

<p>This Opinion is Not a Precedent of the TTAB</p>

Mailed: December 10, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

*In re Find Salt Owned By Independent Restaurants Management One Person
Company LLC*

Serial Nos. 98492526 and 98492654

David L. Oppenhuizen of Oppenhuizen Law PLC,
for Find Salt Owned By Independent Restaurants Management One Person
Company LLC.

Alyssa Paladino Steel, Trademark Examining Attorney, Law Office 124,
Lydia Belzer, Managing Attorney.

Before Greenbaum, Casagrande, and Brock,
Administrative Trademark Judges.

Opinion by Brock, Administrative Trademark Judge:

Find Salt Owned By Independent Restaurants Management One Person
Company LLC (“Applicant”) filed two applications to register the composite marks
SALT 2014 (“2014” disclaimed) and SALT shown below on the Principal Register for
“Bar services; Boarding house bookings; Boarding house services; Cafe services;
Cafeteria services; Canteen services; Food and drink catering; Food sculpting; Hotel
accommodation services; Providing campground facilities; Rental of temporary

accommodation; Rental of tents; Rental of transportable buildings for temporary accommodation; Reservation of hotel rooms for travelers; Restaurant services; Self-service restaurant services; Snack-bar services; Temporary accommodation reservations; Tourist home services; Washoku restaurant services” in International Class 43:



The Examining Attorney refused registration of both marks under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), based on a likelihood of confusion with the marks shown below, owned in common and registered on the Principal Register for “Restaurant and café services” in International Class 43:

¹ Application Serial No. 98492526 was filed on April 10, 2024 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant’s allegation of a bona fide intention to use the mark in commerce. The description of the mark is: “[t]he mark consists of the word ‘SALT’ centered on a circular background, and below the word ‘SALT’ is the number ‘2014’, and to the right of the number ‘2014’ is an Arabic word.” Color is not claimed as a feature of the mark. The Application also contains a transliteration statement: “The non-Latin characters in the mark transliterate to ‘MILH’ and this means ‘SALT’ in English.”

² Application Serial No. 98492654 was filed on April 10, 2024 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant’s allegation of a bona fide intention to use the mark in commerce. The description of the mark is: “[t]he mark consists of the word ‘SALT’ positioned above a travel trailer.” Color is not claimed as a feature of the mark.



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When the refusal was made final, Applicant appealed. Both Applicant and the Examining Attorney have filed appeal briefs.⁵

For the reasons discussed below, we affirm the refusals of registration.

I. Preliminary matter

The appeals present similar issues of fact and law and the records are similar; therefore, we have considered the appeals together and issue a single decision

³ Registration No. 6144717 was issued on September 8, 2020. The description of the mark is: “[t]he mark consists of the word ‘SALT’ in cursive lettering.” Color is not claimed as a feature of the mark.

⁴ Registration No. 6005433 was issued on March 10, 2020. The description of the mark is: “[t]he mark consists of two square outlines, one inside the other, in which the word ‘SALT’ is centered. The white in the drawing represents transparent areas and is not claimed as a feature of the mark.” Color is not claimed as a feature of the mark.

⁵ In both appeals, Applicant’s brief is at 4 TTABUE and the Examining Attorney’s brief is at 6 TTABVUE. When citing to the briefs, we note the Application No. (i.e., Appeal No. 98492526, 4 TTABVUE 5), unless the cited language is the same in both appeal records (i.e., 4 TTABVUE 5).

Citations to the briefs refer to TTABVUE, the Board’s online docket system. Specifically, the number preceding TTABVUE corresponds to the docket entry number, and any number(s) following TTABVUE refer to the page number(s) of the docket entry where the cited materials appear.

Page references to the application file refer to the online database of the USPTO’s Trademark Status & Document Retrieval (TSDR) system. All citations to documents contained in the TSDR database are to the downloaded .pdf versions of the documents.

pertaining to both applications. *In re Audemars Piguet Holding SA*, No. 90045780, 2025 TTAB LEXIS 1, at *7-8 (because the briefs and evidentiary records in both ex parte appeals were nearly identical, and although the appeals had not been formally consolidated, the Board addressed both appeals in a single decision). Each appeal will “retain[] its separate character,” however, and we will enter a separate judgment for each appealed application. *In re Consumer Prot. Firm PLLC*, No. 87445801, 2021 TTAB LEXIS 67, at *4. We also will place a copy of this decision in each appeal file. *See id.*; *see also* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1214 (2025).

