

**92049973**

**12/26/2009**

**PL'S EXHIBITS AND NOTICE OF  
RELIANCE PT. 2**

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WRITER'S EMAIL:  
RCHING@MLGPC.COM

December 26, 2009

Via Fedex  
Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
Madison East, Concourse Level Room C 55  
600 Dulany Street  
Alexandria VA 22314

**RE: ABBYY SOFTWARE LTD. vs. ECTACO Inc.**  
Proceeding # 92049973

To TTAB filing:

Please find enclosed for filing the Petitioner's Exhibits and Notice of Reliance and Petitioner's Confidential Exhibits.

We were uncertain whether the documents had been properly uploaded because we could not view it on the TTAB filing system. Although we have confirmation e-mails (also enclosed), and were told that having confirmation, that nothing further had to be done, out of an overabundance of caution, we wanted to also provide a hardcopy of the documents that we had already filed online.

Please do not hesitate to call me at the number above.

Sincerely,

Roy Ching, Esq.

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

**ABBYY SOFTWARE LTD.**

Petitioner,

v.

**ECTACO INC.**

Registrant.

Cancellation No. 92049973

**PETITIONER'S EXHIBITS AND  
NOTICE OF RELIANCE**

Mark: LINGVOSOFT

Reg. No. 3,015,325

Reg. Date: November 15, 2005

Petitioner hereby gives notice that it intends to rely upon the below described Exhibits in support of its Petition, and moves for such Exhibits to be admitted as evidence. The Affidavits filed with these Exhibits authenticate and provide additional information concerning them.

Exhibits that have been designated "Confidential" by either party will be submitted separately through the ESTTA's confidential document filing system. Counsel for the parties have stipulated to this manner of submission of confidential documents.

|   |  |   |
|---|--|---|
| 1 | Wikipedia print out  | P00184-P00185   |
| 2 | Print out from ABBYY website relating to Lingvo                            | P00071 – P00072,<br>P00112 – P00114                           |
| 2 | Screenshots and boxshots   | P00001,P00002,<br>P00028,P00044,<br>P00461, P00014-<br>P00015 |
| 3 | Article by Moscow Times on November 21, 1996 regarding BIT Software        | P00111  |
| 4 | Award for Lingvo 10  | P00061  |
| 4 | Translation for Award for Lingvo 10  | P00436  |
| 4 | Award for Lingvo X3 PC Magazine 2008, Award Lingvo X3 Mobile SoftTool 2008 | P00062  |

|   |  |   |
|---|--|---|
| 4 | Translation for Lingvo X3 PC Magazine  | P00437                                    |
| 4 | Translation for Lingvo X3 Mobile SoftTool  | P00438                                    |
| 4 | Award for Lingvo PC World 2000, Award Lingvo v. 7 PC World 2001  | P00063                                    |
| 4 | Translation Lingvo PC World 200  | P00439                                    |
| 4 | Translation for Lingvo v. 7 PC World 2001  | P00440                                    |
| 4 | Award for Lingvo 7 from PC World / Open Systems 2002   | P00064                                    |
| 4 | Translation for Award Lingvo 7 PC World / Open Systems 2002  | P00441                                    |
| 4 | Award from PC World / Open Systems for Lingvo v.8 2003, Award from PC World / Open Systems for Lingvo 2004, Award from PC World / Open Systems for Lingvo 2005 | P00065                                    |
| 4 | Translation for award from PC World / Open Systems for Lingvo v.8 2003   | P00442                                    |
| 4 | Translation for award from PC World / Open Systems for Lingvo 2004   | P00443                                    |
| 4 | Translation for award from PC World / Open Systems for Lingvo 2005   | P00444                                    |
| 4 | Award from PC World / Open Systems for Lingvo 2007, award from PC World / Open Systems for Lingvo 2006   | P00066                                    |
| 4 | Award from PC World / Open Systems for Lingvo 2007   | P00445                                    |
| 4 | Award from PC World / Open Systems for Lingvo 2006   | P00446                                    |
| 4 | Website – about Multilingual   | P00098, P00447 – P00450                   |
| 4 | Website – about PCMag and Ziff Davis   | P00451 – P00454                           |
| 4 | Website – about PC World   | P00455 – P00456                           |
| 4 | Website – about Open Systems Media   | P00457 – P00459                           |
| 4 | Google search “ Open systems publishers”   | P00460                                    |
| 5 | Report from Moscow State University  | P00250 – P00278                           |
| 5 | Translation for report from Moscow State University  | P00374 – P00402                           |
| 6 | Print-out from ABBYY’s website relating to the company   | P00350 – P00351                           |
| 6 | <i>Confidential</i>  | Confidential P00193                       |
| 6 | <i>Confidential</i>  | Confidential P00352                       |
| 6 | <i>Confidential</i>  | Confidential P00197 - Confidential P00198 |
| 6 | <i>Confidential</i>  | Confidential-P00462 – Confidential-P00463 |
| 7 | <i>Confidential</i>  | Confidential P00207 - Confidential P00217 |




|    |   |  |
|----|---|--|
| 7  | <i>Confidential</i>   | Confidential P00218<br>- Confidential<br>P00225  |
| 7  | <i>Confidential</i>   | Confidential P00235<br>- Confidential<br>P00241  |
| 8  | <i>Confidential</i>   | Confidential P00331<br>- Confidential<br>P00349  |
| 9  | Invoice from U.S. law firm  | P00143   |
| 10 | <i>Confidential</i>   | Confidential-00226 –<br>P00234   |
| 11 | California Secretary of State print-out for Micro 3                   | P00353   |
| 11 | <i>Confidential</i>   | Confidential-<br>P00313 –<br>Confidential-P00330   |
| 12 | California Secretary of State print-out for ABBYY USA                 | P00249   |
| 12 | <i>Confidential</i>   | Confidential-P00464  |
| 12 | <i>Confidential</i>   | Confidential-P00304<br>– P00306,<br>Confidential-P00310<br>– P00312,<br>Confidential-P00354<br>- Confidential-<br>P00370,<br>Confidential-P00374<br>– P00376 |
| 13 | <i>Confidential</i>   | Confidential-P00199<br>- Confidential-<br>P00206   |
| 14 | Copyright application   | P00189 – P00192  |
| 15 | Print out from Network Solutions website for Lingvo.com               | P00141 – P00142  |
| 15 | Print out from Lingvo.com website                                     | P00371 - P00372  |
| 16 | Search results for “lingvo” from Bing                                 | P00181   |
| 16 | Search results for “lingvo” from Google                               | P00182 – P00183  |
| 16 | Search results for “lingvo” from Yahoo                                | P00186 – P00187  |
| 17 | Documents produced by Ectaco, use of internet to advertise Lingvosoft | LS000175   |
| 18 | Registrants’s USPTO application for Lingvosoft                        | P00403 – P00408  |
| 19 | Russian court ruling  | P00115 – P00118  |
| 20 | Wikipedia print out for Ectaco  | P00409 – P00411  |
| 21 | USPTO Office Action for Lingvo  | LS000078 –<br>LS000108   |

|    |  |  |
|----|--|--|
| 22 | Discovery responses from Registrant                                      | P00412 – P00435  |
| 23 | Coversheet for Lingvosoft expenditures and sales                         | LS000193   |
| 23 | <i>Confidential</i>  | Confidential-<br>LS000194 –<br>Confidential-<br>LS000233                     |
| 24 | Documents produced by Registrant relating to its first use of Lingvosoft | LS000112 –<br>LS000113,<br>LS000114 –<br>LS000125,<br>LS000126 –<br>LS000192 |

**Date:** December 23, 2009

Merit Law Group PC

  
 Roy Ching, Esq.  
 Attorney for Petitioner ABBYY Software Ltd.

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing **PETITIONER'S**  
**EXHIBITS** was served upon counsel for Registrant this 23rd day of December, 2009 by  
**Fedex**, addressed as follows:

Anna Vishev  
Ostrolenk Faber LLP  
1180 Avenue of the Americas  
New York, NY 10036  
[AVishev@ostrolenk.com](mailto:AVishev@ostrolenk.com)



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Roy Ching, Esq.

# EXHIBIT 1

# Lingvo

From Wikipedia, the free encyclopedia

**Lingvo**, a family of dictionary software for desktop PC, PDA and smartphones, gives translations of words and phrases for 11 European and Asian languages, accompanied with transcription, pronunciation, word usage examples and the list of inflected forms. The languages are: Russian, English, German, Latin, Italian, Spanish, Portuguese, Turkish, Ukrainian, French, Chinese.

Lingvo is the most widely spread dictionary software in Russia with estimated number of users exceeding 5 000 000 people.

## Contents

- 1 Learning utility
- 2 Known Bugs
- 3 References
- 4 See also
- 5 External links

## Learning utility

The program comes with a tool for learning words, Lingvo Tutor. With it, you can set up your study schedule, create your own word study dictionary or use one of the basic dictionaries included in the program. The Lingvo Tutor tool can also be installed on a pocket computer helping users to learn words on every possible occasion at any place.

## Known Bugs

Translation in pop-up window doesn't work with popular internet browser Mozilla Firefox 3. <sup>[1]</sup>

## References

1. ^ Forum Lingvo (in Russian) (<http://forum.lingvo.ru/actualthread.aspx?tid=99567>)

## See also

- Babylon
- Dicto
- Fluentizer
- LiteDict
- PROMT

- **StarDict**
- **WiseDict**

## External links

- **Lingvo** web-site (<http://www.lingvo.com/>)
- **Alternative** software (translation by click): Lingoies (<http://www.lingoies.org>) , Clicktionary (<http://www.cleverlearn.com>) , Lion (<http://lion.schleinker.de/?newLng=en&page=about>)

Retrieved from "<http://en.wikipedia.org/wiki/Lingvo>"

**Categories:** [Website stubs](#) | [Online dictionaries](#) | [Russian language](#) | [Dictionary software](#)

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EXHIBIT 2

International | [Deutschland](#) | [Polska](#) | [Россия](#) | [Казakhstan](#) | [Украина](#)

# ABBYY Lingvo

[Products](#) [Where to use?](#) [Support](#) [Store](#)

Search

English ↔ Russian

welcome as flowers in May  
welcome as storm  
welcome developments  
welcome guest  
Welcome home

Insert word

Translate

ABBYY Language Services

[Key features](#) [News](#)

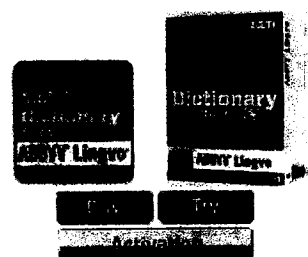
ABBYY Lingvo x3 and ABBYY Lingvo x3 Mobile are state-of-the-art dictionary applications for PC and mobile devices. With 19 years of experience in the development of intelligent applications and lexicography work, ABBYY delivers an ideal combination of language and software. This makes ABBYY Lingvo a reliable language companion for work, travel, study and everyday life.

ABBYY Lingvo x3 and ABBYY Lingvo x3 Mobile key features:

- Authoritative dictionaries from leading publishers
- Reliable and accurate translations
- Detailed entries with pronunciations and example sentences
- Audio pronunciations of most common words recorded by native speakers
- Easy and fast look-up
- Flexible and expandable software
- Lingvo Tutor tool for memorizing words
- Phrasebooks with common day-to-day phrases and audio pronunciations



All ABBYY products



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International | [Deutschland](#) | [Polska](#) | [Россия](#) | [Казахстан](#) | [Украина](#)

## ABBYY Lingvo

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Search

### Lingvo for PC

### Lingvo for mobile devices

### ABBYY PhotoTranslate Alfa

### Lingvo Online

English ↔ Russian

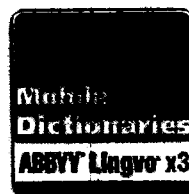
## ABBYY Lingvo x3 - your reliable language companion!

ABBYY Lingvo x3 is a new generation of electronic dictionaries which combines reliable content, powerful word look-up and intuitive dictionary software in a single product. With about 19 years of experience in the development of intelligent applications, ABBYY offers an ideal combination between language and software. This makes the dictionary application an authoritative language companion for both work and private everyday life.

ABBYY Lingvo allows you to quickly and accurately translate words and word combinations from various languages offering English, German and Russian as the core starting languages. It is available in several versions for installation on PC and mobile devices such as smartphones and PDAs. For more information, please select the product below or use the corresponding menu items on the left.



[ABBYY Lingvo for PC](#)



[ABBYY Lingvo for mobile devices](#)

[Legal](#) | [ABBYY Language Services](#) | [about ABBYY](#) | [contacts](#) © 1996-2009 ABBYY



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&lt;&lt; Back

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All Products

## ABBYY OCR Software for Mac



## ABBYY FineReader® Express Edition for Mac

ABBYY FineReader Express Edition for Mac is a highly accurate and easy-to-use multi-lingual OCR application designed specifically for Mac users. Based on ABBYY's intelligent document recognition technologies, FineReader Express for Mac quickly turns any scanned paper document, PDF files and digital camera images into editable and searchable formats while keeping the original layout and formatting in tact. [more>>](#)

Operating System: Mac OS X 10.4 or later

## Full version

\$ 99.99 (download)

## ABBYY OCR Software for Windows

ABBYY FineReader® 10 Professional Edition **NEW**

ABBYY FineReader® 10 is an OCR software for creating editable and searchable files with unmatched accuracy from scanned documents, PDFs and digital camera images. [more>>](#)

If you would like to order the physical box, we are currently accepting backorder requests for FineReader 10 Professional Edition, which will ship out in 2-4 weeks.

Please call +1 866-463-7689 today to reserve your copy.

