS (Reg. No. 2015693); and
- STEEDS (Reg. No. 1908609).

Because the record shows that CORCEL translates to STEED, we acknowledge that evidence of third-party registrations for marks containing the term STEED could be relevant and probative as to the strength of CORCEL as a mark. However, in this

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<sup>8</sup> Applicant’s Appeal Brief, 6 TTABVUE 5.

The TTABVUE and Trademark Status and Document Retrieval (“TSDR”) citations in this opinion refer to the docket and electronic file database for the involved application.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 5.

<sup>12</sup> *See* August 22, 2024 Request for Reconsideration at TSDR 49-55, 57-72.

case, Applicant's evidence falls far short of establishing that either STEED or CORCEL is conceptually weak. Significantly, the latter five registrations listed above are cancelled and thus have no probative value except to show that they once issued. *See Made in Nature*, 2022 TTAB LEXIS 228, at \*31. That leaves the three registered marks FIRESTEED, FOURSTEEDS, and YLSTEED. But, in addition to having distinct commercial impressions due to their additional wording, these three registered marks simply do not establish that the term STEED has a normally understood and well-recognized descriptive or suggestive meaning in connection with clothing, such that the term (or its foreign equivalent) could be considered conceptually weak. *Cf. Jack Wolfskin*, 797 F.3d at 1373-74 (involving "extensive evidence of third-party registrations"); *Juice Generation*, 794 F.3d at 1339 (same).

Applicant attempted to bolster its argument that CORCEL is weak by also submitting dozens of third-party registrations for marks containing the term HORSE, synonyms for "horse," foreign equivalents of "horse," and depictions of horses, all applied to goods in International Class 25.<sup>13</sup> Applicant asserts that these registrations show the "diluted status"<sup>14</sup> of the term HORSE and indicate that "the cited mark is entitled to a relatively narrow scope of protection."<sup>15</sup> At most, these registrations suggest that horses are a common conceptual theme for marks applied to clothing items. Again, however, the cited mark is the foreign equivalent of "steed,"

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<sup>13</sup> *See id.* at 99-685.

<sup>14</sup> Applicant's Appeal Brief, 6 TTABVUE 24-25.

<sup>15</sup> *Id.* at 5.

not “horse.” While a “steed” is “a horse, especially a high-spirited one,”<sup>16</sup> we cannot conclude, based on these third-party registrations for HORSE-formative marks, that STEED or CORCEL has a non-source-identifying significance that undermines its conceptual strength as an indicator of a single source.

## **2. Commercial Strength of the Cited Mark**

To assess commercial strength of the cited mark, we consider the number and nature of similar marks **in use** on similar goods. *DuPont*, 476 F.2d at 1361; *see Primrose Ret. Cmtys., LLC v. Edward Rose Senior Living, LLC*, Opp. No. 91217095, 2016 TTAB LEXIS 604, at \*11 (TTAB 2016). If the evidence establishes that the consuming public is exposed to widespread third-party use of similar marks for similar goods, it “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.” *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1373 (Fed. Cir. 2005).

Here, Applicant has not submitted any evidence of third-party marketplace uses of marks identical or similar to the cited CORCEL mark (or its English equivalent STEED). And the third-party registrations discussed above do not establish that the relevant consuming public has been exposed to widespread use of similar marks in connection with clothing.

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<sup>16</sup> April 26, 2024 Response to Nonfinal Office Action at TSDR 15 (definition of “steed” from Dictionary.com).

### **3. Conclusion as to the Strength of the Cited Mark**

In short, the evidence of record does not establish that the cited mark is either conceptually or commercially weak. Thus, we deem the cited mark to have the normal scope of protection afforded an inherently distinctive mark. *See In re Thomas*, Ser. No. 78334625, 2006 TTAB LEXIS 135, at \*18 (TTAB 2006).

Accordingly, we find that the sixth *DuPont* factor is neutral in our analysis.

#### **D. Comparison of the Marks**

We now turn to the first *DuPont* factor, which focuses on the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression. *See Palm Bay Imps.*, 396 F.3d at 1371 (quoting *DuPont*, 476 F.2d at 1361). Similarity as to any one of these elements may be sufficient to support a finding that the marks are confusingly similar. *Inn at St. John's*, 2018 TTAB LEXIS 170, at \*13. And, where, as here, the goods are identical in part, the degree of similarity necessary to find likelihood of confusion is not as great as where there is a recognizable difference between the goods. *See Coach Servs. v. Triumph Learning LLC*, 668 F.3d 1356, 1368 (Fed. Cir. 2012) (“[I]f the parties’ goods are closely related, a lesser degree of similarity between the marks may be sufficient to give rise to a likelihood of confusion.”).