II. Evidentiary Issue

In her briefs, the Examining Attorney requests that the Board take judicial notice of new dictionary evidence attached to the briefs, namely, a definition of “salt” from THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE.⁶ Because dictionary definitions are subject matter of which the Board may take judicial notice, we grant the Examining Attorney’s request. *In re Omniome, Inc.*, No. 87661190, 2019 TTAB LEXIS 414, at *7 n.17 (granting request to take judicial notice of dictionary definitions attached to the examining attorney’s brief).

III. Likelihood of Confusion

“The Trademark Act prohibits registration of a mark that so resembles a registered mark as to be likely, when used on or in connection with the goods or

⁶ 6 TTABVUE 5.

services of the applicant, to cause confusion [or] mistake, or to deceive.” *In re Charger Ventures LLC*, 64 F.4th 1375, 1379 (Fed. Cir. 2023) (cleaned up). Our determination under Section 2(d) is based on an analysis of all of the probative facts in evidence that are relevant to the factors bearing on likelihood of confusion. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357 (CCPA 1973) (“*DuPont*”); *Charger Ventures*, 64 F.4th at 1379. In considering the evidence of record on these factors, we keep in mind that “[t]he fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.” *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103 (CCPA 1976).

Different *DuPont* factors may play a dominant role and some factors may not be relevant. *Naterra Int’l, Inc. v. Bensalem*, 92 F.4th 1113, 1116 (Fed. Cir. 2024) (citation omitted). Varying weight 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, 1355 (Fed. Cir. 2011); *In re Shell Oil Co.*, 992 F.2d 1204, 1206 (Fed. Cir. 1993) (“[T]he various evidentiary factors may play more or less weighty roles in any particular determination”). Moreover, “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). Two key considerations are the similarities between the marks and the similarities between the services. *See In re i.am.symbolic, llc*, 866 F.3d 1315, 1322 (Fed. Cir. 2017) (quotation omitted). We discuss all relevant factors below.

A. Similarity or Dissimilarity of the Services, Trade Channels, and Classes of Consumers in the Applications and Cited Registrations

We begin with the *DuPont* factors in which we consider “[t]he similarity or dissimilarity and nature of the ... services as described in an application or registration” and “the similarity or dissimilarity of established, likely-to-continue trade channels.” *In re Detroit Athletic Co.*, 903 F.3d 1297, 1307 (Fed. Cir. 2018) (quoting *DuPont*, 476 F.2d at 1361). Our analysis under these factors is based on the identifications of services in the applications and the cited registrations. *Id.* “It is sufficient for finding a likelihood of confusion if relatedness is established for any item encompassed by the identification of goods [or services] within a particular class in the application.” *In re Aquamar, Inc.*, No. 85861533, 2015 TTAB LEXIS 178, at *9 n.5 (citing *Tuxedo Monopoly, Inc. v. General Mills Fun Grp.*, 648 F.2d 1335, 1336 (CCPA 1981)).

The applications identify “Restaurant services” and “Cafe services” among their services and the cited registrations each identify “Restaurant and café services.” The services are in-part identical, and it is sufficient for a finding of likelihood of confusion for a single-class application such as this one if relatedness is established for any item encompassed in the identification in a particular class. *See Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp.*, 648 F.2d 1335, 1336 (CCPA 1981); *Double Coin Holdings Ltd. v. Tru Dev.*, No. 92063808, 2019 TTAB LEXIS 347, at *18; *In re i.am.symbolic, LLC*, No. 85044494, 2015 TTAB LEXIS 369, at *8, *aff’d*, 866 F.3d 1315 (Fed. Cir. 2017).

Where the services are in-part identical, we must presume that these services are offered in the same ordinary trade channels and will be marketed to the same potential consumers. *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1372 (Fed. Cir. 2018) (“With respect to similarity of the established trade channels through which the goods reach customers, the TTAB properly followed our case law and ‘presume[d] that the identical goods move in the same channels of trade and are available to the same classes of customers for such goods...’”); *see Made in Nature, LLC v. Pharmavite LLC*, No. 91223352, 2022 TTAB LEXIS 251, at *61 (citation omitted) (identical goods are presumed to travel in same channels of trade to same class of purchasers).