Operating System: Windows XP/Vista/7/Windows Server 2003/2008

## Full version

\$ 399.99 (download)

## Upgrade

\$ 179.99 (download)



## ABBYY FineReader® 9.0 Express Edition

Introducing ABBYY FineReader 9.0 Express Edition - a one click OCR conversion software that instantly and accurately turns paper documents into searchable and editable formats without retyping and reformatting. [more>>](#)

Operating System: Windows 2000/XP/2003/Vista

## Full version

\$ 49.99 (box)

\$ 49.99 (download)

## ABBYY Conversion Utilities



## ABBYY PDF Transformer™ 3.0

ABBYY PDF Transformer™ 3.0 is an easy-to-use PDF utility for quickly converting, creating, editing and saving any type of PDF document—in 184 languages. Based on award-winning ABBYY OCR technology, this sophisticated PDF conversion solution can easily convert PDFs to Microsoft® Office formats or create PDFs from within Office applications—with one click! With accurate conversion that retains document layout and structure, PDF Transformer 3.0 virtually eliminates the need for reformatting. This powerful, versatile and easy-to-use solution quickly boosts office productivity. Click. Convert. Create. This is information transformation at its best. [more>>](#)

Operating System: Windows Vista/Windows Server 2003 and 2008/XP

## Full version

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\$ 49.99 (download)



### ABBYY Screenshot Reader

ABBYY Screenshot Reader is a screen capture utility that captures information from any area on your screen. With a simple point-and-click action, you can easily create snapshots from documents, images, error messages, file menus, web sites, flash demos, etc. You can then turn these snapshots into files, editable Microsoft Word and Excel documents, or email attachments. [more>>>](#)

Operating System: Windows 2000/XP/2003/Vista

#### Full version

\$ 9.99 (download)



### ABBYY Business Card Reader 2.0

ABBYY Business Card Reader is a handy mobile application that allows users to quickly and easily capture contact information from business cards and add it to the list of contacts on their mobile device, together with contact photos. It's an indispensable tool for business people who need to keep pace with an accelerating business environment. [more>>>](#)

Operating System: Symbian®

#### Full version

1 Unlimited License

\$ 24.99 (download)

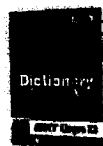
1 Month License

\$ 3.99 (download)

1 Year License

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## ABBYY Dictionary Software



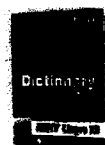
### ABBYY Lingvo X3 English-Russian Dictionary

ABBYY Lingvo x3 is a new generation of electronic dictionaries which combines reliable content, powerful word look-up and intuitive software in a single product. With about 19 years of experience in the development of intelligent applications, ABBYY offers an ideal combination between language and software. It allows you to quickly and accurately translate words and word combinations from various languages. [more>>>](#)

Operating System: Windows XP/Vista

#### Full version

\$ 79.99 (download)



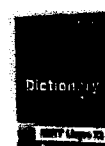
### ABBYY Lingvo X3 Multilingual Dictionary - English as Core Languages **NEW**

This multilingual dictionary contains 7 languages and allows users to translate words and phrases from English to Russian, German, French, Spanish, Italian, and Simplified Chinese. [more>>>](#)

Operating System: Windows XP/Vista

#### Full version

\$ 149.99 (download)



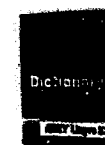
### ABBYY Lingvo X3 Multilingual Dictionary - Russian as Core Language

ABBYY Lingvo x3 is a new generation of electronic dictionaries which combines reliable content, powerful word look-up and intuitive software in a single product. With about 19 years of experience in the development of intelligent applications, ABBYY offers an ideal combination between language and software. It allows you to quickly and accurately translate words and word combinations from various languages. [more>>>](#)

Operating System: Windows XP/Vista

#### Full version

\$ 149.99 (download)



### ABBYY Lingvo X3 English-French Dictionary **NEW**

Deliver translation between English and French in both directions. It includes more than 175,000 headwords and phrases from Concise Oxford Hachette French Dictionary 3rd Edition. This dictionary contains detailed entries with pronunciation keys, grammatical descriptions, and example sentences. [more>>>](#)

Operating System: Windows XP/Vista

#### Full version

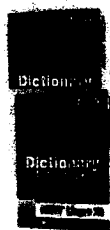
\$ 79.99 (download)

### ABBYY Lingvo X3 English-Spanish Dictionary **NEW**

Lingvo X3 English-Spanish Dictionary includes the Concise Oxford Spanish Dictionary, 3rd Edition with 170,000 headwords and phrases. Detailed entries with pronunciation keys, grammatical descriptions, and example sentences. [more>>>](#)

#### Full version

\$ 79.99 (download)



Operating System: Windows XP/Vista

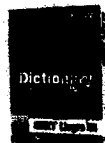
**ABBYY Lingvo X3  
English-German Dictionary NEW**

Provides accurate translation of headwords and word combinations from English to German and German to English. It contains more than 150,000 headwords and phrases from the Concise Oxford-Duden German Dictionary, 3rd Edition. It also includes explanatory dictionaries for English and German within total 705,000 key words and phrases. [more>>](#)

**Full version**

\$ 79.99 (download)

Operating System: Windows XP/Vista



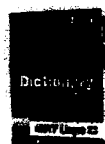
**ABBYY Lingvo X3  
English-Italian Dictionary NEW**

Concise Oxford Paravia Italian Dictionary, 3rd Edition (175,000 headwords and phrases). Detailed entries with pronunciation keys, grammatical descriptions, and example sentences. Audio pronunciation of 15,000 key words, recorded by native speakers. [more>>](#)

**Full version**

\$ 79.99 (download)

Operating System: Windows XP/Vista



**ABBYY Lingvo X3  
English-Simplified Chinese Dictionary NEW**

This dictionary includes the Collins Dictionary Plus that is designed for intermediate learners of Chinese or English up to university level and beyond. The Collins Chinese Dictionary Plus offers extensive coverage of today's English and Chinese, with thousands of phrases and examples guiding the user to the most appropriate translation. It contains detailed language and cultural notes throughout. [more>>](#)

**Full version**

\$ 79.99 (download)

Operating System: Windows XP/Vista



**ABBYY Lingvo X3 Mobile**

ABBYY Lingvo Mobile is a multilingual dictionary for mobile devices. Featuring content from trusted source dictionaries and phrasebooks, ABBYY Lingvo Mobile provides a simple and intuitive user interface appropriate for a wide range of users: from students and business professionals to casual travelers. [more>>](#)

**Full version**

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**1 Year License**

\$ 69.95 (download)

**1 Month License**

\$ 6.95 (download)

Operating System: Windows Mobile™/Symbian

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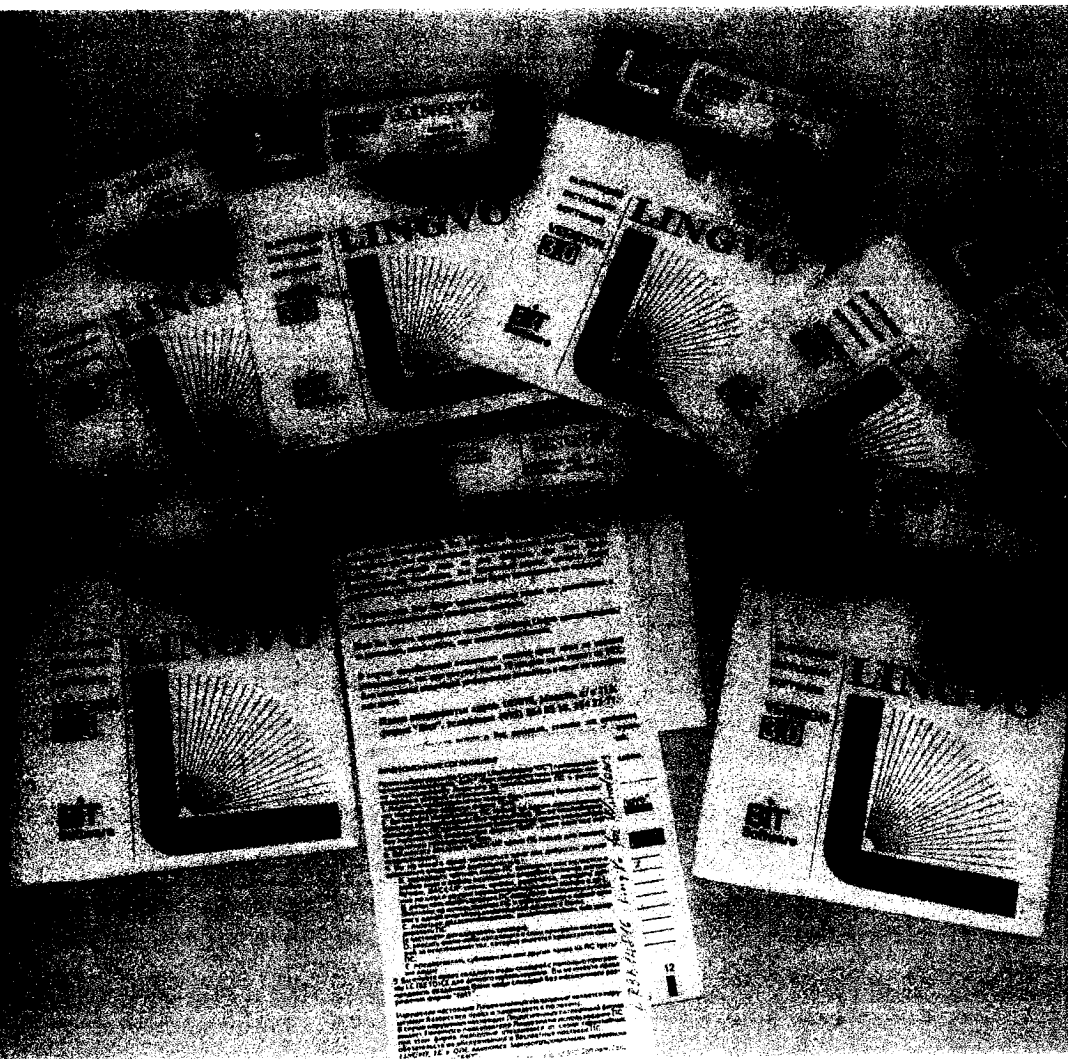
[SITE MAP](#)

[LEGAL](#)

[PRIVACY POLICY](#)

[WEBSITE FEEDBACK](#)

P00001



P00002

P00028

P00044



**ABBY Lingvo 12 Dictionary Software**

**World's Most Popular English - Russian  
Dictionary Software**

**ABBY  
Lingvo 12**

**Dictionary Software**

P00014

**ВНИМАНИЕ! ПОДРОБНОЕ ОПИСАНИЕ И ИНСТРУКЦИЮ С ДИСКЕТЬ!**

[illegible]

P00015

# EXHIBIT 3

# The Moscow Times

SINCE 1892

NO. 1094

THURSDAY, NOVEMBER 21, 1996

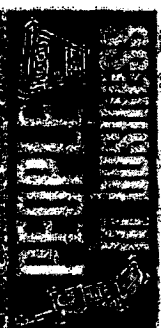
## Times

### Bit Software Bytes Into Scanning World

By Ben Hemenway  
Times Staff Writer

A team of two David Youngs, Moscow-based software engineers, has developed a program that scans and translates Russian text into English. The program, called "Page to Page," is being used by a number of Russian companies and is expected to become a major success story for the two men.

Youngs, who is half-American and half-Russian, runs his software company from his home in Moscow. He has been working on the program for several years and has already received a number of orders for it.



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David Youngs' office-scanning program is a word processing program that scans and translates Russian text into English. The program, called "Page to Page," is being used by a number of Russian companies and is expected to become a major success story for the two men.

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**EXHIBIT 4**



P00061

# **Award Certificate**

To  
***"The Best in Foreign Education - 2004"***  
Contest Winner  
In  
***"The Best Electronic Dictionary"***  
Category

***Electronic Dictionary***  
***ABBYY Lingvo 10***  
***By ABBYY Software House***

Contest Organizers:

*Study and Training Abroad Magazine*  
*Study and Training in Russia Magazine*  
*Aboutstudy.Ru Educational Portal*

Moscow 2004



# Сертификат



PC MAGNETIC  
PC MAGNETIC Software GmbH  
D-1000 Berlin

ABBY Lingvo x3

ABBY Software House

ABBY Software House  
100000 Berlin  
100000 Berlin  
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# Certificate

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Редакция журнала "Мир ПСК" от лица Издательского дома "Судис-Системы" на основании спроса читателей и результатов опроса читателей присуждает звание "Лучший продукт 2000 года" в номинации "Экспертное решение" пакету программ "Мир ПСК" фирмы АВСТУ Сергея Нова.

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Александр Орлов

**Best Product of  
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**PC World Magazine Editorial Office on behalf of Open Systems Publishers, based on readership survey results, declares ABBYY Lingvo Program Suite by ABBYY Software House "Best Product 2000" in the Electronic Dictionaries Category**

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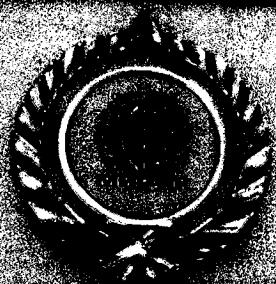
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### Lingvo 12 Multilingual Edition

REVIEWED BY GALINA RAFF

The Lingvo electronic dictionary, well-known in Russian-speaking countries, was likely the best-selling electronic dictionary in the former Soviet Union. Lingvo 1.0 was published back in 1990 and ran under DOS. As the hardware and operating systems evolved, ABBYY continuously improved the dictionary and regularly published new versions. I started using Lingvo electronic dictionaries about ten years ago, and this is the fifth version that I have. While all Lingvo dictionaries that I had before worked as intended and were stable, Lingvo version 12 offers many improvements and enhancements, and it is superior to version 10 ... *To read this entire article you must be a MultiLingual subscriber. For immediate access to the current issue, subscribe to the digital version. Already a subscriber?*

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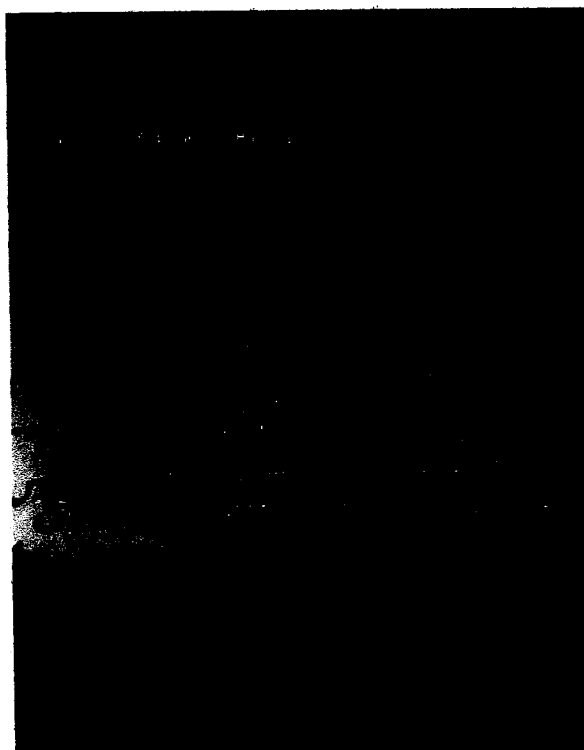
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Tuesday, December 8, 2009 £

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## Current Issue



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### Post Editing: European: synonym for hip?

**Katie Botkin**

We, and by we I mean most of the United States and by extension the rest of

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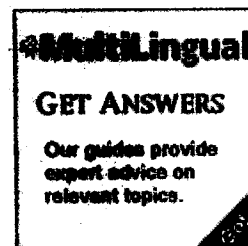
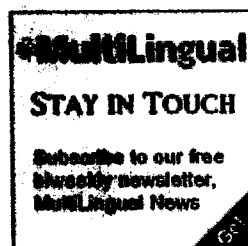
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The magazine MultiLingual is our flagship product. Originating as a buyer's guide in 1987, the magazine is distributed in print and digital format nine times a year (eight issues plus an annual resource directory/index) to readers in 60 countries. We cover topics ranging from technical internationalization to project management to language histories. We review new products and books and give you the latest news and opinions.

### MultiLingual News

This biweekly e-newsletter keeps you up to date with all the industry news. There's no charge for this service. You can opt-in by following this link. (Don't worry, we do not reveal e-mail addresses to anyone!) You can opt-out at any time.

