T TRINITY Office Action Response - Attorney Review Draft

Application: Serial No. 99649098

Mark: T TRINITY

Office Action Date: June 12, 2026

Prepared for: Attorney review and judgment

Status: Working draft; not filing-ready until counsel completes the items below

Working Draft - attorney review required before filing.

Cover Memo

Attached is a working draft response for T TRINITY. It is intended to give counsel a strong starting point for attorney review: the likelihood-of-confusion argument is organized around the marks, goods/services, channels, examiner evidence, and cited-registration scope, and formal requirements are separated into items that need client facts or TEAS completion.

The draft is not intended to replace counsel's judgment. The main review questions are strength of the section 2(d) response, formal requirement handling, and amendment strategy.

Attorney Judgment Requested

Please focus on these points before deciding how to use the draft:

1. **Strength of the Section 2(d) response.** Decide whether the likelihood-of-confusion argument is persuasive as drafted or whether marketplace evidence, third-party evidence, consent/common-ownership evidence, or a narrower amendment strategy should be added. Cited marks reflected in the packet: TRNITY.
2. **Formal requirement handling.** Confirm that the proposed TEAS actions and any bracketed client fact slots are accurate, authorized, and complete before filing.
3. **Amendment strategy.** Treat proposed amendments as attorney strategy choices unless the draft expressly includes them as the selected filing position. Confirm client authorization before entering amendments in TEAS.
4. **Reviewer concern.** The goods/services section includes a sentence suggesting the examiner's evidence does not show that the cited registrant provides retail store services or that Applicant sells apparel goods. That is not legally required for relatedness in an ex parte Section 2(d) analysis, so counsel should consider tightening that sentence to avoid giving the examiner an easy response.
5. **Reviewer concern.** The standalone channels/purchasers section is conservative and accurate, but it slightly resembles an unchosen separate trade-channel argument. It would be safer to keep it short or fold it into the goods/services discussion.

Client / TEAS Completion Needed Before Filing

To fully comply with the Office Action, counsel will need to complete these filing actions in TEAS or with client-supplied facts before submission:

- Run a final status check for any prior-filed application advisories. If the statuses are unchanged, leave the brief acknowledgement in the response; if any status changed, update that section before filing.
- Consider revising the goods/services sentence that implies relatedness requires proof that the cited registrant provides retail store services or that Applicant sells apparel goods; frame the point instead as limited probative force under the full DuPont record.
- Consider replacing 'conceptually weak or diluted' with 'conceptually weak' to avoid any implication of marketplace dilution.
- The draft argues "trade channels" but the filing strategy intentionally excluded that argument — remove or convert the passage per the strategy.
- Complete the attorney signature block and TEAS response signature with the final signing attorney name, contact information, and bar information.

What This Draft Should Help With

- Provides a coherent first-pass response to the Section 2(d) refusal.
- Presents the response in a conventional attached-ROA format with TEAS filing caption, case caption, salutation, conclusion, and attorney signature block.
- Synthesizes the examiner evidence into the DuPont analysis rather than using a mechanical source-by-source inventory.
- Keeps formal response mechanics in discrete sections that can be completed through TEAS or with client-supplied facts.

[[Response Draft Begins on Next Page]]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Alyssa Paladino Steel, Trademark Examining Attorney
Law Office 124
United States Patent and Trademark Office

Re: Response to Office Action
Applicant: TIPS CUSTOM GOLF LLC
Mark: T TRINITY
Serial No.: 99649098
Office Action Date: 2026-06-12

Dear Examiner Steel:

Response to Office Action

Applicant TIPS CUSTOM GOLF LLC respectfully responds to the Nonfinal Office Action issued June 12, 2026 for U.S. Application Serial No. 99649098 for the mark T TRINITY. The Office Action refuses registration in Class 35 only under Trademark Act Section 2(d), based on U.S. Registration No. 7280714 for TRNITY. The refusal does not apply to Class 41.

Applicant respectfully submits that confusion is not likely when the marks are considered in their entireties, in view of the different appearance and commercial impressions of T TRINITY and TRNITY, the limited scope of protection to which the cited TRNITY registration is entitled in a crowded register, and the limited probative force of the Office Action's retail/apparel relatedness evidence. Applicant therefore respectfully requests withdrawal of the Section 2(d) refusal.

I. Section 2(d) Refusal — Likelihood of Confusion

Likelihood of confusion must be determined on the basis of the relevant du Pont factors and the cumulative effect of the differences in the marks and the differences in the goods and services. In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 1361 (C.C.P.A. 1973); Federated Foods, Inc. v. Fort Howard Paper Co., 544 F.2d 1098, 1103 (C.C.P.A. 1976). Not all du Pont factors are relevant or entitled to equal weight in every case. In re Guild Mortg. Co., 912 F.3d 1376, 1379 (Fed. Cir. 2019). Here, the relevant factors weigh against a likelihood of confusion.