Applicant concedes that “there is some overlap in services,”⁷ then clarifies that its “actual services are specifically offered in connection with a Burger Joint concept restaurant, which differs from the services offered in the cited registrations.”⁸ As we have explained in innumerable decisions, however, the Board may not consider arguments “about how the parties’ actual goods, services, customers, trade channels, and conditions of sale are narrower or different from the goods and services identified in the applications and registrations.” *In re FCA US LLC*, No. 85650654, 2018 TTAB LEXIS 116, at *12 n.18; *see also, e.g., In re i.am.symbolic*, 866 F.3d 1315, 1327 (Fed. Cir. 2017) (“[T]he Board properly declined to import restrictions into the identification of goods based on alleged real world conditions.”).

⁷ 4 TTABVUE 5.

⁸ *Id.* at 6.

Thus, as to both applications and cited registrations, the partially identity of the services and resultant overlap in both trade channels and classes of customers all weigh in favor of a likelihood of confusion.

B. Similarity or Dissimilarity of the Marks

Under this *DuPont* factor, we consider the “similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *DuPont*, 476 F.2d at 1361; *see also Stone Lion Cap. Partners, L.P. v. Lion Cap. LLP*, 746 F.3d 1317, 1319 (Fed. Cir. 2014). “Similarity is not a binary factor but is a matter of degree.” *Monster Energy Co. v. Lo*, No. 91225050, 2023 TTAB LEXIS 14, at *44 (quoting *In re St. Helena Hosp.*, 774 F.3d 747, 752 (Fed. Cir. 2014) (quotation omitted)).

We consider each of Applicant’s marks in turn.




1. Application No. 98492526

In Applicant’s composite mark, the SALT wording is presented in large, block letters, with the year 2014⁹ and Arabic characters beneath, both in much smaller typefaces, all set against a circle. In terms of the relative size of these components, the circle is the largest element; the SALT wording comprises perhaps the middle third of the circle; and the 2014 and Arabic characters below that are less than a quarter of the size of the SALT wording.

⁹ In its January 24, 2025, Response to Nonfinal Office Action, at 5, Applicant stated that the number 2014 represented the year 2014.

Cited Registration No. 6144717 is a stylized mark, depicting the word SALT in a loose script, akin to handwriting (the “717 Registration”), while cited Registration No. 6005433 is a composite mark with the word SALT appearing within two boxes or frames (the “433 Registration”).

Applicant offers the following visual comparison of the three marks:

Applicant's mark	Registration No. 6144717	Registration No. 6005433
		

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When evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods or services. *See In re Viterro Inc.*, 671 F.3d 1358, 1362 (Fed. Cir. 2012); *CBS Inc. v. Morrow*, 708 F.2d 1579, 1581-82 (Fed. Cir. 1983); *Made in Nature*, 2022 TTAB LEXIS 228, at *49-50; *Sabhnani v. Mirage Brands, LLC*, No. 92068086, 2021 TTAB LEXIS 464, at *39-40. This is often the case when considering the background shapes and borders in composite marks, as these “common basic shapes” do not typically impart trademark meaning on their own, absent a showing of secondary meaning. *See In re B & J Mfg. Co.*, 1977 TTAB LEXIS 111, at *5. “The

¹⁰ Appeal No. 98492526, 4 TTABVUE 4.

rationale ... is that designs of this character have been so commonly employed as background devices for word marks that the origin-indicating feature of the designs, per se, have been diminished to the extent that purchasers would normally look to the mark as a whole or to the word portions within the designs to identify and distinguish the goods sold thereunder.” *Id.* at *6. Thus, although marks must be compared in their entirety, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar. *Viterra*, 671 F.3d at 1366-67, (citing *Giant Food, Inc. v. Nation’s Foodservice, Inc.*, 710 F.2d 1565, 1570-71 (Fed. Cir. 1983)).