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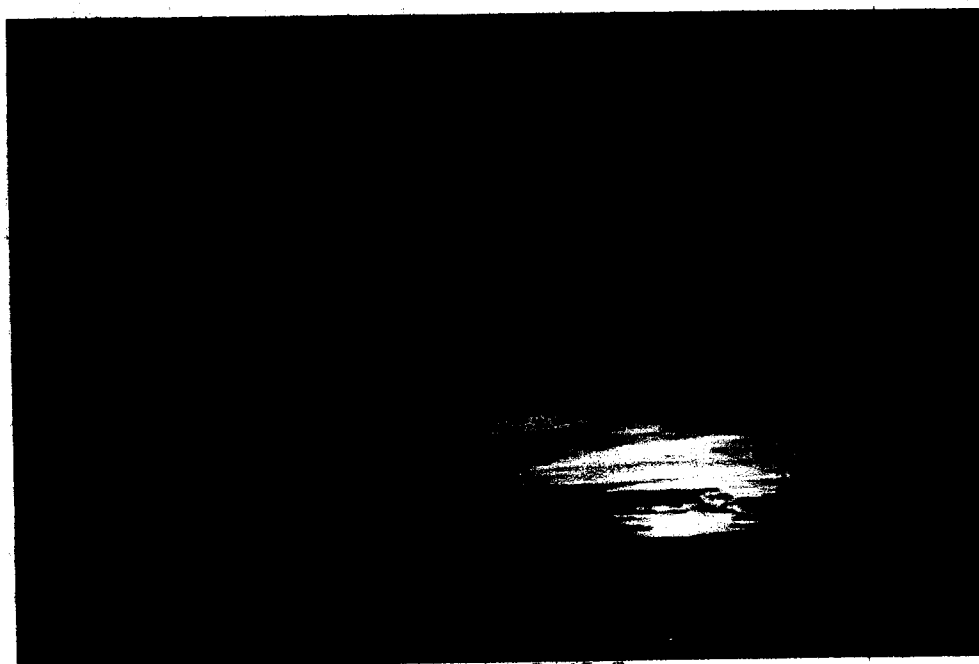
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The MultiLingual Computing, Inc., corporate office is located in North Idaho in the Selkirk Mountains. We're in the small town of Sandpoint on Lake Pend Oreille, eleven miles from Schweitzer Mountain ski hill.

Sandpoint is one of those places that's easy to fall in love with and encourages people to move to the Idaho panhandle. That's why the MultiLingual staff has come from Alaska, California, Colorado, Indiana, Minnesota, Missouri, Montana, Oregon and Tennessee to be here. Oh, and we have some native North Idahoans on board as well!

Our offices are on the second floor of two turn-of-the-century (last century) buildings with brick walls and lots of skylights.

We love being off the beaten path, but we also enjoy visitors. Come and see us anytime!



Sunset over Lake Pend Oreille

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Directions to MultiLingual Computing from Spokane WA: At the Spokane airport, head towards I-90, and take it due east. You will drive by Spokane, Post Falls, and then Coeur d'Alene. The total distance to Coeur d'Alene is about 30 miles. Once you have entered the Coeur d'Alene area, take the Highway 95 exit North. This is the second Coeur d'Alene exit. When you enter the off ramp, stay in the left lane, because you will turn left (toward Sandpoint and Canada). Drive due north on Highway 95 until you reach Sandpoint - the distance is about 45 miles. When you have gone about 43

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miles, you will cross a long bridge which crosses Lake Pend Oreille. Once you have crossed the bridge, you are in Sandpoint. Turn right (north) at the blinking light, which is First Avenue. MultiLingual is at 319 N. First Avenue. (On the left, about 4.5 blocks down.)

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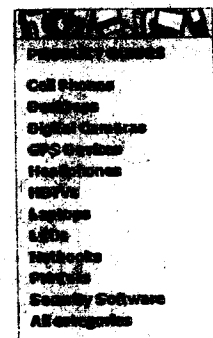
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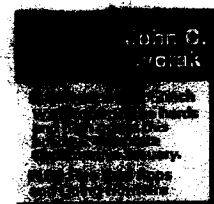
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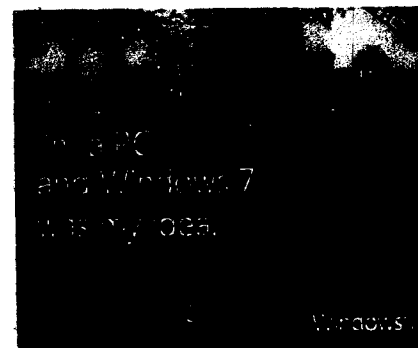
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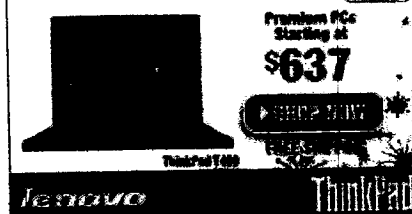


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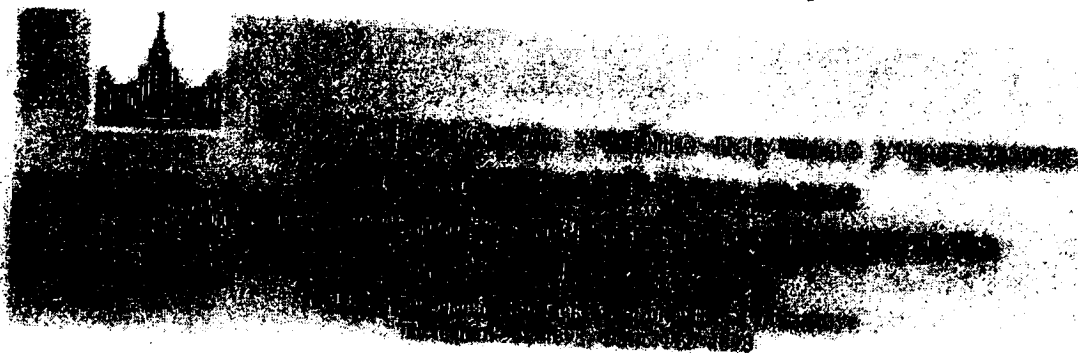
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**«ХАРАКТЕР ВОСПРИЯТИЯ ПОТРЕБИТЕЛЯМИ  
РОССИИ ТОВАРНОГО ЗНАКА В ВИДЕ  
СЛОВЕСНОГО ОБОЗНАЧЕНИЯ «LINGVO»,  
ИСПОЛЬЗУЮЩЕГОСЯ ДЛЯ ЭЛЕКТРОННЫХ  
СЛОВАРЕЙ И ПЕРЕВОДЧИКОВ, И СЛОВЕСНОГО  
ЭЛЕМЕНТА «LINGUA»»**

МОСКВА 2009 Г.

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Различительная способность товарного знака, то есть наличие или отсутствие у него вышеназванных свойств, может быть установлена посредством социологического анализа характера восприятия потребителями используемого в качестве товарного знака обозначения.

С целью выявления характера восприятия потребителями товарного знака в виде словесного обозначения «LINGVO», использующегося для маркировки электронных словарей и переводчиков, владельцем которого является компания Аби Софтвр Лимитед (ABBYY Software Limited), и словесного элемента «LINGUA», Социологическим факультетом-МГУ им. Ломоносова под руководством зав. кафедры методологии социологических исследований профессора Аверина Ю.П. в январе-феврале 2009 г. проведен социологический опрос целевой группы потребителей России в возрасте от 18 лет и старше (далее – потребители) по специально разработанной анкете.

Выборка численностью 1500 человек сформирована методом целевого отбора и обеспечивает представительность результатов исследования к целевой группе потребителей России от 18 лет и старше.

<sup>1</sup> Гражданский кодекс Российской Федерации. Часть четвертая. (Принят Государственной Думой РФ 24 ноября 2006 г. Вступил в действие с 1 января 2008 г.).

Обработка данных проведена с помощью специального пакета программ SPSS (Statistical Package for Social Sciences), являющегося международным стандартом обработки социологической информации.

**1. МЕТОДОЛОГИЧЕСКИЕ И МЕТОДИЧЕСКИЕ ОСНОВЫ  
СОЦИОЛОГИЧЕСКОГО ИССЛЕДОВАНИЯ ВОСПРИЯТИЯ  
ПОТРЕБИТЕЛЯМИ РОССИИ ТОВАРНОГО ЗНАКА В ВИДЕ  
СЛОВЕСНОГО ОБОЗНАЧЕНИЯ «LINGVO»,  
ИСПОЛЬЗУЮЩЕГОСЯ ДЛЯ МАРКИРОВКИ ЭЛЕКТРОННЫХ  
СЛОВАРЕЙ И ПЕРЕВОДЧИКОВ, И СЛОВЕСНОГО ЭЛЕМЕНТА  
«LINGUA»**

Методологические и методические основы социологического исследования восприятия потребителями товарных знаков с точки зрения наличия или отсутствия у них различительной способности; характеристик товаров или услуг, относящиеся к определенному виду деятельности, - включают: постановку цели исследования; раскрытие понятий «товарный знак» и «различительная способность товарного знака», «характеристика товаров или услуг, относящихся к определенному виду деятельности»; обоснование подхода к оценке характера восприятия товарных знаков - системы показателей и индикаторов, способов формирования на их основе измерительного инструмента - анкеты, метода определения выборочной совокупности, приемов опроса потребителей, обработки и анализа первичных данных.

Цель исследования - определить характер восприятия потребителями России товарного знака в виде словесного обозначения «LINGVO», использующегося для маркировки электронных словарей и переводчиков, владельцем которого является компания «Аби Софтвар Лимитед» («ABBY Software Limited»), с точки зрения наличия или отсутствия у него различительной способности; способности характеризовать товары или услуги, относящиеся к определенному виду деятельности, и определить характер восприятия потребителями России словесного элемента «LINGUA».

Понятие «товарный знак» определяется как обозначение, способное отличать соответствующие товары и услуги одних юридических лиц от

товаров и услуг других юридических лиц. Наличие или отсутствие данной способности у товарного знака характеризует его различительную способность.

В нашем случае исследуется восприятие потребителями России товарного знака в виде словесного обозначения «LINGVO», используемого для маркировки электронных словарей и переводчиков.

Понятие «характеристика товаров или услуг, относящихся к определенному виду деятельности» определяется как такая характеристика, которая указывает на их вид, свойства и назначение.

Восприятие товарных знаков оценивается посредством исследования общественного мнения потребителей о знании, наличии у них сведений, представлений о данных товарных знаках, о производителях товаров, маркируемых ими. Общественное мнение – это такое проявление общественного сознания в виде суждений или актов поведения, в котором отражается оценка социальными группами явлений действительности.<sup>2</sup> Следовательно, восприятие товарных знаков выявляется посредством оценочных суждений людей о наличии у них сведений, представлений о данных товарных знаках, о производителях товаров, маркируемых ими.

Методика оценки характера восприятия потребителями товарных знаков, основывается на следующих принципиальных положениях.

Во-первых, товарный знак обладает различительной способностью, если потребители соотносят его с вполне определенными товарами и услугами и не соотносят с другими товарами и услугами.

<sup>2</sup> См.: Коробейников В.С. Пирамида мнений. М., 1981.

Во-вторых, товарный знак не характеризует товары или услуги, относящиеся к определенному виду деятельности, если использующееся в качестве данного товарного знака словесное обозначение не указывает на их вид, свойства и назначение.

В-третьих, для обеспечения надежности измерения характера восприятия товарных знаков, оценочные суждения людей должны основываться на непосредственном зрительном и чувственном впечатлении от данных знаков.

Данные методические положения нашли свое воплощение в содержании вопросов Анкеты (см. Приложение №1), а также в процедуре анкетного опроса – потребителям России показывалось словесное обозначение, используемое в качестве товарного знака, на основе чего выявлялось их оценочное суждение.

Вышеприведенный методический подход позволяет достоверно оценивать характер восприятия потребителями России товарного знака в виде словесного обозначения «LINGVO», использующегося для маркировки электронных словарей и переводчиков, владельцем которого является компания «Аби Софтвер Лимитед» («ABYY Software Limited»), с точки зрения наличия или отсутствия у него различительной способности; способности характеризовать товары или услуги, относящиеся к определенному виду деятельности, и оценивать характер восприятия потребителями России словесного элемента «LINGUA».

Электронные словари и переводчики, маркируемые товарным знаком в виде словесного обозначения «LINGVO», являются товаром целевого потребления. Поэтому характер восприятия данного товарного знака выявлялся среди целевой группы потребителей в возрасте от 18 лет и старше, которые являются пользователями компьютерами и выступают потенциальными и реальными потребителями электронных

словарей и переводчиков. Основная численность таких потребителей проживает в сверхкрупных и крупных городах России. Для обеспечения представительности выборочной совокупности в исследовании использовался случайный способ отбора потребителей из целевой группы пользователей компьютерами. При таком подходе принятая в исследовании численность выборочной совокупности, которая обеспечивает необходимую представительность всероссийской выборки, составляет 1500 человек.

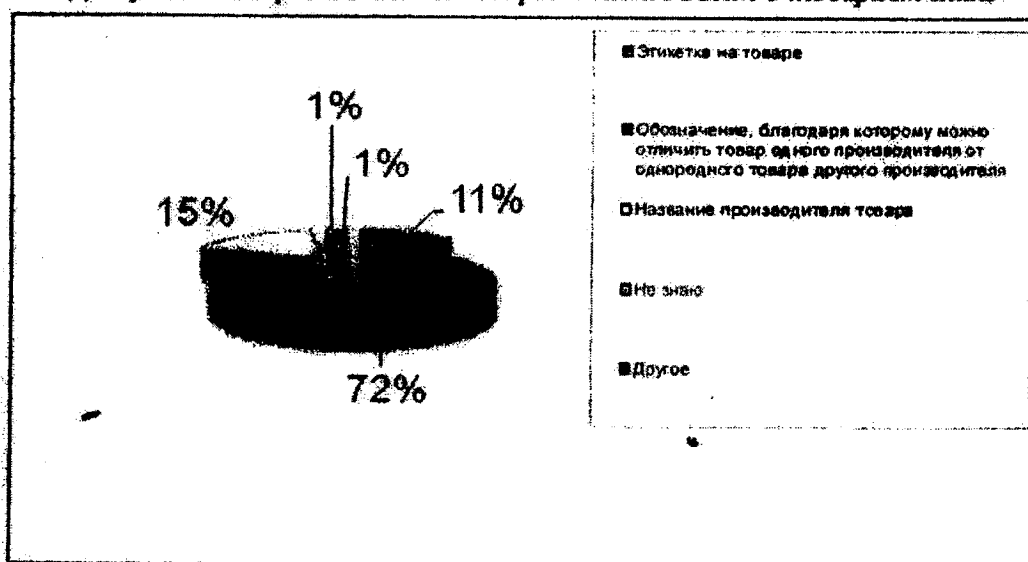
*В выборочную совокупность вошли центральные города различных субъектов Российской Федерации, представляющих её основные территориальные зоны, – Москва и Санкт-Петербург (по 500 чел. в каждом), Екатеринбург, Нижний Новгород, Новосибирск и Ростов-на-Дону (по 125 чел. в каждом).*

Анализ результатов анкетного опроса проводился методами частотной группировки, кросстабуляции и корреляционного анализа, позволяющими определять характер распределения одного признака внутри другого признака, качественное и количественное выражение их взаимосвязи.

## II. ПРЕДСТАВЛЕНИЕ ПОТРЕБИТЕЛЕЙ РОССИИ О ТОВАРНОМ ЗНАКЕ И ВНИМАНИЕ К НЕМУ

Для определения достоверности суждений потребителей России о товарном знаке, важно определить то, насколько они правильно представляют, что такое товарный знак. Абсолютное большинство потребителей России имеют правильные представления о товарном знаке (см. Диаграмму 1).

*Диаграмма 1. Представления потребителей России о товарном знаке*



Из Диаграммы 1 видно, что около трех четвертей потребителей России (72%) выбрало точное определение товарного знака (обозначение, благодаря которому можно отличить товар одного производителя от однородного товара другого производителя) и 11% - не точное определение (это - этикетка на товаре), которое, тем не менее, позволяет сказать, что в целом потребители имеют верное представление о том, что такое товарный знак.