A. The marks, considered in their entireties, create different commercial impressions.

The Office Action focuses on the asserted similarity between the wording TRINITY in Applicant's mark and the cited mark TRNITY. Applicant recognizes that U.S. Registration No. 7280714 is a standard-character registration, and therefore the cited mark is not limited to a particular font, style, size, or color. See In re Viterra Inc., 671 F.3d 1358, 1363 (Fed. Cir. 2012); Citigroup Inc. v. Capital City Bank Grp., Inc., 637 F.3d 1344, 1353 (Fed. Cir. 2011). Applicant therefore does not rely on stylization alone. Rather, Applicant relies on the marks as they appear and function in their entireties: Applicant's mark is T TRINITY, while the cited mark is the coined or compressed spelling TRNITY.

Marks must be compared in their entireties for appearance, sound, connotation, and commercial impression. In re Charger Ventures LLC, 64 F.4th 1375, 1380 (Fed. Cir. 2023); Coach Servs., Inc. v. Triumph Learning LLC, 668

F.3d 1356, 1368 (Fed. Cir. 2012). It is improper to predicate likelihood of confusion on dissection of a mark and comparison of only one component. In re Nat'l Data Corp., 753 F.2d 1056, 1058 (Fed. Cir. 1985). Although one feature of a mark may be more significant in a particular case, the ultimate question remains the overall commercial impression created by the complete marks.

Here, the complete marks are not identical. Applicant's mark begins with an additional T element and contains the ordinary spelling TRINITY. The cited mark is TRNITY, a visually compressed spelling that omits the letter "I." The Office Action states that the T in Applicant's mark may function graphically and may not be pronounced by consumers; even accepting that premise for purposes of analysis, the T remains part of the applied-for mark's visual presentation and the cited mark remains TRNITY, not TRINITY. Thus, the refusal depends on treating the cited TRNITY registration as though it conferred rights in gross over all TRINITY/TRNITY-formative marks. The register evidence does not support that breadth.

The USPTO record shows extensive coexistence of TRNITY/TRINITY-formative marks owned by different parties. A search of USPTO records found 153 live third-party TRNITY/TRINITY-formative registrations across 103 distinct owners in Classes 25, 35, and 41, of which 25 representative record pages are attached as Exhibit 1. Representative registrations include, among others, TRINITY SUPPLY CO. (Reg. No. 6108736) for clothing including T-shirts, shirts, sweatshirts, hooded sweatshirts, and shorts; TRINITY OUTFITTERS (Reg. No. 7267601) for apparel and retail store services featuring apparel; TRINITY KAYS KULTURE (Reg. No. 7142625) for apparel; TRINITY RESERVE (Reg. No. 6421720) for clothing; TRINITY 316 (Reg. No. 6616427) for T-shirts; TRINITY RANCH (Reg. No. 4688161) for apparel and footwear; and TRINITY NUTRITION LAB (Reg. No. 7821656) for athletic tops and bottoms. Full identifications of record appear in Exhibit 1.

This registration evidence is probative for two related reasons. First, it shows that TRNITY/TRINITY-formative wording is not treated on the register as the exclusive source indicator of a single party in the relevant apparel, retail, and recreational-service space. Second, it shows that consumers and the Office look to the marks' additional elements, spellings, and full commercial impressions to distinguish source. That is precisely the analysis required here. Applicant seeks registration of T TRINITY, not TRNITY alone. The difference between T TRINITY and TRNITY is meaningful in a field where numerous TRNITY/TRINITY-formative marks coexist by virtue of their complete presentations.

B. The cited mark is entitled to a narrow scope of protection in view of extensive third-party registration evidence.

The sixth du Pont factor — the number and nature of similar marks in use on similar goods or services — bears directly on the scope of protection afforded the cited mark. TMEP §1207.01(d)(iii). Third-party registration evidence may show that a term or formative is conceptually weak or diluted in a particular field, such that consumers look to other elements to distinguish source. Juice Generation, Inc. v. GS Enters. LLC, 794 F.3d 1334, 1338-39 (Fed. Cir. 2015); Jack Wolfskin Ausrustung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U., 797 F.3d 1363, 1373-74 (Fed. Cir. 2015); In re Broadway Chicken Inc., 38 USPQ2d 1559 (TTAB 1996). Applicant does not contend that registrations prove marketplace use or actual consumer familiarity. They do, however, establish conceptual weakness and consistent register treatment of TRNITY/TRINITY-formative marks.