All elements of the respective marks must be considered. *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985). However, “there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties.” *Id.*

In this case, Applicant’s mark is **STEED COMPANY** in standard characters and the cited mark is **CORCEL**, also in standard characters. Comparing the two marks, there is no question that they are different in appearance and sound, as they are composed of entirely different words. However, when determining whether confusion is likely, “[t]he proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that persons who encounter the marks would be likely to assume a connection between the parties.” *In re i.am.symbolic*, 866 F.3d 1315, 1324 (Fed. Cir. 2017) (quoting *Coach Servs.*, 668 F.3d at 1368 (internal quotation marks omitted)). “The focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks.” *In re Box Sols. Corp.*, Ser. No. 76267086, 2006 TTAB LEXIS 176, at \*14 (TTAB 2006). Thus, a similar connotation or commercial impression may support a finding of likelihood of confusion, even where there are visual or phonetic differences between the marks. *See In re Aquamar, Inc.*, Ser. No. 85861533, 2015 TTAB LEXIS 178, at \*15 (TTAB 2015) (“Even when there are differences in the sound and appearance of two marks, likelihood of confusion can be found when the equivalency in meaning or connotation outweighs the differences in the marks.”).

Here, COMPANY in Applicant’s mark has little impact on its commercial impression as the term is merely a business entity designation.<sup>17</sup> And Applicant has

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<sup>17</sup> The term “company” is defined as “an association of persons for carrying on a commercial or industrial enterprise.” MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/company> (accessed on March 19, 2025).

disclaimed the term, reflecting an apparent concession that it is not inherently distinctive. *See, e.g., In re Six Continents Ltd.*, Ser. No. 88430142, 2022 TTAB LEXIS 35, at \*23 (TTAB 2022) (noting that the disclaimer of SUITES in ATWELL SUITES mark “is a concession that ‘Suites’ is not inherently distinctive”) (citing *In re DNI Holdings Ltd.*, Ser. No. 76331011, 2005 TTAB LEXIS 515, at \*25 (TTAB 2005) (“[I]t has long been held that the disclaimer of a term constitutes an admission of the merely descriptive nature of that term . . . at the time of the disclaimer.”)). Further, there are no arguments or evidence of record suggesting that the combination of STEED and COMPANY somehow changes the overall commercial impression or meaning of the mark as applied to the identified clothing goods. Thus, we are left with STEED as the sole source-indicating, and therefore dominant, element in Applicant’s mark. *See, e.g., In re Infinity Broad. Corp.*, Ser. No. 75689077, 2001 TTAB LEXIS 620, at \*8-9 (TTAB 2001) (finding “TV” and “FM” to be descriptive/generic and thus subordinate to the dominant element “KING” in the marks KING-TV and KING FM).

As to that dominant element, the Examining Attorney has provided evidence that CORCEL is Portuguese for STEED,<sup>18</sup> and argues that, when the doctrine of foreign equivalents is applied, “the overall commercial impression of the applied-for mark created by its dominant feature [STEED] is similar to . . . the registered mark [CORCEL].”<sup>19</sup> Under the doctrine of foreign equivalents, a foreign term and its

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<sup>18</sup> *See* May 24, 2024 Final Office Action at TSDR 9 (excerpt from the online version of the CAMBRIDGE DICTIONARY, indicating that “corcel” is Portuguese for “steed”).

<sup>19</sup> Examining Attorney’s Brief, 8 TTABVUE 4.

English equivalent may be deemed confusingly similar based on their similar connotations. *See Palm Bay Imps.*, 396 F.3d at 1377; *Thomas*, 2006 TTAB LEXIS 135, at \*8. The doctrine may be applied to words or terms from common, modern languages. *Palm Bay Imps.*, 396 F.3d at 1377. Whether the doctrine applies in a given case, however, depends on the significance of the foreign term to the relevant purchasers, which, in turn, is based on an analysis of the evidence of record.