В целом более четырех пятых потребителей России (83%) способны правильно отождествить понятие товарный знак с его содержанием и

назначением. Тем самым они способны осознанно и аргументировано определять свое знание об исследуемом товарном знаке.

Как видно из Диаграммы 2, потребители России внимательно относятся к товарному знаку.

*Диаграмма 2. Уровень внимания потребителей России к товарному знаку при приобретении и потреблении товара (в %)*



Более чем четыре пятых (85,5%) потребителей России обращают внимание на вид, оформление товарного знака при приобретении и потреблении какого-либо товара. Это еще раз подтверждает то, что суждения потребителей России о характере восприятия исследуемых товарных знаков имеют под собой объективную основу.

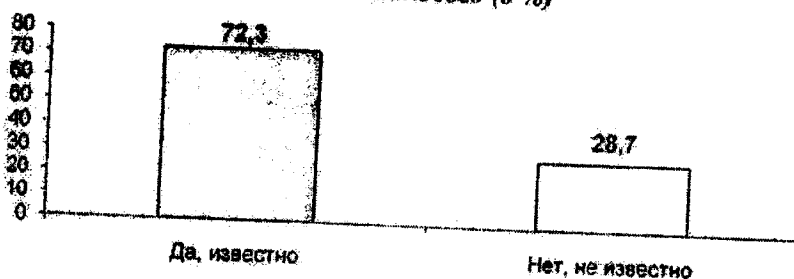
Таким образом, степень понимания смысла товарного знака как обозначения, благодаря которому можно отличить товар одного производителя от однородного товара другого производителя, и уровень внимания к нему в момент приобретения и потребления товара позволяет абсолютному большинству потребителей России достоверно оценивать восприятие исследуемых товарных знаков «LINGVO» и «LINGUA».



### III. УРОВЕНЬ ИЗВЕСТНОСТИ И ХАРАКТЕР ВОСПРИЯТИЯ ПОТРЕБИТЕЛЯМИ РОССИИ НАПИСАНИЯ СЛОВА «LINGVO»

Характер восприятия потребителями товарного знака определяется уровнем известности словесного обозначения, которое используется в качестве товарного знака, как такового, самого по себе. На Диаграмме 3 приведены данные об уровне известности среди потребителей слова «LINGVO» как такового. При этом потребителям показывалось изображение данного слова.

Диаграмма 3. Уровень известности среди потребителей слова «LINGVO» как такового (в %)



Слово «LINGVO» как таковое обладает значительным уровнем известности среди потребителей. Почти три четверти потребителей (72,3%) знает данное слово.

Известность слова «LINGVO» как такового практически не зависит от пола, и зависит от возраста, образования и материального положения потребителей. Чем моложе потребители, тем выше среди них уровень известности слова «LINGVO». Среди потребителей в возрасте от 18 до 34 лет его знают 81,6% потребителей; в возрасте от 55 лет и старше 33,1% потребителей. Чем выше уровень образования потребителей, тем выше среди них уровень известности слова «LINGVO». Среди потребителей с общим средним образованием его знают 39,4% потребителей; с высшим образованием – 83,9% потребителей.

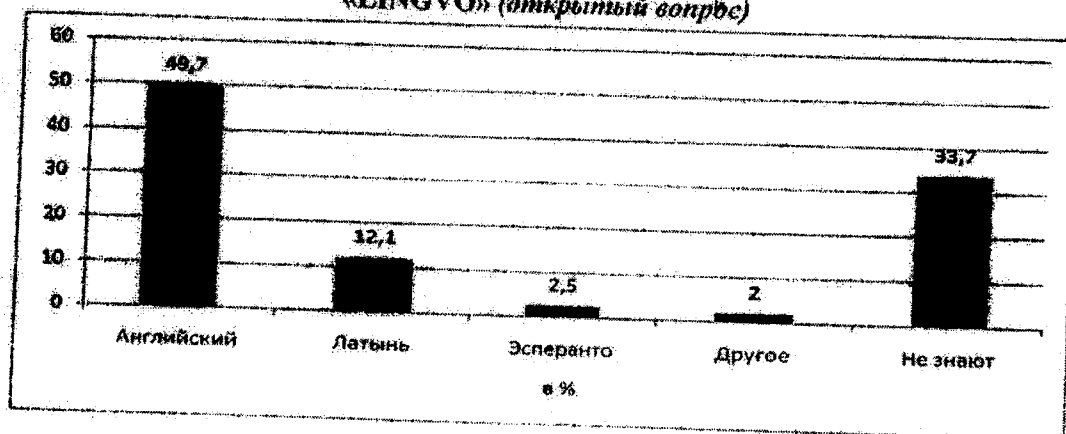
Чем выше среднемесячный доход на одного человека в семьях потребителей, тем выше среди них уровень известности слова «LINGVO». Если среднемесячный доход на одного человека в семьях потребителей

составляет не более 8000 руб., уровень известности данного слова равен 45%; если среднемесячный доход на одного человека в семьях потребителей составляет свыше 500000 руб., уровень известности данного слова равен 86,5%.

Сама по себе известность слова «LINGVO» еще не говорит о том, обладает ли слово различительной способностью среди потребителей. Известность значения не русского слова среди русских потребителей предполагает как минимум известность того, на каком языке оно написано.

На Диаграмме 4 представлены данные, характеризующие уровень знания потребителями того, на каком языке написано слово «LINGVO». Эти данные получены посредством использования «открытого» вопроса, в котором заранее не указываются ответы. При таком подходе указанные самими потребителями ответы являются наиболее достоверными.

Диаграмма 4. Оценка потребителями того, на каком языке написано слово «LINGVO» (открытый вопрос)



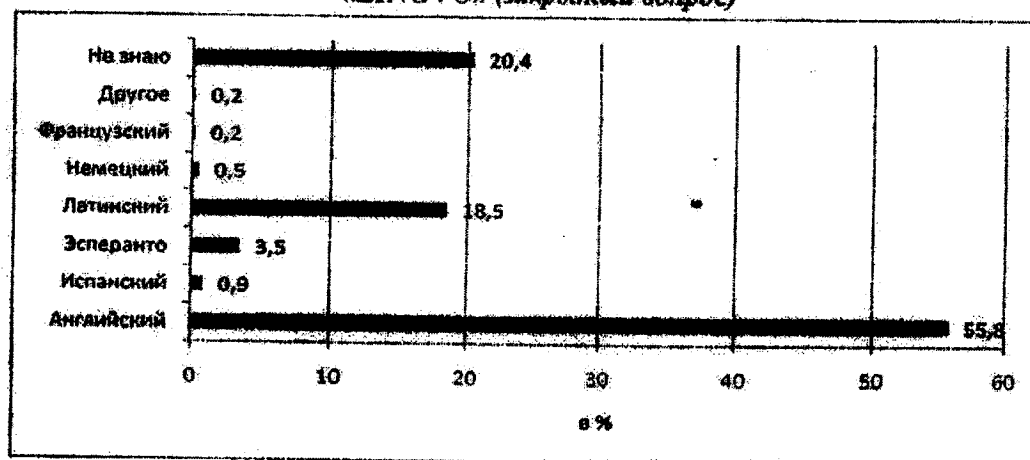
Практически все потребители (97,5%): не правильно указали язык, на котором написано слово «LINGVO» - 53,8% (английский -49,7%, латынь -12,1%, другое - 2%) или не знают, на каком языке написано данное слово (33,7%). Правильно указали язык, на котором написано

слово «LINGVO» - эсперанто – незначительное число потребителей (2,5%).

Таким образом, практически все потребители (97,5%) не знают то, на каком языке написано слово «LINGVO».

Для проверки достоверности ответов на «открытый» вопрос потребителям был задан «закрытый» вопрос, в котором приведены названия ряда языков, т.е. вопрос с подсказкой. На Диаграмме 5 представлены данные, характеризующие уровень знания потребителями того, на каком языке написано слово «LINGVO» при ответе на «закрытый» вопрос.

Диаграмма 5. Оценка потребителями того, на каком языке написано слово «LINGVO» (закрытый вопрос)

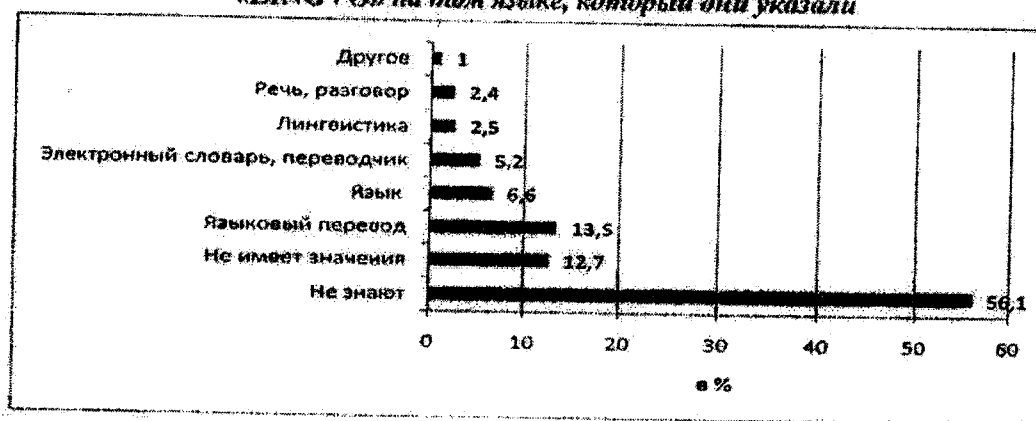


Ответы на «закрытый» вопрос, так же как и ответы на «открытый» вопрос, показывают, что практически все потребители (96,5%) не знают то, на каком языке написано слово «LINGVO». При этом ответы на «открытый» и «закрытый» вопросы отличаются не значительно по отношению к языку «эсперанто» (на 1%), что свидетельствует о том, что практически все потребители (97,5%) не знают, что слово «LINGVO» написано на языке «эсперанто».

#### IV. ХАРАКТЕР ВОСПРИЯТИЯ ПОТРЕБИТЕЛЯМИ РОССИИ ЗНАЧЕНИЯ СЛОВА «LINGVO»

Характер восприятия слова «LINGVO» прямо определяется тем, каким значением наделяют его потребители. На Диаграмме 6 представлены данные об уровне их знания того, какое значение имеет слово «LINGVO» на указанном ими языке.

*Диаграмма 6. Оценка потребителями того, какое значение имеет слово «LINGVO» на том языке, который они указали*



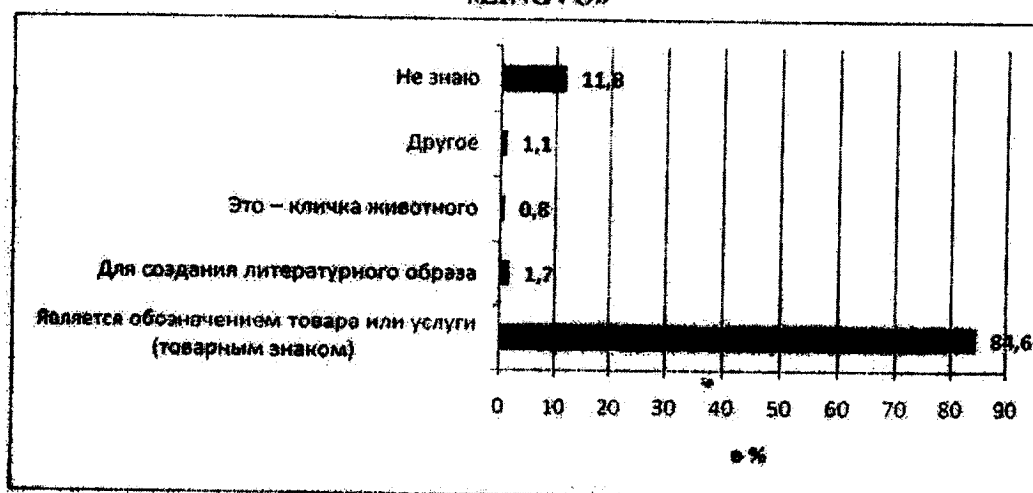
Более чем две трети потребителей (68,8%) не знают, что означает слово на том языке, который они указали (56,1%) или считают, что оно не имеет значения (12,7%).

Таким образом, практически все потребители (93,4%) или не знают значения слова «LINGVO», или считают, что оно не имеет значения, или указывают неправильное его значение, т.е., фактически, также его не знают. Следовательно, подавляющее большинство потребителей России воспринимают слово «LINGVO» как не имеющее смыслового значения, т.е. как фантазийное.

## V. ХАРАКТЕР ВОСПРИЯТИЯ ПОТРЕБИТЕЛЯМИ РОССИИ СПОСОБОВ ИСПОЛЬЗОВАНИЯ СЛОВА «LINGVO»

Словесное обозначение, выступающего в качестве товарного знака, обладает различительной способностью как минимум в том случае, если потребители считают его обозначением товара или услуги. На Диаграмме 7 представлены данные, характеризующие оценки потребителей, которым известно слово «LINGVO», того, для чего оно используется.

Диаграмма 7. Оценка потребителями того, для чего используется слово «LINGVO»



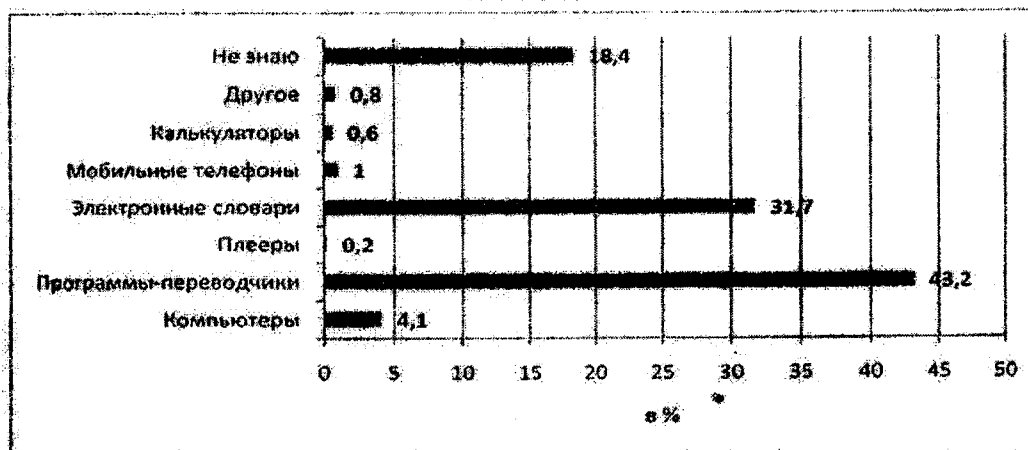
Более чем четыре пятых потребителей в целом (84,6%) и практически все потребители (95,9%) из числа тех, кто дал определенный ответ (исключая тех 11,8%, кто не знает), указали, что слово «LINGVO» является обозначением товара или услуги, т.е. товарным знаком.

Таким образом, более половины потребителей в целом (84,6%) и практически все потребители (95,9%) из числа тех, кто дал определенный ответ (исключая тех 11,8%, кто не знает) различают слово «LINGVO» в качестве товарного знака, т.е. данное слово имеет высокую различительную способность по отношению к способу его использования — в качестве товарного знака.

О различительной способности словесного обозначения как товарного знака можно в полной мере говорить в том случае, если потребители соотносят его с тем товаром или услугой, которые оно маркирует.

На Диаграмме 8 представлены данные, характеризующие оценки потребителей, которым известно слово «LINGVO», того, для обозначения каких товаров или услуг используется данное слово.

