

Netopsystems AG, Novalisstrasse 12, 10115 Berlin, Germany



Commissioners for Trademarks
Attn: TTAB / Torri Rodgers
P.O. Box 1451
Alexandria, VA 22313-1451

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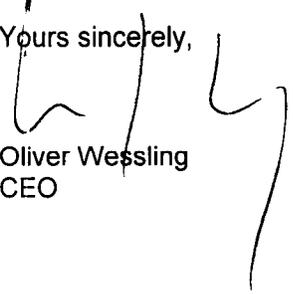
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|---------------------|---------------------|------------------------------------|-----------------------|
| Your message --- | Proposal No. --- | Tel. / Ext. +49 30 726 198- 510 | Date 29 April 2005 |
|---------------------|---------------------|------------------------------------|-----------------------|

Answer of Applicant to Notice of Opposition (No.: 91163127)

Dear Sir and Madam,

Enclosed please find the Answer of Netopsystems AG to the Notice of Opposition by DANWARE DATA A/S dated February 11th 2005, March 11th 2005 and April 13th 2005.

Yours sincerely,



Oliver Wessling
CEO

Companies' Register no. /
Handelsregister-Nr.:
HRB 82429
VAT no. / Umsatzsteuer-ID:
DE217892727

Executives / Vorstand:

Chairman of the Board /
Aufsichtsratsvorsitzender:

Oliver H. Wessling
Patrick A. Uhlmann
Christian Elsner

Dr. Heiko Scheffczyk

Deutsche Bank PKG AG, Berlin, Germany
Bankleitzahl 100 700 24
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IBAN: DE 90100700240119810000
BIC / SWIFT: DEUTDEDBBER

05-10-2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application
Serial No. 78/246517
78/246539

| | | |
|------------------|---|--------------------------|
| _____ |) | |
| DANWARE DATA A/S |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No.: 91163127 |
| |) | |
| NETOPSYSTEMS AG |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

IN ADDITION TO TAKING EVIDENCE

To: Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Netopsystems AG hereby objects to the letters received by DANWARE DATA A/S on February 11th 2005, March 11th, 2005 and April 13th 2005.

Applicant denies that Opposer will be damaged. The reasons why we strongly believe that no threat to Opposer exists are as follows:

The Opposer's goods are not similar to the service offered by the Applicant. NETOPSYSTEMS is operating in a different field of business and aims at a different group of customers.

NETOPSYSTEMS is specialized in electronic software distribution. Our services include the analysis of software applications, data volume reduction achieved with NETOPSYSTEMS technologies, the calculation of cost savings by using

NETÓPSYSTEMS technologies, the service of implementing and maintaining NETOPSYSTEMS technology, and additional consulting services in the field of size-optimized, accelerated, demand-oriented, fully automated, secure, and efficient electronic software delivery. The field of service is software or hardware technology that optimizes data volumes of software which is later in use on computers or networks.

Opposer's Data field of business is software for use in personal computers (Main product: remote control software). Their main customers are end users (B2C sector), whereas NETOPSYSTEMS is designed for software vendors in the software, telecommunication, game, and music industry (B2B sector). Therefore the Applicant's service will not cause any confusion as to the source, sponsorship or affiliation of the parties' respective goods and services.

NETOPSYSTEMS is a well known and established trademark. In comparison to Danware's NETOP, our name includes the additional word SYSTEMS.

The term "NET" refers to NETWORK. The term "OP" refers to OPERATING. The term "SYSTEM" stands for SYSTEM. And the term "S" at the end of NETOPSYSTEMS refers to SERVICE and SPEED. The trademark NETOPSYSTEMS conveys the message that the goods and services are intended for use in relation to Network (distribution of optimized/compressed software via internet or network) Operating System (download manager) and Services (development and consulting).

The main differences between NETOPSYSTEMS and DANWARE are the business field and the target group. Opposer and Applicant don't compete in the same market. NETOP is operating in the field of end customers (B2C sector). NETOPSYSTEMS is designed for software producers (B2B sector), to facilitate and optimize the distribution of digital goods in a size-optimized, fully automated, efficient, and secure way via Internet, mobile net, and computer networks. NETOPSYSTEMS is not explicitly designed for end user. NETOPSYSTEMS is only visible to end users, after software is distributed by software vendors in the software, telecommunication, game, and music industry among other things via Internet. The software functionality also differs. NETOP deals with end user

software, whereas NETOPSYSTEMS is designed for software technology and services which deal for example with the compression of software applications. There is no reason to believe that the Applicant's Mark will cause confusion or mistakes in any way or anyhow.

For many years the trademark NETOPSYSTEMS is well known by Applicant's customers and business contacts, like Adobe Systems Inc., America Online Inc., Apple Computer Inc., Hewlett-Packard Company, Intel Corp., Intuit Inc., McAfee Inc., Microsoft Corp., Network Associates Inc., Nokia Corp., Oracle Corp., SAP America Inc., Sun Microsystems Inc., Symantec Corp., Verizon Communications Inc. and Xerox Corp. All these customers relate the proposed Mark NETOPSYSTEMS to significant size reduction of the original data volume and the facilitation of distributing, downloading and installing digital goods.

Opposer and Applicant operate in different markets and with different target groups. Opposer's Design-Mark NETOP is designed for end users and not for software vendors. Its main target groups are customers around the world which are using "NetOp remote control software" for remote administration of servers, laptops and desktop machines. Another big target group are schools. "NetOp School" is a highly acclaimed teaching software solution designed to make computerized classroom teaching more effective.

NETOPSYSTEMS is designed for software vendors in a high price segment, to facilitate and optimize the distribution of digital goods.

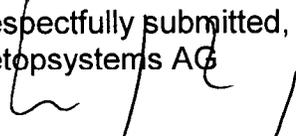
At Netopsystems, name and logo are inseparable. Both elements create an image that is strongly rooted in our history and our customers and business contacts alike relate both our logo and our name with the field we operate in and the technologies we stand for. In reference to the logo and the word NETOPSYSTEMS, there are strong distinctions to Danware's NETOP in font and color. The NETOPSYSTEMS logo is a white triangle in a red square, whereas Danware's logo looks like a flying dragon:



Please take all the above mentioned arguments into consideration.

Dated: April 22, 2005

Respectfully submitted,
Netopsystems AG



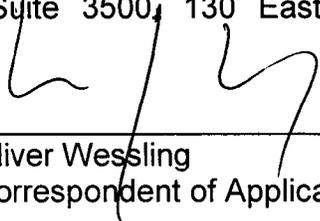
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Certificate of Service:

The undersigned hereby certify that the above ANSWER was served on the 29th of April to the Opposer by International Certified Mail, addressed to Baker & McKenzie LLP, John C. Filosa, Jeffrey O. Davidson, Attorneys for DANWARE DATA A/S, One Prudential Plaza, Suite 3500, 130 East Randolph Drive, Chicago, Illinois 60601.

Dated: 29th of April

By: 

Oliver Wessling
Correspondent of Applicant