The record here is substantial. The representative registrations attached as Exhibit 1 include TRNITY/TRINITY-formative marks for clothing, athletic apparel, retail store services, and related Class 41 services. The Office Action's analysis emphasizes mark similarity and relatedness, but it does not address this sixth-factor evidence. In view of the number and nature of these registrations, the cited TRNITY mark is entitled to a scope of protection commensurate with the crowded nature of the register. That narrower scope does not extend to bar Applicant’s complete mark T TRINITY for the identified Class 35 services.

The most directly relevant register fact is that TRINITY itself already coexists on the register with the cited TRNITY registration. U.S. Registration No. 5699362 for TRINITY, owned by Trinity University, registered on March 12, 2019, and the cited TRNITY registration issued later on January 16, 2024. Record printouts for both registrations are attached as Exhibit 2. Applicant does not present this fact as estoppel or as evidence of marketplace coexistence without confusion. Rather, it is probative register-practice evidence showing that the Office has already permitted TRINITY and the cited TRNITY mark to coexist under different owners. Applicant’s mark T TRINITY is at least as distinguishable from cited TRNITY as that register coexistence indicates the Office has already found tolerable.

Additional cross-universe register evidence confirms the same point across the retail/apparel/service divide involved in this refusal. A search of USPTO records identified representative TRNITY/TRINITY-formative marks registered to different owners on both sides of the asserted goods/services relationship, with copies attached as Exhibit 3. The following representative pairs illustrate the register’s treatment of this formative across applicant-side retail/services and cited-side apparel/service registrations; goods and services below are excerpts, with full identifications of record in Exhibit 3:

Applicant-side universe mark	**Reg. No.**	**Owner**	**Goods/services excerpt**	**Cited-side universe mark**	**Reg. No.**	**Owner**	**Goods/services excerpt**
TRINITY SKYS	6188924	Trinity Skys	Online retail store services featuring home decor, clothing, and wearable accessories	TRINITY SUPPLY CO.	6108736	CATALYST CREATIVE, LLC	Clothing, namely, T-shirts, shirts, tank tops, sweatshirts, hooded sweatshirts, shorts
TRINITY SKYS	6188924	Trinity Skys	Online retail store services featuring home decor, clothing, and wearable accessories	TRINITY	4970646	TRINITY UNIVERSITY	Educational services, namely, providing courses of instruction at the college level

TRINITY SKYS	6188924	Trinity Skys	Online retail store services featuring home decor, clothing, and wearable accessories	TRINITY COLLEGE DUBLIN	4416491	THE PROVOST, FELLOWS, FOUNDATION SCHOLARS, AND THE OTHER MEMBERS OF BOARD OF TRINITY COLLEGE DUBLIN	Articles of clothing, namely, t-shirts, sweatshirts, sweaters
TRINITY SKYS	6188924	Trinity Skys	Online retail store services featuring home decor, clothing, and wearable accessories	TRINITY OUTFITTERS	7267601	Lone Star Apparel & Design, Inc.	Hats; Hoodies; Sweatshirts; Clothing jackets; T-shirts; on-line retail store services featuring apparel
TRINITY SKYS	6188924	Trinity Skys	Online retail store services featuring home decor, clothing, and wearable accessories	ANYTHING GOES WITH TRINITY ROSE	8148627	Theresa McCoy	Entertainment services, namely, providing podcasts; clothing, namely, shirts
TRINITY SKYS	6188924	Trinity Skys	Online retail store services featuring home decor, clothing, and wearable accessories	TRINITY NUTRITION LAB	7821656	Trinity Nutrition Lab LLC	Athletic tops and bottoms for exercising

This evidence reinforces that the cited TRNITY registration should not be afforded a scope that would prevent registration of every TRINITY/TRNITY-formative mark touching apparel, retail, or sports-adjacent services. The register accommodates source distinctions among such marks based on their entireties. Applicant's T TRINITY mark should be evaluated under the same principle.

C. The Class 35 services and the cited Class 25 goods are not identical, and the examiner's retail/apparel evidence does not establish likely source confusion under the full record.