Here, we find it is appropriate to give the word portions of the marks greater weight. In Registrant’s marks, SALT is the only wording. The stylization of the ’717 Registration cannot be separated from the SALT term, while the box design elements of the ’433 Registration simply frame the word SALT. Similarly, in Applicant’s mark, the circle frames or serves as a background to the wording within: SALT, and the much smaller 2014 and Arabic script.

And further, we agree with the Examining Attorney that SALT is the dominant element not only in both cited registrations, but also in the mark in Applicant’s ’526 Application.¹¹ As already noted, SALT is the only wording in the cited registrations; in the mark in Applicant’s ’526 Application, the SALT wording is significantly larger than, and appears before and on top of, the 2014 number and the Arabic wording. Consumers are generally more inclined to focus on and remember the first word,

¹¹ Appeal No. 98492526, 6 TTABVue 7.

prefix, or syllable in a mark, *see Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372 (Fed. Cir. 2005).

The emphasis of SALT in Applicant's mark is borne out by Applicant's own treatment of the other elements. First, Applicant entered a disclaimer as to 2014; disclaimed matter is typically less significant or less dominant when comparing marks. *Detroit Athletic Co.*, 903 F.3d at 1305. Second, as to the wording in Arabic script, Applicant itself refers to it only as "an Arabic word."¹² However, given that the word translates to "salt," even if the Arabic script is read and understood by a consumer (instead of viewed only as a visual design), this repetition tends to underscore that the word SALT is dominant.

Despite sharing the dominant term SALT with the cited marks, Applicant argues that "[t]he differences in the marks' visual appearance and resulting commercial impression are so pronounced that they eliminate any reasonable possibility of consumer confusion."¹³ Applicant does not address the sound or connotation of the marks.

Considering the marks' appearance, the Examining Attorney asserts that the marks are visually similar because they have the same dominant literal element, SALT¹⁴ – the only wording in Registrant's marks.¹⁵ We agree. There are some differences in the marks' appearance, but these differences are in the smaller and

¹² Appeal No. 98492526, 4 TTABVUE 4, 5.

¹³ *Id.* at 5.

¹⁴ Appeal No. 98492526, 6 TTABVUE 7.

¹⁵ *Id.*

less distinctive elements that consumers may overlook, such as the basic shapes of the '433 Registration and the stylized typeface of the '717 Registration. *See, e.g., In re Cordua Rests., Inc.*, 823 F.3d 594, 606 (Fed. Cir. 2016) (design features in a mark are “not registrable on the Principal Register unless [they] create an impression on the purchasers separate and apart from the impression made by the words themselves, or if it can be shown by evidence that the particular display which the applicant has adopted has acquired distinctiveness”). We do not think the background circle of Applicant’s ’526 Application, the boxes of the ’433 Registration, or the script of the ’717 Registration create an impression apart from the word SALT in the marks. That is, the dominant, literal SALT element is most apparent in each mark. The marks are visually similar.

Turning to the sound of the marks, the Examining Attorney contends that “the word portions of the marks are nearly identical in sound.”¹⁶ When spoken, Applicant’s mark is SALT 2014, with an Arabic word that may or may not be pronounced depending on whether the consumer can read Arabic. As noted, Applicant characterizes the Arabic script as “an Arabic word,” although it translates to “salt.”¹⁷ In terms of the pronunciation of Applicant’s mark, if a speaker treats the Arabic script as a design element only, Applicant’s mark would be pronounced as SALT 2014. Alternately, if a speaker translates the Arabic in Applicant’s mark, it would be pronounced as SALT 2014 SALT or SALT 2014 “mihl” (as pronounced in Arabic, per

¹⁶ *Id.*

¹⁷ Appeal No. 98492526, 4 TTABVue 4, 5.

the transliteration statement in the application). Because Registrant's marks are *only* SALT when spoken – the graphical elements are not verbalized – Applicant's mark incorporates the entirety of Registrant's marks. "Marks have frequently been found to be similar where one mark incorporates the entirety of another mark, as is the case here." *TiVo Brands LLC v. Tivoli, LLC*, No. 91221632, 2018 TTAB LEXIS 439, at *51-52.

