

06 CLEARANCE · KNOCKOUT SEARCH

A unique spelling doesn't survive the sound test.

A client wants ZENNITH for smartwatches and fitness trackers and says the spelling is unique. The literal string has never been filed. The real question is what it sounds like.

Run a knockout on ZENNITH for smartwatches and fitness trackers, Classes 9 and 14. The client says the spelling is unique. Include sound-alikes, not just the literal spelling.

Attorney

CRITICAL

GleanMark's conflict engine scores this **critical** for likelihood of confusion — the "unique spelling" argument collapses on sound, not sight. ZENNITH is a phonetic twin of ZENITH, and the register is full of them across both classes and the coordinated classes the engine expanded into.

Engine risk picture: 8 very-high conflicts, 181 high, 21 medium, 91 low — across roughly 1,800 unique candidates scored (search covered Classes 9 and 14 plus coordinated classes including 10, 35, 42, and others).

The driving conflicts:

- **ZENITH** (LVMH Swiss Manufactures SA, Registered...) — **watches** in Class 14. This is the core problem: your client's smartwatches and fitness trackers sit squarely in the watch lane against a long-standing, LVMH-owned ZENITH registration. Near-identical in sound and appearance; goods relatedness band reads high.
- **ZENITHOW** (Shenzhen Xun mi yi ke Trading, Registered) — smartwatch straps and bands in Class 9; goods overlap band high, the top-scored hit.
- **ZENITH** (Team Health LLC, Registered) — mobile app software, Classes 9/42. Matters if the client's product includes a companion app, which smartwatches always do.
- **XENITH, XENITH, XENITH, XENITH** (Riddell, Inc., all Registered) — athletic equipment, apparel, protective gear in coordinated Classes 9/18/25/28. Same sound, fitness/athletic market.

Markus · real session, Sep 27, 2026 · run_knockout_search, phonetic_search · 40 seconds

WHY THIS NEEDS A PHONETIC INDEX

A general model would call ZENNITH available because nobody has filed that spelling. Markus ran the sound-alike search and found LVMH's ZENITH watch registration in the client's exact lane, a registered ZENITHOW for smartwatch bands, and a family of XENITH marks in fitness gear.

Every mark, owner and status re-checked against the USPTO register (LVMH's ZENITH is Reg. 1,478,640 in Class 14; the four XENITH registrations belong to Riddell, Inc.), September 2026. The risk counts are the knockout engine's own output. A passing mention of a mark tied to a public figure, two further sound-alikes, and a remark calling ZENITH famous (which Markus withdrew when asked) are trimmed here. The raw session has a follow-up on fame that also says LVMH has never opposed anyone on ZENITH. That is wrong: on Aug 10, 2026 LVMH filed two oppositions based on this very registration. So the follow-up is left out here. Client and mark invented.