


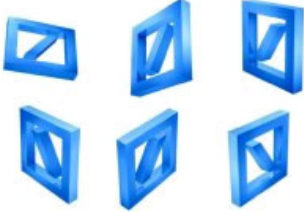



The Examining Attorney has refused registration of applicant's DEUTSCHE & Design mark under Section 2(d) of the Trademark Act, based on U.S. Registrations No. 2443607, 2935613, 2954037, 2982378, 3003026, 3067027, and 3378519. Applicant submits that confusion is not likely to arise, and requests that the citation be withdrawn.

**A. The Marks, When Considered As A Whole, Are Readily Distinguishable.**

Applicant's mark combines DEUTSCHE with a distinctive design that is itself a common component of numerous other registered trademarks owned by the applicant. Indeed, Applicant uses and has registered this mark both in combination with marks that use DEUTSCHE and those that use other terms, as shown in the following table:

Reg. No.	Mark
2608877	
2916056	<p>A Passion to Perform.</p> <p>Deutsche Bank </p>
2947145	<p><i>maxblue</i> Deutsche Bank </p>
3366196	
3055706	<p><b>DB Investments</b> </p>

Excerpts from applicant's U.S. website showing the prominent use of this mark are attached as **Exhibit A**. Applicant is one of the world's largest financial institutions, processing billions of dollars worth of transactions every year, as shown in the excerpts from applicant's annual report

attached as **Exhibit B**. Applicant's distinctive logo is routinely used throughout its business, in advertising, on transaction documents, and in identifying the applicant's charitable sponsorships. (See, e.g., the excerpt from the website of the Berliner Philharmoniker orchestra attached as **Exhibit C**).

The addition of this distinctive logo that is strongly associated with Deutsche Bank distinguishes applicant's DEUTSCHE & Design mark from the various cited marks when the marks are considered as a whole. The cited marks all contain other matter that the Examining Attorney has improperly disregarded, as shown in the following table:

<b>Reg. No.</b>	<b>Mark</b>
2443607	DEUTSCHE TELEKOM
2935613	DEUTSCHE POST WORLD NET
2954037	DEUTSCHE TELEKOM GROUP
2982378	DEUTSCHE POST WORLD NET
3003026	DEUTSCHE POST WORLD NET
3067027	 Deutsche Telekom BusinessPartner
3378519	 Deutsche Telekom

The cited marks all incorporate the names of their registrants, Deutsche Telekom and Deutsche Post, both of which are well-known companies with well-known names. Two of the registrations (3067027 and 3378519) also incorporate a distinctive stylized T design that is strongly associated with Deutsche Telekom and its U.S. operating unit, T-Mobile. Consumers viewing these marks would associate the Deutsche Post marks with Deutsche Post, the Deutsche Telekom marks with Deutsche Telekom, and applicant's mark, which combines "Deutsche" and a logo strongly associated with Deutsche Bank, with Deutsche Bank, and are unlikely to perceive these marks as identifying a common source or origin of goods or services.

**B. Applicant Has Coexisted For Many Years With The Owners of the Cited Marks In The United States And Abroad**

A search of the TESS database reveals 61 active registrations for marks including DEUTSCHE, the vast majority of which are owned by either the applicant (Deutsche Bank) or the owners of the cited marks (Deutsche Telekom AG and Deutsche Post AG). This coexistence is consistent with the fact that all three companies are of German origin and have coexisted in Germany for many years. Indeed, Deutsche Telekom and Deutsche Post were, until relatively recently, parts of the Deutsche Bundespost, an agency of the German federal government that was established in 1947. (See articles attached as **Exhibits D-1** and **D-2**). Deutsche Bank has been doing business since 1870, and has therefore coexisted with the Deutsche Bundespost, and all of its spinoffs, for over sixty years. Indeed, Deutsche Bank was the lead bank advising on the privatization and initial public offering for Deutsche Telekom (See article attached as **Exhibit E**). Given this history of coexistence, as reflected in both the history and the records of the U.S. Patent and Trademark Office, it is apparent that consumers have learned to distinguish between Deutsche Bank, Deutsche Post, and Deutsche Telekom, and are therefore unlikely to be confused.