Additionally, consumers may shorten Applicant's mark to SALT alone, given the propensity of consumers to shorten marks when speaking. *See, e.g., Sabhnani*, 2021 TTAB LEXIS 464, at *45 (the "similarity in sound will be greater if consumers engage in 'the penchant of consumers to shorten marks'"); *In re Bay State Brewing Co.*, No. 85826258, 2016 TTAB LEXIS 46, at *9. Or, if consumers recognize the differences in the marks, those consumers familiar with the registered SALT marks may perceive Applicant's SALT 2014 (or SALT 2014 SALT/"mihl") mark as an extension of Registrant's services under an extended version of Registrants' marks. *See, e.g., Schieffelin & Co. v. Molson Cos., Ltd.*, No. 91069312, 1989 TTAB LEXIS 1, at *12 ("Those consumers who do recognize the differences in the marks may believe that applicant's mark is a variation of opposer's mark that opposer has adopted for use on a different product."). The marks are thus, at minimum, similar in sound.

Last, we consider the meaning and commercial impression of the marks. We begin by noting the definition of the word SALT as "a usually whitish crystalline solid, chiefly sodium chloride, used extensively in ground or granulated form as a food

seasoning and preservative.”¹⁸ The Examining Attorney argues that “[s]ince all three marks contain the word ‘Salt’, the marks are highly similar in ... meaning.”¹⁹ We agree in this case where the services are in-part identical. That is, when the identical term is used in connection with in-part identical services, that term imparts the same meaning in both marks. In connection with restaurant and café services, SALT in the marks is readily understood as “a food flavoring and preservative.” The meaning and commercial impression of the marks are thus similar.

This *DuPont* factor weighs in favor of a likelihood of confusion for Application No. 98492526.

2. Application No. 98492654




In Applicant’s other composite mark, the SALT wording is presented in large, block letters, set atop – as Applicant describes it – “a unique line-art depiction of a travel trailer or recreational vehicle (RV).”²⁰ In terms of the relative size of these components, the travel trailer is the largest element; the SALT wording appears almost as signage propped on top of the vehicle.

We previously described the cited registrations and include Applicant’s visual comparison below:

¹⁸ 6 TTABVUE 15, THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, <https://www.ahdictionary.com/word/search.html?q=salt>.

¹⁹ *Id.* at 5.

²⁰ Appeal No. 98492654, 4 TTABVUE 4.

Applicant's Mark	Registration No. 6144717	Registration No. 6005433
		

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First, as SALT is the only word in the marks, they are identical in sound.

Visually, Applicant argues that the image of the travel trailer is dominant in its mark,²² and therefore readily distinguishable from the “highly stylized cursive script”²³ of the '717 Registration and the “concentric rectangular boxes” of the '433 Registration. The Examining Attorney disagrees, asserting that the SALT wording in Applicant's mark is dominant “because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services.”²⁴ *See, e.g., Viterro*, 671 F.3d at 1362; *CBS Inc. v. Morrow*, 708 F.2d at 1581-82. While we agree with the Examining Attorney's points, we find that the marks are somewhat dissimilar in appearance largely due to the travel trailer in Applicant's mark.

²¹ *Id.*

²² Appeal No. 98492526, 4 TTABVUE 4.

²³ *Id.*

²⁴ Appeal No. 98492526, 6 TTABVUE 6.

Turning to the meaning of the marks, Applicant explains that the image of a travel trailer in its mark suggests “an outdoor or travel lifestyle, which contrasts strongly with the cited marks that consist solely of stylized word elements without any such graphical features.”²⁵ While this connotation is not present in the cited marks, because Applicant’s mark uses the identical word as that in Registrant’s, a consumer familiar with Registrant’s marks and services may yet believe that Applicant’s mark is a variation or extension of Registrant’s services. *See, e.g., Schieffelin*, 1989 TTAB LEXIS 1, at *12. Moreover, the design elements that may distinguish Applicant’s mark in a visual comparison also fall away when a consumer seeks out a particular restaurant. For example, if a consumer were to search for Registrant’s SALT restaurant and café services on the Internet, the consumer would type or speak SALT into a web browser; any non-word elements of Applicant’s and Registrant’s are lost in the search itself and in a words-only list of results. Therefore, even though the image of the travel trailer in Applicant’s mark may also add a different connotation than those of Registrant’s marks, this is still a difference in appearance only; in practice, the marks are still largely similar in meaning, and that meaning is the word SALT.