*Диаграмма 8. Оценка потребителями того, для чего используется слово «LINGVO»*



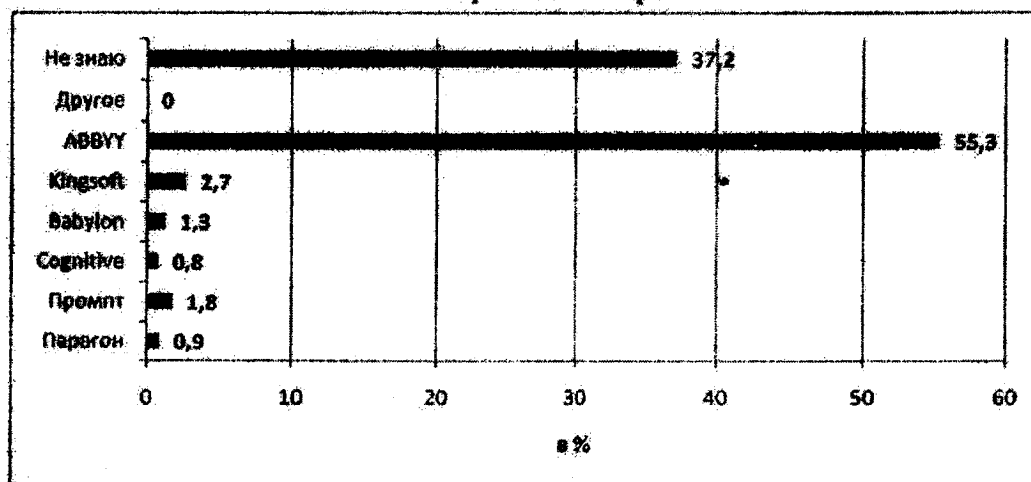
Абсолютное большинство потребителей в целом (74,9%) и практически все потребители (91,8%) из числа тех, кто дал определенный ответ (исключая тех 18,4%, кто не знает), указали, что слово «LINGVO» используется для обозначения программ-переводчиков (соответственно, 43,2% и 52,9%) и электронных словарей (соответственно, 31,7% и 38,9%).

Таким образом, абсолютное большинство потребителей в целом (74,9%) и практически все потребители (91,8%) из числа тех, кто дал определенный ответ, различают слово «LINGVO» в качестве обозначения, используемого для маркировки программ-переводчиков и электронных словарей, т.е. данное слово имеет высокую различительную способность по отношению к маркируемому им товару – программам-переводчикам и электронным словарям.

# **VI. УРОВЕНЬ ЗНАНИЯ ПОТРЕБИТЕЛЯМИ РОССИИ ВЛАДЕЛЬЦА ТОВАРНОГО ЗНАКА «LINGVO», ИСПОЛЬЗУЮЩЕГОСЯ ДЛЯ МАРКИРОВКИ ЭЛЕКТРОННЫХ СЛОВАРЕЙ И ПЕРЕВОДЧИКОВ, И УРОВЕНЬ ЕГО РЕТРОСПЕКТИВНОЙ ИЗВЕСТНОСТИ**

Высокая различительная способность слова «LINGVO» по отношению к его использованию для обозначения программ-переводчиков и электронных словарей обуславливает высокий уровень известности среди потребителей, знающих слово «LINGVO», фирмы, которая является владельцем товарного знака «LINGVO», маркирующего программы-переводчики и электронные словари (см. Диаграмму 9).

*Диаграмма 9. Оценка потребителями того, какая фирма является владельцем товарного знака «LINGVO», маркирующего программы-переводчики и электронные словари*



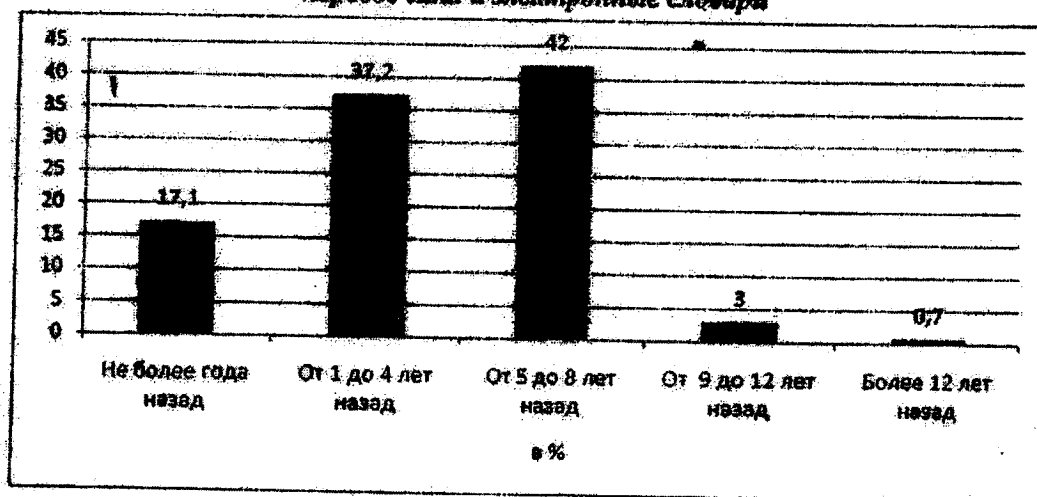
Более половины потребителей в целом (55,3%) и более чем четыре пятых потребители (88,1%) из числа тех, кто дал определенный ответ (исключая тех 37,2%, кто не знает), указали, что фирмой, которая является владельцем товарного знака «LINGVO», маркирующего программы-переводчики и электронные словари, является фирма ABBYY.

*Таким образом, более половины потребителей в целом (55,3%) и более чем четыре пятых потребителей (88,1%) из числа тех, кто дал*

определенный ответ, различают товарный знак «LINGVO», используемый для маркировки программ-переводчиков и электронных словарей, как принадлежащей фирме ABBYY, т.е. товарный знак «LINGVO» имеет высокую различительную способность по отношению к фирме, являющейся владельцем данного товарного знака – фирме ABBYY.

Восприятие товарного знака может быть достоверным, если он имеет высокую ретроспективную известность среди потребителей. На Диаграмме 10 приведены временные периоды, в которые потребителям, из числа тех, кому известен товарный знак «LINGVO», маркирующий программы-переводчики и электронные словари, впервые стало известно о его существовании.

*Диаграмма 10. Временные периоды, в которые потребителям впервые стало известно о существовании товарного знака «LINGVO», маркирующего программы-переводчики и электронные словари*



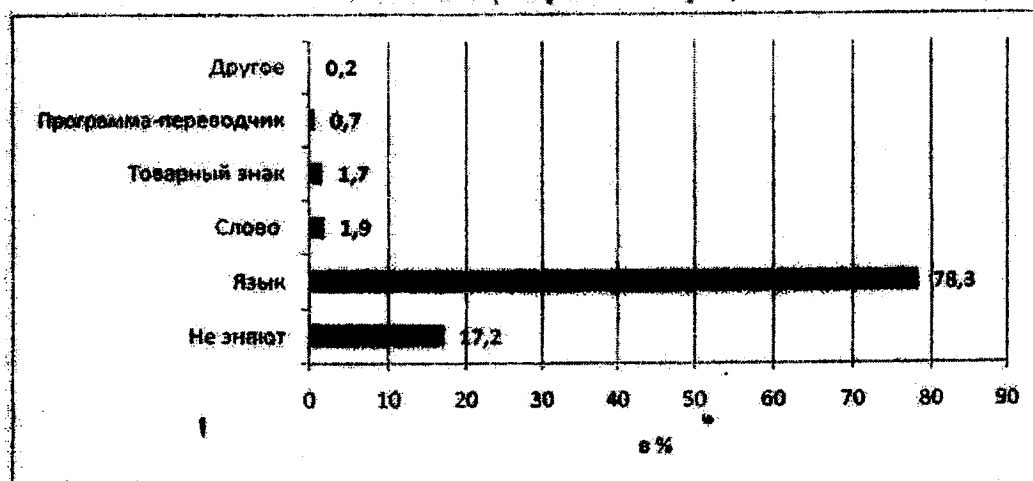
Более чем четыре пятых потребителей (82,9%) впервые узнали о существовании товарного знака «LINGVO», маркирующего программы-переводчики и электронные словари, более чем год назад и раньше, что говорит о том, что данный товарный знак обладает очень высоким уровнем ретроспективной известности.



## VII. ХАРАКТЕР ВОСПРИЯТИЯ ПОТРЕБИТЕЛЯМИ РОССИИ СЛОВА «LINGUA»

Характер восприятия слова «LINGUA» прямо определяется тем, каким значением наделяют его потребители. На Диаграмме 11 представлены данные об уровне их знания того, какое значение имеет слово «LINGUA». Эти данные получены посредством использования «открытого» вопроса, в котором заранее не указываются ответы.

Диаграмма 11. Оценка потребителями того, какое значение имеет слово «LINGUA» (открытый вопрос)



Более чем три четверти потребителей (78,3%) указали, что слово «LINGUA» означает «язык». Почти никто не указал, что слово «LINGUA» используется в качестве товарного знака (1,7%) или обозначает программу-переводчик (0,7%).

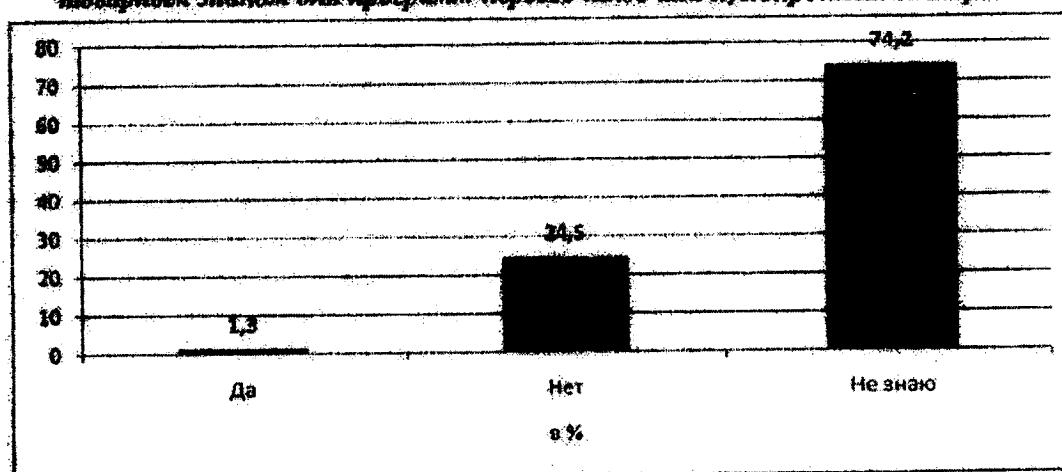
Таким образом, слово «LINGUA»:

во-первых, не воспринимается в качестве товарного знака, маркирующего программы-переводчики, и тем самым не специфицируется в восприятии потребителей по характеру своего использования с товарным знаком «LINGVO», маркирующим электронные словари и программы-переводчики.

Во-вторых, воспринимается как имеющее определенное смысловое значение — «язык» в переводе с английского

Ответы потребителей на прямой вопрос по поводу того, является ли слово «LINGUA» товарным знаком для программ-переводчиков или электронных словарей подтверждают данные выводы (см. Диаграмму 12).

*Диаграмма 12. Оценка потребителями того, является ли слово «LINGUA» товарным знаком для программ-переводчиков или электронных словарей*



Почти три четверти потребителей (74,2%) не знают, является ли слово «LINGUA» товарным знаком для программ-переводчиков или электронных словарей. Каждый четвертый потребитель ответил на данный вопрос отрицательно (24,5%). Очень незначительное число потребителей (1,3%) указали, что слово «LINGUA» является товарным знаком для программ-переводчиков или электронных словарей.

Таким образом, слова «LINGUA» не смешивается в восприятии потребителей с товарным знаком «LINGVO», маркирующим электронные словари и программы-переводчики.

## ВЫВОДЫ

Результаты социологического исследования характера восприятия потребителями России товарного знака в виде словесного обозначения «LINGVO», маркирующего программы-переводчики и электронные словари, позволяют сделать следующие выводы.

1. Степень понимания смысла товарного знака как обозначения, благодаря которому можно отличить товар одного производителя от однородного товара другого производителя, и уровень внимания к нему в момент приобретения и потребления товара позволяет абсолютному большинству потребителей России достоверно оценивать восприятие исследуемых товарных знаков «LINGVO».

1. Слово «LINGVO» как таковое обладает значительным уровнем известности среди потребителей. Почти три четверти потребителей (72,3%) знает данное слово. При этом практически все потребители (97,5%) не знают, на каком языке написано слово «LINGVO», и не знают, что слово «LINGVO» написано на языке «эсперанто».

2. Таким образом, практически все потребители (93,4%) или не знают значения слова «LINGVO», или считают, что оно не имеет значения, или указывают неправильное его значение, т.е., фактически, тоже его не знают. Следовательно, подавляющее большинство потребителей России воспринимают слово «LINGVO» как не имеющее смыслового значения, т.е. как фантазийное.

3. Более половины потребителей в целом (84,6%) и практически все потребители (95,9%) из числа тех, кто дал определенный ответ (исключая тех 11,8%, кто не знает) различают слово «LINGVO» в качестве товарного знака, т.е. данное слово имеет высокую различительную способность по отношению к способу его использования – в качестве товарного знака.

Абсолютное большинство потребителей в целом (74,9%) и практически все потребители (91,8%) из числа тех, кто дал определенный ответ, различают слово «LINGVO» в качестве обозначения, используемого

для маркировки программ-переводчиков и электронных словарей, т.е. данное слово имеет высокую различительную способность по отношению к маркируемому им товару – программам-переводчикам и электронным словарям.

4. Более половины потребителей в целом (55,3%) и более чем четыре пятых потребители (88,1%) из числа тех, кто дал определенный ответ, различают товарный знак «LINGVO», используемый для маркировки программ-переводчиков и электронных словарей, как принадлежащей фирме ABBYY, т.е. товарный знак «LINGVO» имеет высокую различительную способность по отношению к фирме, являющейся владельцем данного товарного знака – фирме ABBYY.

5. Более чем четыре пятых потребителей (82,9%) впервые узнали о существовании товарного знака «LINGVO», маркирующего программы-переводчики и электронные словари, более чем год назад и раньше, что говорит о том, что данный товарный знак обладает очень высоким уровнем ретроспективной известности.

6. Слово «LINGUA», во-первых, не воспринимается в качестве товарного знака, маркирующего программы-переводчики, и тем самым не смешивается в восприятии потребителей по характеру своего использования с товарным знаком «LINGVO», маркирующим электронные словари и программы-переводчики; во-вторых воспринимается как имеющее определенное смысловое значение – «язык» в переводе с английского.

Общие выводы:

1. Слово «LINGVO» воспринимается большинством потребителей России как не имеющее смыслового значения, т.е. как фантазийное.

2. Товарный знак «LINGVO», используемый для маркировки программ-переводчиков и электронных словарей, и принадлежащей фирме ABBYY, имеет высокую различительную способность по

отношению к маркируемому им товару и по отношению к фирме, являющейся владельцем данного товарного знака.

3. Слово «LINGUA» не спешивается потребителями с товарным знаком «LINGVO», маркирующим электронные словари и программы-переводчики.

Зав. кафедрой  
методологии социологических исследований,  
профессор



Аверин Ю.П.