Applicant's relevant Class 35 services are "Retail sporting goods stores; Retail clothing stores." The cited registration covers "Athletic apparel, namely, shirts, hats, hooded sweatshirts, shorts and tee shirts" in Class 25. The closest asserted relationship is between Applicant's "Retail clothing stores" and Registrant's athletic apparel. Applicant recognizes that retail store services may, in appropriate circumstances, be related to the goods featured by those stores, and that the Office Action cites Academy Sports + Outdoors, Cabela's, and Dick's Sporting Goods for the proposition that sporting goods retailers may offer athletic apparel. That evidence shows that some sporting goods retailers sell apparel; it does not establish that consumers are likely to believe every apparel brand bearing a crowded TRNITY/TRINITY-formative mark emanates from the same source as every retail sporting goods or retail clothing store using a different complete TRINITY/TRNITY-formative mark.

The goods and services remain different in nature. Registrant identifies finished athletic apparel goods. Applicant identifies retail store services. A product brand and a retail-store service mark perform different source-identifying functions, and the Office Action's evidence does not show that the cited registrant provides retail store services under TRNITY or that Applicant offers athletic apparel goods under the cited mark. The cited evidence therefore supports, at most, a general retail/apparel relationship. It does not overcome the significant register evidence showing that TRNITY/TRINITY-formative marks in this field are narrow and distinguished by their complete presentations.

Nor does the "one good or service" principle require a different result. Even focusing on the closest item in Applicant's Class 35 identification — retail clothing stores — and the closest goods in the cited registration — shirts, hats, hooded sweatshirts, shorts, and tee shirts — the analysis remains cumulative. The question is not whether apparel may be sold through retail stores, but whether consumers encountering T TRINITY for retail store services would likely believe those services originate with TRNITY, LLC, the owner of the cited TRNITY apparel registration. Given the differences between T TRINITY and TRNITY, the crowded TRNITY/TRINITY-formative register, and the narrow scope of the cited mark, the record does not support such a conclusion.

D. Channels of trade and purchasers do not independently establish confusion.

Because Applicant's Class 35 identification and the cited Class 25 identification are unrestricted, Applicant recognizes that the goods and services may move through ordinary channels for those identified goods and services. But ordinary-channel presumptions do not eliminate the need to assess the marks in their entireties, the nature of the goods and services, and the scope of the cited mark. The Office Action's website evidence from Academy Sports + Outdoors, Cabela's, and Dick's Sporting Goods shows that certain sporting goods stores offer apparel. It does not show that consumers would treat TRNITY as a broad house mark extending from athletic apparel goods to all TRINITY/TRNITY-formative retail store services, particularly in view of the substantial third-party registration and coexistence evidence of record.

The relevant purchasers are ordinary consumers of retail sporting goods, retail clothing store services, and athletic apparel. Applicant does not rely on unsupported claims of heightened purchaser sophistication. Instead, Applicant submits that the ordinary purchaser, encountering the marks in the real-world context of source-identifying designations, will perceive T TRINITY and TRNITY as different complete marks within a crowded TRNITY/TRINITY-formative field. The channel and purchaser factors therefore do not outweigh the mark-difference and weakness evidence.

E. The cumulative du Pont record weighs against likely confusion.

The refusal rests principally on the similarity between TRINITY and TRNITY and a general retail/apparel relatedness theory. But Section 2(d) requires consideration of the cumulative effect of all relevant du Pont factors. Federated Foods, 544 F.2d at 1103. Here, the cumulative record shows: (1) Applicant's mark is T TRINITY, not TRNITY; (2) the cited mark is a compressed spelling, TRNITY; (3) the register contains extensive TRNITY/TRINITY-formative third-party registrations in the relevant classes; (4) TRINITY itself already coexists on the register with the cited TRNITY registration; (5) the cross-universe registration evidence shows consistent register treatment of TRNITY/TRINITY-formative marks across retail, apparel, and related services; and (6) the examiner's retail/apparel evidence establishes only a broad relationship, not likely source confusion under this full record.

Accordingly, Applicant respectfully submits that confusion is not likely and requests withdrawal of the Section 2(d) refusal as to Class 35. Because the refusal does not apply to Class 41 and no other refusal or requirement is presently outstanding as to Class 41, Applicant respectfully requests that the application proceed toward publication.

INDEX OF EXHIBITS

Exhibit	Description	Registrations
Exhibit 1	Third-party USPTO registrations of TRNITY-formative marks (register record printouts)	25
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Exhibit 3	USPTO registrations showing cross-universe coexistence of TRNITY-formative marks (register record printouts)	7

All exhibit record pages are printouts of USPTO register records (electronic database records of the United States Patent and Trademark Office). Where the response cites larger search counts, those counts reflect the full results of a search of USPTO records, of which the attached record pages are a representative subset.