Last, considering the marks as a whole, we find that their overall commercial impression is that of the word SALT: this is how consumers will ask for or locate the services, this is what they will read on signs and menus, and the SALT term itself

²⁵ Appeal No. 98492526, 4 TTABVUE 4

connotes the relevant restaurant services, as we discussed above. Accordingly, the marks create similar commercial impressions.

In sum, the identical sound of the marks, their similar meaning, and similar commercial impressions outweighs the visual differences in the marks.

The first *DuPont* factor weighs in favor of a likelihood of confusion as to Application No. 98492654.

C. Other Factors

The thirteenth *DuPont* factor allows us to consider any other established facts probative of the effect of use. *DuPont*, 476 F.2d at 1361. Applicant argues that its own “numerous foreign registrations demonstrate that the Applicant’s mark and the cited registrations can coexist in these jurisdictions without confusion”²⁶ and that “foreign registrations can be considered ... to the extent they demonstrate actual marketplace coexistence without confusion,” citing *In re Mucky Duck Mustard Co.*, No. 73603019, 1988 TTAB LEXIS 11, at *9 n.6, *aff’d*, 864 F.2d 149 (table), 1988 U.S. App. LEXIS 15679 (Fed. Cir. 1988) (affirming “on the basis of the Board’s opinion”).²⁷ *Mucky Duck* does not support Applicant’s argument. It discounts the probative value of “third-party applications and registrations which ... were filed [in the United States] under the provisions of Section 44 of the Act, that is, they are based on foreign registration rather than on use in commerce.” *Id.* It is use in commerce in the United

²⁶ 4 TTABVUE 6. Although we would not find this evidence probative, as discussed herein, in submitting only its own registrations and not those of Registrant, there is, in fact, no evidence “that the Applicant’s mark and the cited registrations can coexist in these jurisdictions without confusion.” *Id.*

²⁷ *Id.*

States with which we concern ourselves. *See Johnson & Johnson v. Salve S.A.*, 1974 TTAB LEXIS 123, at *4-5 (“likelihood of confusion is determined on the basis of circumstances surrounding use of involved marks in the United States; that is, use in commerce which may lawfully be regulated by Congress”); *see also KME Ger. GmbH v. Zhejiang Hailiang Co.*, No. 91267675, 2023 TTAB LEXIS 379, at *52 (instances of confusion among “consumers ... in Europe ... does not bear on the question of whether there has been any actual confusion by consumers in the United States”), *rev’d on other grounds*, ECF No. 363, No. 1:23-cv-01606-LMB-LRV (E.D. Va. Jan. 10, 2025), *appeal docketed*, No. 25-1129 (4th Cir. Feb. 10, 2025).

The thirteenth *DuPont* factor is neutral.

IV. Conclusion: Balancing of the *DuPont* Factors

For both applications, the services are identical in-part to those of the cited registrations and the trade channels and classes of consumers overlap; these *DuPont* factors weigh towards a likelihood of confusion. We then turn to each of Applicant’s marks, keeping in mind that when, as here, “marks would appear on virtually identical ... services, the degree of similarity necessary to support a conclusion of likely confusion declines.” *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 877 (Fed. Cir. 1992).

As to Application No. 98492526, the marks are similar in sight, sound, meaning, and commercial impression, which also favors a likelihood of confusion.

In Application No. 98492654, which features the design of a travel trailer, the identical sound of the marks coupled with similar meaning and commercial

impression outweighs the marks' somewhat dissimilar appearance. *See In re Inn at St. John's, LLC*, No. 87075988, 2018 TTAB LEXIS 170, at *13 (citing *In re Davia*, No. 85497617, 2014 TTAB LEXIS 214, at *4, *aff'd mem.*, 777 F. App'x 516 (Fed. Cir. 2019) ("Similarity in any one of these elements may be sufficient to find the marks confusingly similar."). This factor also weighs in favor of a likelihood of confusion.

The thirteenth *DuPont* factor is neutral.

Because all of the relevant *DuPont* factors weigh in favor of a likelihood of confusion or were neutral, we conclude that the marks in Application Nos. 98492526 and 98492654 are likely to cause confusion with the marks in the cited registrations.

Decision: The refusals to register Applicant's marks under Section 2(d) of the Trademark Act are affirmed.