# **ПРИЛОЖЕНИЕ**



МОСКОВСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ  
им. М.В. ЛОМОНОСОВА  
СОЦИОЛОГИЧЕСКИЙ ФАКУЛЬТЕТ  
Тел. 939-27-95

Уважаемый житель России! Социологический факультет МГУ проводит изучение мнения россиян о товарных знаках (знаках обслуживания). Просим ответить на вопросы нашей анкеты.  
Отвечая на вопросы, ОБВЕДИТЕ ЦИФРУ ОТВЕТА или ВЫСКАЖИТЕ ВАШЕ ЛИЧНОЕ МНЕНИЕ.

**№1. ЧТО ТАКОЕ - ТОВАРНЫЙ ЗНАК?**

- |   |  |
|---|--|
| 1. Это - этикетка на товаре   | 3. Это - название производителя товара |
| 2. Это - обозначение, благодаря которому можно отличить товар одного производителя от аналогичного товара другого производителя | 4. Другое (укажите) _____              |
|   | 5. Не знаю                             |

**№2. ПРИ ПОКУПКЕ КАКОГО-ЛИБО ТОВАРА ОБРАЩАЕТЕ ЛИ ВЫ ВНИМАНИЕ НА ВИД, ОБОЗНАЧЕНИЕ ТОВАРНОГО ЗНАКА?**

1. Да                      2. Нет

**№3. БЫЛО ЛИ ВАМ ИЗВЕСТНО ДО СЕГОДНЯШНЕГО СЛОВО «LINGVO»?** *Показать карточку №1.*

1. Да, было известно                      2. Нет, не было известно

**№4. НА ВАШ ВЗГЛЯД, НА КАКОМ ЯЗЫКЕ НАПИСАНО СЛОВО «LINGVO»?** *Показать карточку 1.*

1. Укажите \_\_\_\_\_  
2. Не знаю

**№5. НИЖЕ ПРИВЕДЕНЫ НАЗВАНИЯ РЯДА ЯЗЫКОВ. НА ВАШ ВЗГЛЯД, НА КАКОМ ИЗ НИХ НАПИСАНО СЛОВО «LINGVO»?** *Показать карточку 1.*

- |                |                |                 |
|----------------|----------------|-----------------|
| 1. Английский  | 4. Латинский   | 7. Другое _____ |
| 2. Итальянский | 5. Немецкий    | 8. Не знаю      |
| 3. Эсперанто   | 6. Французский |                 |

**№6. НА ВАШ ВЗГЛЯД, ЧТО ОЗНАЧАЕТ СЛОВО «LINGVO» НА ТОМ ЯЗЫКЕ, КОТОРЫЙ ВЫ УКАЗАЛИ?**

1. Укажите \_\_\_\_\_  
2. Это слово не имеет значения  
3. Не знаю

**№7. ЕСЛИ ВЫ СЧИТАЕТЕ, ЧТО СЛОВО «LINGVO» НЕ ИМЕЕТ ЗНАЧЕНИЯ, ТО ДЛЯ ЧЕГО ОНО ИСПОЛЬЗУЕТСЯ?**

1. Является обозначением товара или услуги (товарным знаком)  
2. Для создания литературного образа  
3. Это - кличка животного  
4. Другое \_\_\_\_\_  
5. Не знаю

**№8. ЕСЛИ ВАМ ДО СЕГОДНЯШНЕГО БЫЛО ИЗВЕСТНО СЛОВО «LINGVO», ТО НА ВАШ ВЗГЛЯД, ДЛЯ ОБОЗНАЧЕНИЯ КАКИХ ТОВАРОВ ИЛИ УСЛУГ ОНО ИСПОЛЬЗУЕТСЯ?** *Показать карточку №1.*

- |                          |                        |                 |
|--------------------------|------------------------|-----------------|
| 1. Калькуляторы          | 4. Электронные словари | 7. Другое _____ |
| 2. Программы-переводчики | 5. Мобильные телефоны  | 8. Не знаю      |
| 3. Плееры                | 6. Калькуляторы        |                 |

**№9. КОГДА ВЫ ВПЕРВЫЕ УЗНАЛИ О СУЩЕСТВОВАНИИ ТОВАРНОГО ЗНАКА «LINGVO»?**

- |                        |                         |
|------------------------|-------------------------|
| 1. Не более года назад | 4. От 9 до 12 лет назад |
| 2. От 1 до 4 лет назад | 5. Более 12 лет назад   |
| 3. От 5 до 8 лет назад |                         |

**№10. КАКАЯ ФИРМА ЯВЛЯЕТСЯ ВЛАДЕЛЬЦЕМ ТОВАРНОГО ЗНАКА «LINGVO», МАРКИРУЮЩЕГО ПРОГРАММЫ-ПЕРЕВОДЧИКИ И ЭЛЕКТРОННЫЕ СЛОВАРИ?** *Показать карточку №1.*

- |            |             |                 |
|------------|-------------|-----------------|
| 1. Паригон | 4. Babylon  | 7. Другое _____ |
| 2. Промит  | 5. Kingsoft | 9. Не знаю      |
| 3. Софийне | 6. ABBYY    |                 |

**№11. ЗНАЕТЕ ЛИ ВЫ ЗНАЧЕНИЕ СЛОВО «LINGUA»?** Показать карточку №2.

1. Укажите \_\_\_\_\_
2. Не знаю \_\_\_\_\_

**№12. ЯВЛЯЕТСЯ ЛИ СЛОВО «LINGUA» ТОВАРНЫМ ЗНАКОМ ДЛЯ ПРОГРАММ-ПЕРЕВОДЧИКОВ И ЭЛЕКТРОННЫХ СЛОВАРЕЙ?** Показать карточку №2.

1. Да
2. Нет
3. Не знаю

**№13. ВАШ ВОЗРАСТ?**

- |                    |                    |
|--------------------|--------------------|
| 1. От 18 до 34 лет | 3. От 45 до 54 лет |
| 2. От 35 до 45 лет | 4. От 55 до 60 лет |

**№14. ВАШ ПОЛ?**

- |            |            |
|------------|------------|
| 1. Мужской | 2. Женский |
|------------|------------|

**№15. ВАШЕ ОБРАЗОВАНИЕ?**

1. Общее среднее
2. Среднее специальное
3. Высшее

**№16. КАКОВ СРЕДНЕМЯСЯЧНЫЙ ДОХОД НА ОДНОГО ЧЕЛОВЕКА В ВАШЕЙ СЕМЬЕ?**

- |                         |                           |                           |
|-------------------------|---------------------------|---------------------------|
| 1. До 3000 руб.         | 3. От 8001 до 13000 руб.  | 5. От 25001 до 50000 руб. |
| 2. От 3001 до 8000 руб. | 4. От 13001 до 25000 руб. | 6. Свыше 50000 руб.       |

**№17. ВАШ ГОРОД?** Укажите: \_\_\_\_\_

СПАСИБО ЗА УЧАСТИЕ В ИССЛЕДОВАНИИ!



Карточка №1

**LINGVO**

Карточка №2

**LINGUA**

## Линейное распределение ответов на вопросы анкеты

### 1. ЧТО ТАКОЕ - ТОВАРНЫЙ ЗНАК?

|   | %    |
|---|------|
| Символ, позволяющий отличить товар одного производителя от товара другого производителя                   | 72,0 |
| Обозначение, благодаря которому можно отличить товар одного производителя от товара другого производителя | 13,0 |
| Символ, позволяющий отличить товар одного производителя от товара другого производителя                   | 1,0  |
| Другое  | 14,0 |

### 2. ПРИ ПОКУПКЕ КАКОГО-ЛИБО ТОВАРА ОБРАЩАЕТЕ ЛИ ВЫ ВНИМАНИЕ НА ВИД, ОФОРМЛЕНИЕ ТОВАРНОГО ЗНАКА?

|     | %    |
|-----|------|
| Да  | 84,5 |
| Нет | 14,5 |

### 3. БЫЛО ЛИ ВАМ ИЗВЕСТНО ДО СЕГОДНЯШНЕГО СЛОВО «LINGVO»??

|                       | %    |
|-----------------------|------|
| Да                    | 70,3 |
| Нет, не было известно | 28,7 |

### 4. НА ВАШ ВЗГЛЯД, НА КАКОМ ЯЗЫКЕ НАПИСАНО СЛОВО «LINGVO»

|             | %    |
|-------------|------|
| Русский     | 40,1 |
| Украинский  | 12,1 |
| Белорусский | 2,0  |
| Другое      | 45,8 |

### 5. НИЖЕ ПРИВЕДЕНЫ НАЗВАНИЯ РЯДА ЯЗЫКОВ. НА ВАШ ВЗГЛЯД, НА КАКОМ ИЗ НИХ НАПИСАНО СЛОВО «LINGVO»?

|             | %    |
|-------------|------|
| Русский     | 0,9  |
| Украинский  | 0,9  |
| Белорусский | 18,5 |
| Польский    | 0,5  |
| Чешский     | 0,2  |
| Словацкий   | 0,2  |
| Другое      | 20,4 |

### 6. НА ВАШ ВЗГЛЯД, ЧТО ОЗНАЧАЕТ СЛОВО «LINGVO» НА ТОМ ЯЗЫКЕ, КОТОРЫЙ ВЫ УКАЗАЛИ

|       | %    |
|-------|------|
| Слово | 1,0  |
| Слово | 2,5  |
| Слово | 6,6  |
| Слово | 12,7 |
| Слово | 36,1 |

И. КАКИМ ОБРАЗОМ, ЧТО СЛОВО «LINGVO» НЕ ИМЕЕТ ЗНАЧЕНИЯ, ТО ДЛЯ ЧЕГО ОНО

|                   | %    |
|-------------------|------|
| не имеет значения | 0,4  |
| для обозначения   | 1,7  |
| для обозначения   | 1,1  |
| и др.             | 96,8 |

64. ЕСЛИ НЕКОТОРЫМ ИЗ НИХ БЫЛО ИЗВЕСТНО СЛОВО «LINGVO», ТО НА ВАШ ВЗГЛЯД, ДЛЯ КАКИХ ТОВАРОВ ИЛИ УСЛУГ ОНО ИСПОЛЬЗУЕТСЯ

|                   | %    |
|-------------------|------|
| для обозначения   | 43,2 |
| для обозначения   | 31,7 |
| и др.             | 0,6  |
| не имеет значения | 18,4 |

65. КАКИМ ОБРАЗОМ ВЫ ВПЕРВЫЕ УЗНАЛИ О СУЩЕСТВОВАНИИ ТОВАРНОГО ЗНАКА «LINGVO»

|              | %    |
|--------------|------|
| от знакомого | 37,2 |
| от друга     | 3,0  |
| и др.        | 59,8 |

66. КАКАЯ ФИРМА ЯВЛЯЕТСЯ ВЛАДЕЛЬЦЕМ ТОВАРНОГО ЗНАКА «LINGVO», МАРКИРУЮЩЕГО ПРОГРАММЫ ПЕРЕВОДЧИКИ И ЭЛЕКТРОННЫЕ СЛОВАРИ?

|          | %    |
|----------|------|
| «Lingvo» | 1,8  |
| «Lingvo» | 1,3  |
| и др.    | 55,3 |
| не знаю  | 37,2 |

71. КАКИЕ ЛИ ВЫ ЗНАЧЕНИЕ СЛОВО «LINGUA»?

|       | %    |
|-------|------|
| язык  | 0,2  |
| язык  | 1,7  |
| и др. | 78,3 |

72. ЯВЛЯЕТСЯ ЛИ СЛОВО «LINGUA» ТОВАРНЫМ ЗНАКОМ ДЛЯ ПРОГРАММ-ПЕРЕВОДЧИКОВ И ЭЛЕКТРОННЫХ СЛОВАРЕЙ

|     | %    |
|-----|------|
| да  | 24,5 |
| нет | 75,5 |

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Faculty of Sociology  
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## **ANALYSIS REPORT**

**Based on the results of national sociological research**

**PATTERNS OF CONSUMER PERCEPTION OF THE VERBAL TRADEMARK  
“LINGVO”, USED FOR ELECTRONIC DICTIONARIES AND TRANSLATORS AND  
OF THE VERBAL COMPONENT “LINGUA”**

Moscow, 2009

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## INTRODUCTION

Pursuant to the Civil Code of the Russian Federation<sup>1</sup>, use of trademarks shall satisfy certain requirements. The following signs cannot be registered as trademarks: 1) signs lacking distinctiveness; 2) signs consisting of elements commonly used for designation of certain types of products; generally accepted symbols and terms designating certain products and services; signs describing products and services relating to a certain activity by specifying their type, properties and objectives.

A trademark's distinguishing power, that is the availability or absence of the above-mentioned characteristics, can be determined by means of sociological analysis of the nature of consumer perception of the sign used as a trademark.

In order to determine the nature of the consumer perception of the verbal trademark "LINGVO" used for labeling electronic dictionaries and translators owned by the company ABBYY Software Limited, and of the verbal component "LINGVA", in January and February 2009, the Faculty of Sociology of the Lomonosov Moscow State University, under the supervision of the head of the sociological research methodology department Y.P. Averin, conducted an opinion poll of a target group of Russian consumers aged over 18 and older (hereinafter referred to as "Consumers") using a specially elaborated questionnaire.

A targeted sample of 1500 persons provides for a solid representation of the research findings with regard to the target group of Russian consumers aged 18 and older.

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<sup>1</sup> Civil Code of the Russian Federation. Part Four. (Adopted by the State Duma of the Russian Federation on November 24, 2006. In effect from January 1, 2008.)

Research data was processed using the specialized software package SPSS (Statistical Package for Social Sciences) which is an international standard for sociological data processing.

**I. METHODOLOGICAL AND METHODICAL BASIS OF  
SOCIOLOGICAL RESEARCH OF RUSSIAN CONSUMERS'  
PERCEPTION OF THE VERBAL TRADEMARK "LINGVO", USED FOR  
LABELING ELECTRONIC DICTIONARIES AND TRANSLATORS, AND  
OF THE VERBAL COMPONENT "LINGUA"**

Methodological and methodical basis of sociological research of consumer perception of trademarks in terms of the availability or absence of distinguishing power and characterization of products and services relating to a certain activity, include: identification of the research objective; description of the notions "trademark", "trademark distinctiveness", "characterization of products and services relating to a certain activity"; justification of the approach to evaluate trademark perception - a system of indices and indicators, ways of developing a questionnaire as a measuring tool based on such a system, sampling methods, consumer survey, primary data processing and analysis techniques.

**Research objective** – determining the nature of Russian consumers' perception of the verbal trademark "LINGVO", used for labeling electronic dictionaries and translators owned by the company ABBYY Software Limited from the point of view of its having or lacking distinctiveness, power to define products and services relating to a certain activity and to determine the nature of the Russian consumers' perception of the verbal component "LINGUA".

The notion "trademark" can be defined as a sign capable of distinguishing respective products and services of certain legal entities from the products and



services of other legal entities. The availability or absence of this quality characterizes the trademark's distinguishing power.

In our case the research investigates perception by Russian consumers of the verbal trademark "LINGVO" used for labeling electronic dictionaries and translators.

The notion "characterization of products or services relating to a certain type of activity" is defined as specification of their type, properties and objectives.

Trademark perception can be evaluated by means of consumer opinion research with regard to their knowledge, availability of information and image of certain trademarks and of manufacturers of the trademarked products. Public opinion is such a manifestation of public consciousness in the form of judgments and behavior acts which reflects assessment of reality by social groups<sup>2</sup>. Therefore, trademark perception can be determined through people's value judgments with regard to the information and images available to them about certain trademarks and about manufacturers of the trademarked products.