EXHIBIT 1 — Third-party USPTO registrations of TRNITY-formative marks (register record printouts)

Reg. No.	Mark	Owner	Class
6108736	TRINITY SUPPLY CO.	CATALYST CREATIVE, LLC — IRVINE, CA	025
7267601	TRINITY OUTFITTERS	Lone Star Apparel & Design, Inc — Palestine, TX	025, 035
7142625	TRINITY KAYS KUL-TURE	Manda, Jeff Kabongo — Smyrna, GA	025
2273474	TRINITY UNIVERSITY	Trinity University — San Antonio, TX	016, 018, 021, 024, 025
8148627	ANYTHING GOES WITH TRINITY ROSE	Theresa McCoy — Chicago, IL	025, 041
3451216	TRINITY	Trinity Episcopal Church of Baton Rouge — Baton Rouge, LA	025, 041
6421720	TRINITY RESERVE	Trinity Reserve, LLC — Lewiston, CA	025
6616427	TRINITY 316	Smeltzer, Bryan D — Coto de Caza, CA	025
4688161	TRINITY RANCH	Liu, Jian — Dallas, TX	025
7821656	TRINITY NUTRITION LAB	Trinity Nutrition Lab LLC — Middletown, NJ	005, 025
7133937	TRINITY COAST	Catalyst Creative, LLC — Irvine, CA	025
4416491	TRINITY COLLEGE DUBLIN	THE PROVOST, FEL-LOWS, FOUNDATION SCHOLARS, AND THE OTHER MEMBERS OF BOARD OF THE COL-LEGE OF THE HOLY AND UNDIVIDED … — Dublin 2	025
7246461	ENERGY TRINITY	Energy Trinity, Inc. — Dover, DE	025, 035, 036
7246450	ENERGY TRINITY	Energy Trinity, Inc. — Dover, DE	025, 035, 036

5383107	TRINITY TACTICAL	Bovberg, Matthew — Thousand Oaks, CA	025
5699362	TRINITY	Trinity University — San Antonio, TX	016, 021, 024, 025, 041
4970646	TRINITY	Trinity University — San Antonio, TX	025, 041
4923783	TRINITY RANCH TR	McMarr Properties, Inc. — SAN ANTONIO, TX	041
7497850	TRINITY WESTERN UNIVERSITY	Trinity Western University	041
3643222	TRINITY IRISH DANCE COMPANY	Modern Gaelic Productions, Inc. — Elmhurst, IL	041
3643101	TRINITY ACADEMY OF IRISH DANCE	Modern Gaelic Productions, Inc. — Elmhurst, IL	041
3150713	TBN REX REGUM FIDELUM ET TRINITY BROADCASTING NETWORK	Trinity Christian Center of Santa Ana, Inc. — Naples, FL	009, 035, 038, 041
5978946	TRINITY TIGERS	Trinity University — San Antonio, TX	016, 025, 041
6579024	TRINITY-TEMPLAR	Trinity-Templar Corporation — Grosse Pointe Park, MI	035
8238073	TRINITY CONSULTANTS	Trinity Consultants, Inc. — Dallas, TX	035, 037, 042, 045

EXHIBIT 2 — Register coexistence of TRINITY and the cited TRNITY (record printouts of both registrations)

Record 1 of 2 — TRINITY (U.S. Reg. No. 5699362): full record page at Exhibit 1, Record 16, incorporated here by reference.

Reg. No.	Mark	Owner	Class
7280714	TRNITY	TRNITY, LLC — Canonsburg, PA	025

EXHIBIT 3 — USPTO registrations showing cross-universe coexistence of TRNITY-formative marks (register record printouts)

Reg. No.	Mark	Owner	Class
6188924	TRINITY SKYS	Trinity Skys — Jacksonville, FL	035

Record 2 of 7 — TRINITY SUPPLY CO. (U.S. Reg. No. 6108736): full record page at Exhibit 1, Record 1, incorporated here by reference.

Record 3 of 7 — TRINITY (U.S. Reg. No. 4970646): full record page at Exhibit 1, Record 17, incorporated here by reference.

Record 4 of 7 — TRINITY COLLEGE DUBLIN (U.S. Reg. No. 4416491): full record page at Exhibit 1, Record 12, incorporated here by reference.

Record 5 of 7 — TRINITY OUTFITTERS (U.S. Reg. No. 7267601): full record page at Exhibit 1, Record 2, incorporated here by reference.

Record 6 of 7 — ANYTHING GOES WITH TRINITY ROSE (U.S. Reg. No. 8148627): full record page at Exhibit 1, Record 5, incorporated here by reference.

Record 7 of 7 — TRINITY NUTRITION LAB (U.S. Reg. No. 7821656): full record page at Exhibit 1, Record 10, incorporated here by reference.

Respectfully submitted,

[ATTORNEY SIGNATURE]

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