

TTAB

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

In the matter of trademark Registration No.: 2,169,977  
For the mark: PRIME ACCESS  
Date Registered: June 30, 1998

U.S. Patent & TMO/TMMA Post. Dt. #57  
[REDACTED]  
09-09-2002

ABN AMRO Securities Incorporated (f.k.a. ABN )  
AMRO, f.k.a. ING Barings LLC), )  
 )  
Petitioner, )  
v. )  
PNC BANK CORP, )  
Registrant. )

Cancellation No. 92040101

02 OCT -3 AM 12:32

TRADEMARK TRIAL AND  
APPEAL BOARD

WITHDRAWAL OF CANCELLATION PROCEEDING

Box TTAB FEE  
Assistant Commissioner for  
Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

CERTIFICATE OF MAILING 37 CFR 1.8  
I hereby certify that this document and any documents indicated as being enclosed  
therein are being deposited with the United States Postal Service as first class mail  
postage paid in an envelope addressed to Box TTAB NO FEE, Assistant Commissioner  
for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.  
on: September 6, 2002 By: *Dianne Wood-Nicoletti*  
Name: Dianne Wood-Nicoletti

Pursuant to an agreement between the parties, which is intended to allow for the  
registration of Petitioner's trademark application serial no. 76/146,245 for the mark  
PRIMEACCESS, Petitioner hereby withdraws the captioned cancellation proceeding.

Dated: September 6, 2002

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

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Attorneys for Petitioner

Encl.

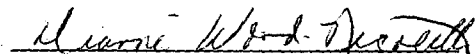
Postcard Receipt

Attorney Docket: 30547-00007

**Cancellation No. 92040101**

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing **WITHDRAWAL OF CANCELLATION PROCEEDING** is being mailed to Respondent's attorney, Montia Givens Pressey, Finnegan Henderson Farabow Garrett & Dunner, 1300 I Street, NW, Washington, DC 20005-3315 via first class mail postage prepaid on the date written below.



Dianne Wood-Nicoletti

Date: September 6, 2002

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**CONSENT AGREEMENT**

This Consent Agreement ("Agreement") is made this 27<sup>th</sup> day of August, 2002 between ABN AMRO INCORPORATED f/k/a ABN AMRO Securities LLC ("ABN"), a New York corporation, and THE PNC FINANCIAL SERVICES GROUP, INC. f/k/a PNC Bank Corp ("PNC"), a Pennsylvania corporation.


WHEREAS, the USPTO has refused registration of ABN's PRIMEACCESS mark, the subject of Serial No. 76/146245 based upon the mark of Registration No. 2169977, owned by PNC, and WHEREAS, the parties believe that there is no likelihood of confusion caused by the use of both marks.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

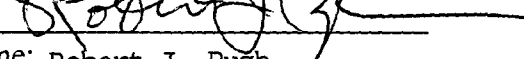
1. PNC hereby consents to the registration and use of the mark of Serial No. 76/146245.
2. It is believed that confusion is unlikely given that the services are very different for each parties' mark, do not overlap, and are not related in so as to suggest any connection between the marks. ABN's services are marketed toward highly sophisticated consumers, who would carefully evaluate the services before making any purchasing decisions. Further, these services are not, will not, and would not be expected to be used in connection with credit card services. PNC's services are not directed toward the same type of consumer who would purchase ABN's services; the only reason the respective services would be directed to the same individual would be by complete coincidence. Further, both parties' marks are generally used in connection with the respective company name, so customers would know the identity of the company with which they are dealing. Still further, the parties are not aware of any instances of actual confusion.
3. In the unlikely event that the parties become aware of any actual confusion, they will consult with each other to discuss reasonable steps that can be taken to avoid any future confusion.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands as of the day and year first above written.

ABN AMRO INCORPORATED

By:   
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

The PNC Financial Services Group, Inc.

By:   
Name: Robert J. Pugh  
Title: Chief Counsel,  
Intellectual Property