**The procedure for evaluating consumer perception** of trademarks is based on the following principles.

First, a trademark possesses distinguishing power if consumers associate it with well-defined products and services and do not associate it with other products and services.

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<sup>2</sup> See: V.S. Korobeinikov, Pyramid of opinions, M., 1981.

Second, a trademark cannot be regarded as characterizing products or services relating to a certain activity if the verbal label used as this trademark does not specify their type, properties and objectives.

Third, to secure accuracy of measuring trademark perception, people's value judgments should be based on the direct visual and sense impression from such trademarks.

These methodic guidelines are reflected in the content of questions in the Questionnaire (Appendix No.1) and in the questionnaire survey procedure – Russian consumers were shown a verbal trademark with the purpose of determining their value judgments.

The abovementioned methodic approach provides for an accurate evaluation of Russian consumers' perception of the verbal trademark "LINGVO" used for labeling electronic dictionaries and translators owned by ABBYY Software Limited from the point of view of its having or lacking distinguishing power, power of characterization of products and services relating to certain activity, and for evaluation of the Russian consumers' perception of the verbal component "LINGUA".

Electronic dictionaries and translators labeled by the verbal trademark "LINGVO" belong to targeted products. Thus, the nature of perception of this trademark was determined among the target group of consumers aged 18 and older who are computer users and potential and real consumers of electronic dictionaries and translators. The majority of such consumers live in Russian megalopolises and large cities. In order to ensure a representative nature of sampling, the research employed a method of random sampling from the computer users target group. In

such an approach, sample size accepted in the research in order to provide for necessary representation of the national sample is 1500 persons.

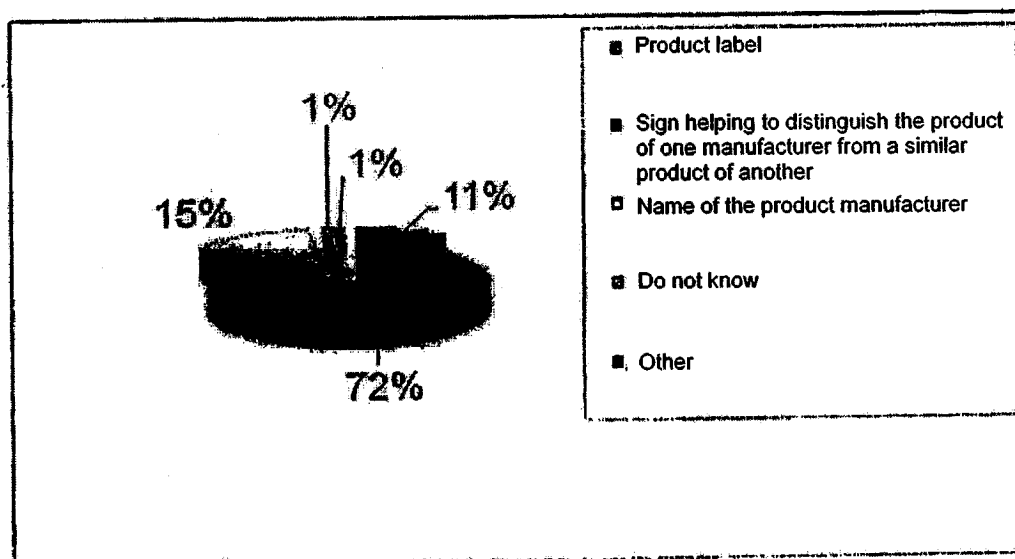
*The sample framework included central cities of different constituent entities of the Russian Federation, representing its major territorial zones: Moscow, St. Petersburg (500 persons in each), Ekaterinburg, Nizhniy Novgorod, Novosibirsk and Rostov-on-Don (125 persons in each).*

Analysis of questionnaire survey findings was conducted using frequency grouping, cross tables and correlation analysis, facilitating a determination of the distribution pattern of one feature within the other, qualitative and quantitative expression of their interrelation.

## II. RUSSIAN CONSUMERS' CONCEPTION OF A TRADEMARK AND ATTENTION TO IT

In order to determine the credibility of the Russian consumers' judgments about a trademark it is essential to state how accurate their conception of a trademark is. The absolute majority of Russian consumers has an accurate concept of what a trademark is (see Chart 1).

*Chart 1. Russian consumers' conception of a trademark.*



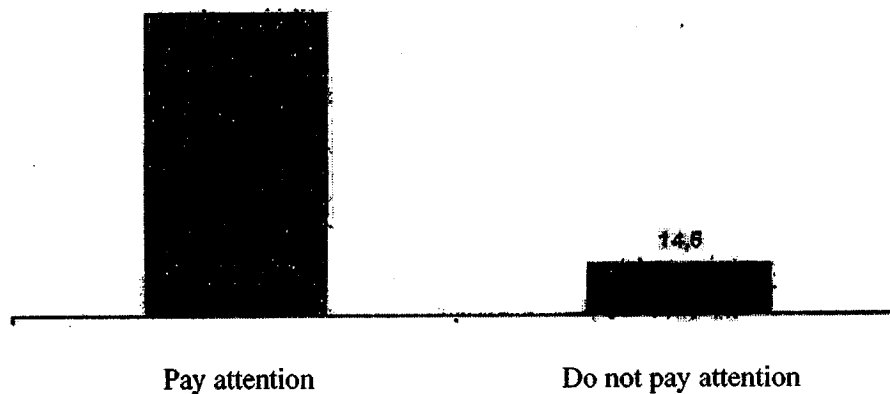
As may be seen from Chart 1, about three-fourths of Russian consumers (72%) have chosen the precise definition of a trademark (sign helping to distinguish the product of one manufacturer from a similar product of another) and 11% - no precise definition (product label), that allows the assertion that consumers have a correct concept of what a trademark is in general.

Generally, over four-fifths of Russian consumers (83%) are able to correctly

identify the notion of a trademark with its content and objective. Therefore, they are able to give a conscious and reasoned definition of their knowledge about the trademark under analysis.

Chart 2 shows that Russian consumers pay attention to trademarks.

*Chart 2. Level of Russian consumers' attention to a trademark when purchasing and consuming products (in %)*



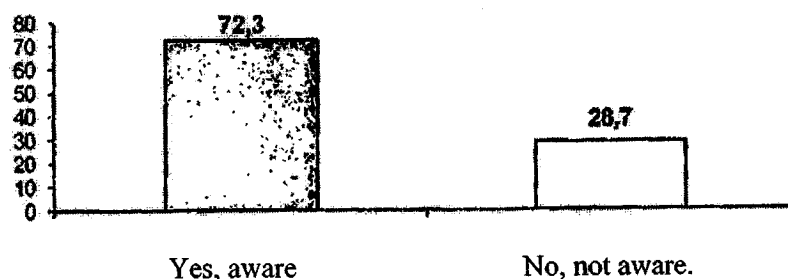
Over four-fifths of Russian consumers (85.5%) pay attention to the image and design of a trademark when purchasing and using products. This confirms the fact that Russian consumers' judgments as to the nature of perception of the trademarks under analysis are based on objective criteria.

*Thus, the degree of understanding of the meaning of a trademark as a sign to distinguish the product of one manufacturer from a similar product of another, and the level of attention to it when purchasing and using products allows the absolute majority of Russian consumers to evaluate reliably their perception of the analyzed trademarks "LINGVO" and "LINGUA".*

### III. DEGREE OF AWARENESS AND PATTERN OF PERCEPTION OF THE SPELLING OF THE WORD "LINGVO" BY RUSSIAN CONSUMERS

The pattern of consumers' perception of a trademark is defined as the degree of awareness of the verbal sign used as a trademark per se. Chart 3 presents data on the degree of consumer awareness of the word "LINGVO" per se. The consumers were shown an image of this word.

*Chart 3. Degree of consumers' awareness of the word "LINGVO" per se (in %)*



*The degree of the consumers' awareness of the word "LINGVO" is significant. Almost three quarters of the consumers (72,3%) are familiar with this word.*

The degree of awareness of the word "LINGVO" per se does not really depend on the sex, but on the age, level of education and material standing of a consumer. The younger the consumers, the higher their degree of awareness of the word "LINGVO". Among the consumers aged 18 to 34 this word is known to 81.6% of the consumers; among consumers aged 55 and older – it is 33.1%. The higher the level of education of the consumers, the higher their degree of awareness of the word "LINGVO". Among consumers with general secondary education this word is known to 39.4%; of those with higher education it is 83.9%.

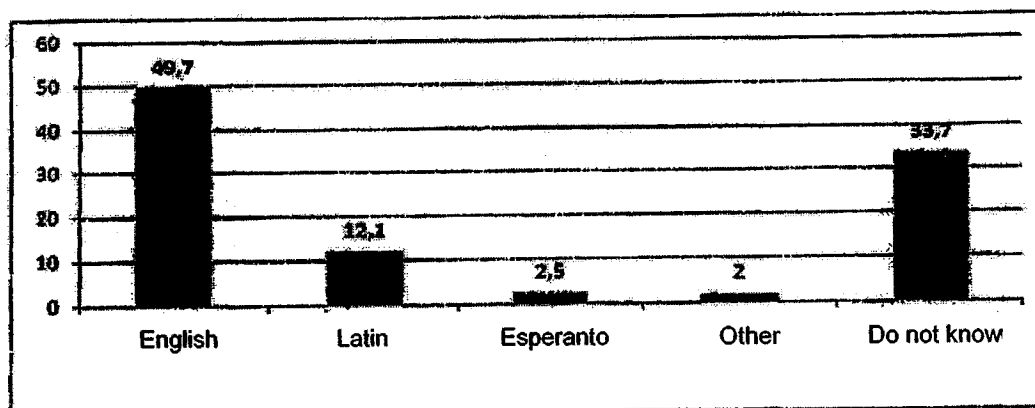
The higher the average monthly income per capita in the consumers' families, the higher is their degree of awareness of the word "LINGVO". If the average monthly income per capita in the consumers' families does not exceed

8000 rubles, the degree of awareness is 45%; if the average monthly income per capita in the consumers' families is over 500,000 rubles, the degree of awareness is 86.5%.

The consumers' awareness of the word "LINGVO" per se does not mean that the word possesses a distinguishing power among the consumers. Awareness of the meaning of a foreign word among Russian consumers presupposes at least knowing in what language it is written.

Chart 4 represents the data describing the degree of the consumers' knowledge in what language the word "LINGVO" is written. This data was obtained by using an "open" question which does not provide ready answers. Through such an approach the answers given by the consumers themselves prove to be the most reliable.

*Chart 4. Consumers' assessment of the language in which the word "LINGVO" is written (open question).*

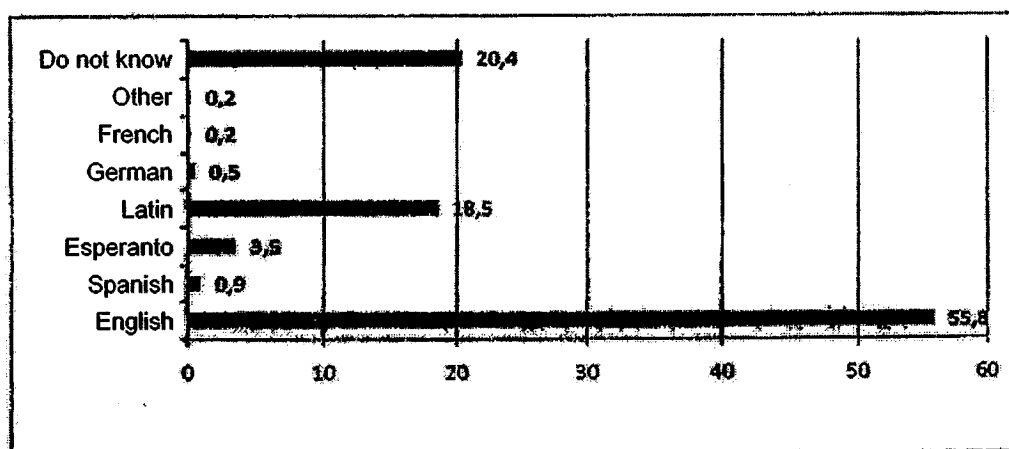


Nearly all of the consumers (97.5%) incorrectly specified the language in which the word "LINGVO" is written – 53.8% (English – 49.7%, Latin – 12.1%, other - 2%) or do not know in which language it is written. Only an insignificant number of consumers (2.5%) specified it correctly as Esperanto.

***Thus, nearly all of the consumers (97.5%) do not know in what language the word "LINGVO" is written.***

In order to check the reliability of an answer to an "open" question the consumers were asked a "close-end" question providing the name of several languages, i.e. a prompting question. Chart 5 represents the data characterizing the level of the consumers' knowledge in what the word "LINGVO" is written when answering a "close-end" question.

***Chart 5. Consumers' estimation of the language in which the word "LINGVO" is written (open question).***



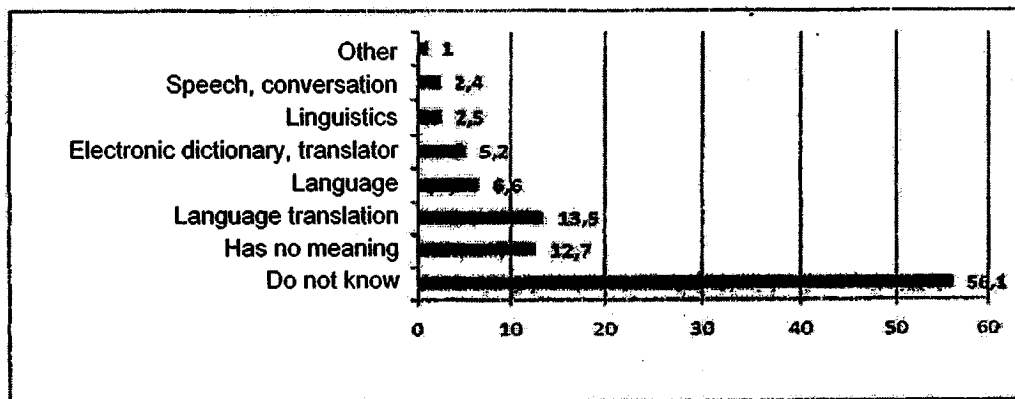
The answers to the "close-end" question as well the answers to the "open" question show that nearly all of the consumers (96.5%) do not know in which language the word "LINGVO" is written. This being the case, answers to the "close-end" and "open questions" do not differ greatly with regard to Esperanto (in 1%) which means that ***nearly all of the consumers (97.5%) do not know that the word "LINGVO" is written in Esperanto.***



#### IV. THE PATTERN OF RUSSIAN CONSUMERS' PERCEPTION OF THE MEANING OF THE WORD "LINGVO"

The pattern of the perception of the word "LINGVO" is directly determined by the meaning the consumers attribute to it. Chart 6 represents data on the consumers' knowledge of the meaning the word "LINGVO" has in the language they specified.