As Applicant correctly points out, while words from modern languages are generally translated into English, the doctrine of foreign equivalents has evolved into a guideline, not an absolute rule, and is applied only when it is likely that ‘the ordinary American purchaser would ‘stop and translate’ [the term] into its English equivalent.’ *Id.* (quoting *In re Pan Tex Hotel Corp.*, 1976 TTAB LEXIS 22, at \*5 (TTAB 1976) (no serial number in original)); *see also In re Spirits Int’l, N.V.*, 563 F.3d 1347, 1352 (Fed. Cir. 2009) (indicating that the “ordinary American purchaser includes “all American purchasers, including those proficient in a non-English language who would ordinarily be expected to translate words into English”). “When it is unlikely that an American buyer will translate the foreign mark and will take it as it is, then the doctrine of foreign equivalents will not be applied.” *Palm Bay Imps.*, 396 F.3d at 1377 (citing *In re Tia Maria*, 1975 TTAB LEXIS 130, at \*4 (TTAB 1975) (no serial number in original) (finding no likelihood of confusion between TIA MARIA for restaurant services and AUNT MARY’S for canned fruits and vegetables)).

Applicant concedes that CORCEL is Portuguese for “steed,”<sup>20</sup> but essentially argues that the doctrine of equivalents should not apply here, without explaining why.<sup>21</sup> If Applicant is impliedly arguing that American purchasers are unlikely to stop and translate CORCEL, we disagree. The Examining Attorney provided evidence from the Cambridge University Press indicating that “Portuguese is the eleventh most commonly spoken non-English language in the USA” as of 2007.<sup>22</sup> Thus, the marks are likely to be encountered by American purchasers who are proficient in Portuguese and would actually translate CORCEL into its English equivalent, STEED.

Importantly, there is no evidence that CORCEL is the type of foreign term that consumers will simply accept on its face without translating it. *Cf. Tia Maria*, 1975 TTAB LEXIS 130, at \*4 (“[T]here are foreign expressions that even those familiar with the language will not translate, accepting the term as it is.”). Nor is there

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<sup>20</sup> Applicant’s Brief, 6 TTABVUE 4.

<sup>21</sup> *Id.*

<sup>22</sup> May 24, 2024 Final Office Action at TSDR 17. Although there is a hearsay element to this evidence, we note that, while the Federal Rules of Evidence apply in inter partes proceedings before the Board, “there is no corresponding evidence rule for ex parte proceedings.” *In re Embiid*, Ser. No. 88202890, 2021 TTAB LEXIS 168, at \*6 n.19 (TTAB 2021) (citing *In re Epstein*, 32 F.2d 1559, 1565 (Fed. Cir. 1994) (hearsay rule inapplicable in ex parte examination)). The Board generally takes a more permissive stance with respect to the admissibility of evidence in an ex parte proceeding because it is difficult for examining attorneys to establish facts without reliance on the type of evidence submitted here. *In re Hudson News Co.*, Ser. No. 74441602, 1996 TTAB LEXIS 16, at \*16 n.10 (TTAB 1996), *aff’d mem.*, 114 F.3d 1207 (Fed. Cir. 1997). Accordingly, in assessing this evidence’s probative value, we note that there is no obvious bias to it, it does not appear to have been altered, and there is otherwise no indication that it is inaccurate or untrustworthy. *See Epstein*, 32 F.2d at 1565-66. Nor does Applicant dispute the truth of the evidence. *See In re Embiid*, 2021 TTAB LEXIS 168, at \*7 n.19.

evidence to suggest that STEED, whether in English or Portuguese, has any demonstrated meaning or significance in the context of clothing. Accordingly, consumers will likely view its use in connection with clothing as arbitrary, and the significance to consumers of the terms STEED and CORCEL thus will likely be the same.

Having considered the respective marks in their entireties, we find that the similarity between the marks, in terms of their equivalence in meaning and connotation, outweighs the differences in sound and appearance. The first *DuPont* factor thus weighs in favor of a finding of likelihood of confusion. *See, e.g., Aquamar*, 2015 TTAB LEXIS 178, at \*15.

## II. Conclusion

Having carefully considered all of the arguments and evidence of record pertaining to the relevant *DuPont* factors, we find the marks are highly similar in view of their equivalence in meaning and connotation; Applicant's goods and Registrant's goods are legally identical in part; and the parties' respective legally identical goods are offered through the same trade channels to the same classes of purchasers. We deem the sixth *DuPont* factor, as to the strength of the cited mark, to be neutral. Therefore, on the whole, the relevant *DuPont* factors weigh in favor of finding that confusion as to source is likely.

**Decision:** The refusal under Trademark Act Section 2(d) to register Applicant's mark **STEED COMPANY** is affirmed.