*Chart 6. Consumers' assessment of the meaning of the word "LINGVO" in the language they specified.*



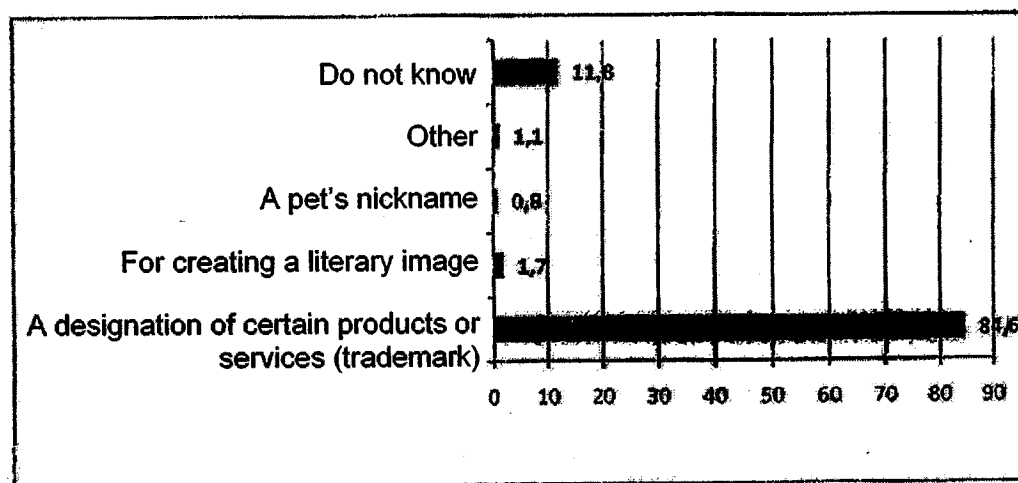
More than two-thirds of the consumers (68.8%) do not know what this word means in the language they specified (56.1%) or think that it has no meaning (12.7%).

*Thus, nearly all the consumers (93.4%) either do not know the meaning of the word "LINGVO", or think that it has no meaning, or indicate an incorrect meaning, which equates to the fact that they do not know it either. Thus, the overwhelming majority of the Russian consumers perceive the word "LINGVO" as having no meaning, that is a dreamed-up word.*

## V. PATTERNS OF RUSSIAN CONSUMERS' PERCEPTION OF WAYS OF USING THE WORD "LINGVO"

A verbal label used as a trademark possesses distinguishing power at least when consumers consider it to be a designation of certain products or services. Chart 7 represents the data characterizing estimation of what the word "LINGVO" is used for by consumers who are aware of the word.

*Chart 7. Consumers' estimation of what the word "LINGVO" is used for*



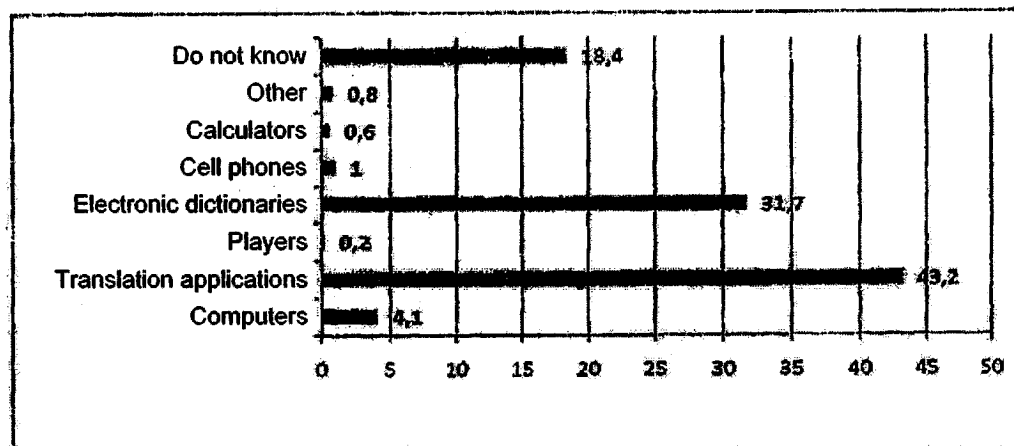
More than four-fifths of the consumers in general (84.6%) and nearly all of those (95.9%) who gave a definite answer (exclusive of those 11.8% who do not know) indicated that the word "LINGVO" is a designation of certain products or services, i.e. a trademark.

*Thus, more than a half of the consumers in general (84.6%) and nearly all of those (95.9%) who gave a definite answer (exclusive of those 11.8% who do not know) distinguish the word "LINGVO" as a trademark, that is, this word possesses a high distinguishing power in relation to the way it is used – as a trademark.*

The distinguishing power of the verbal label as a trademark can be spoken about if the consumers associate it with the products or services it labels.

Chart 8 represents the data characterizing assessment of the consumers aware of the word "LINGVO" of the products and services it is used for.

**Chart 8. Consumers' assessment of what the word "LINGVO" is used for**



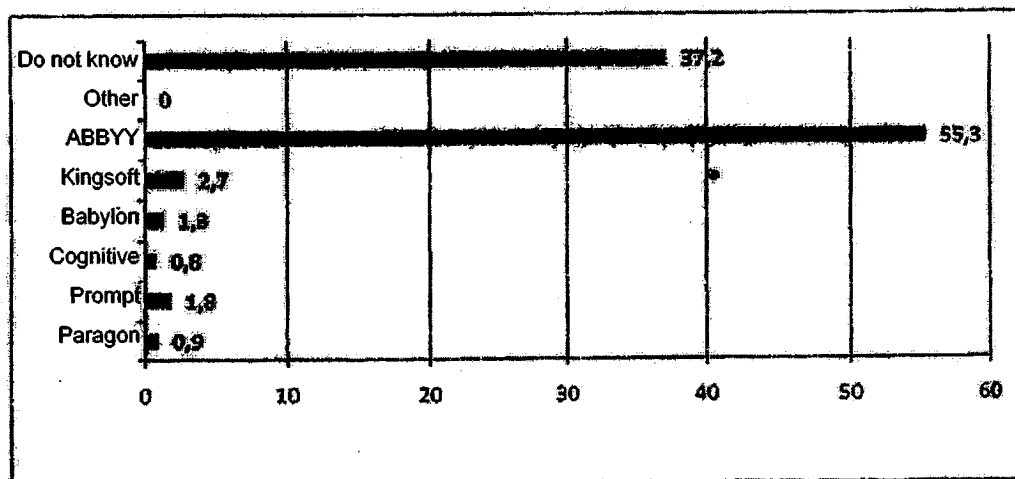
The vast majority of the consumers as a whole (74.9%) and nearly all of those (91.8%) who gave a definite answer (exclusive of those 18.4% who do not know) indicated that the word "LINGVO" is used to designate translation applications (43.2% and 52.9% respectively) and electronic dictionaries (31.7% and 38.9% respectively).

*Thus, the vast majority of the consumers in general (74.9%) and nearly all of those (91.8%) who gave a definite answer, distinguish the word "LINGVO" as a designation used for labeling translation applications and electronic dictionaries, that is, this word possesses high distinguishing power in relation to the products it labels – translation applications and electronic dictionaries.*

**VI. LEVEL OF RUSSIAN CONSUMERS' KNOWLEDGE OF THE  
OWNER OF THE TRADEMARK "LINGVO", USED FOR LABELING  
ELECTRONI DICTIONARIES AND TRANSLATORS AND DEGREE OF  
ITS RESTROSPECTIVE AWARENESS**

The high distinguishing power of the word "LINGVO" in relation to its usage for designation of translation applications and electronic dictionaries determines the high degree of awareness among consumers knowing the word "LINGVO" of the company owning the trademark "LINGVO" used for labeling translation applications and electronic dictionaries. (See Chart 9).

*Chart 9. Consumers' assessment of the company owning the trademark  
"LINGVO" used for labeling translation applications and electronic dictionaries*



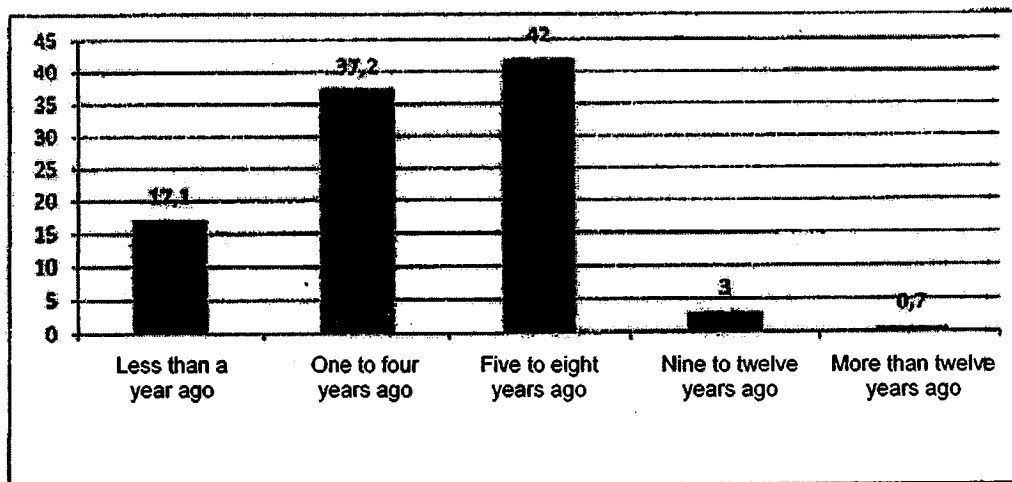
More than a half of the consumers (55.3%) as a whole and more than four-fifths (88.1%) of those who gave a definite answer (exclusive of those 37.2% who do not know) indicated that the company owning the trademark "LINGVO" labeling translation applications and electronic dictionaries is ABBYY.

*Thus, more than a half of the consumers (55.3%) as a whole and more than four-fifths (88.1%) of those who gave a definite answer distinguish the*

*trademark "LINGVO" used for labeling translation applications and electronic dictionaries as a trademark owned by ABBYY, that is the trademark "LINGVO" possesses high distinguishing power in relation to the company owning this trademark – ABBYY.*

Trademark perception may be reliable if it possesses high retrospective awareness among consumers. Chart 10 shows periods of time when the consumers knowing the trademark "LINGVO" labeling translation applications and electronic dictionaries first became aware of its existence.

*Chart 10. Periods of time when the consumers first became aware of the existence of the trademark "LINGVO" labeling translation applications and electronic dictionaries*

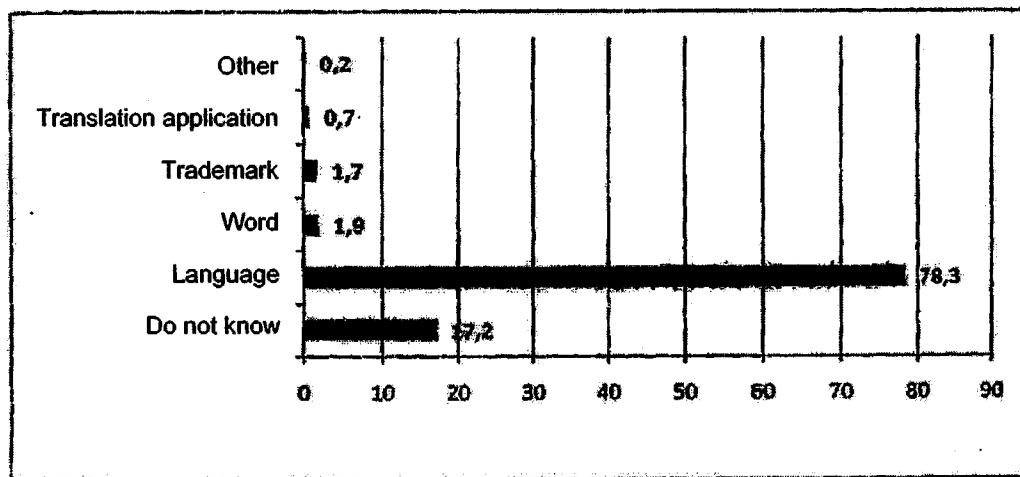


*More than four-fifths of the consumers (82.9%) first became aware of the existence of the trademark "LINGVO" labeling translation applications and electronic dictionaries more than a year ago or earlier which means that this trademark possesses a very high degree of retrospective awareness.*

## VII. NATURE OF THE RUSSIAN CONSUMERS' PERCEPTION OF THE WORD "LINGUA"

The nature of the perception of the word "LINGUA" is directly determined by the meaning the consumers attribute to it. Chart 11 represents data on the consumers' knowledge of the meaning of the word "LINGUA". This data was obtained by using an "open" question which does not provide ready answers.

*Chart 11. Consumers' assessment of the meaning of the word "LINGUA" (open question)*



More than three quarters of the consumers (78.3%) indicated that the word "LINGUA" means "language". Nearly none indicated that the word "LINGUA" is used as a trademark (1.7%) or designates a translation application (0.7%).

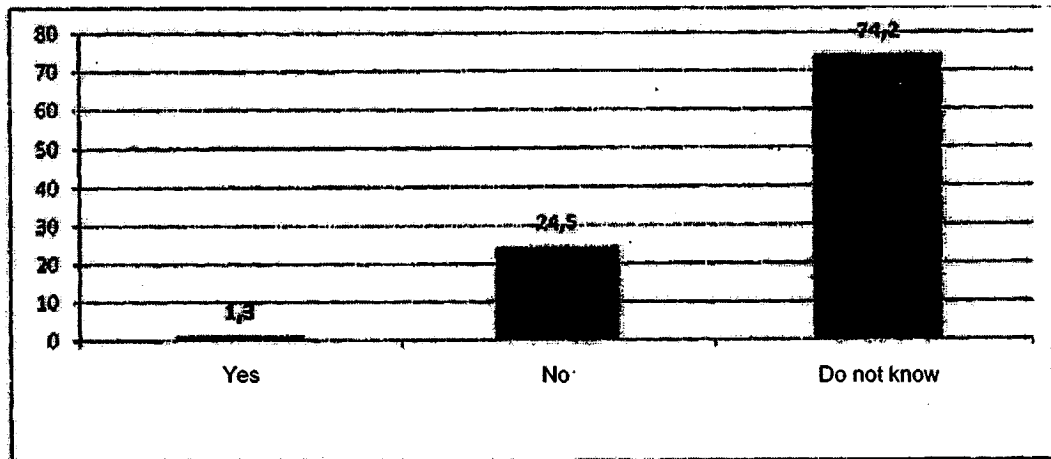
*Thus, the word "LINGUA":*

- *is not perceived as a trademark labeling translation applications and electronic dictionaries, and thereby is not confused in the consumers' mind with the trademark "LINGVO" labeling translation applications and electronic dictionaries in terms of its usage pattern.*

- *is perceived as a word having a definite meaning – “language” as translated from English.*

Consumers' answers to the direct question whether the word “LINGUA” is a trademark of translation applications and electronic dictionaries confirms these conclusions (See Chart 12).

*Chart 12. Consumers' assessment of whether the word “LINGUA” is a trademark of translation applications and electronic dictionaries*



Almost three quarters of the consumers (74.2%) do not know whether the word “LINGUA” is a trademark of translation applications and electronic dictionaries. Every fourth consumer answered this question negatively (24.5%). Quite an insignificant number of consumers (1.3%) indicated that the word “LINGUA” is a trademark of translation applications and electronic dictionaries.

*Thus, the word “LINGUA” is not confused in the consumers' perception with the trademark “LINGVO” labeling electronic dictionaries and translation applications.*

## CONCLUSIONS

Based on the results of social research regarding the perception of consumers in Russia of the trademark expressed in the word LINGVO, that labels translating software and electronic dictionaries, the following conclusions can be made:

1. The extent of understanding a trademark as a means of differentiating goods of one manufacturer from similar goods of another manufacture, and the level of attention paid to it at the moment of acquisition and use of the goods, allow the absolute majority of Russian consumers to make a real appraisal of their perception of the LINGVO trademarks that are being studied.

1. The word LINGVO possesses a significant level of consumer awareness. Almost three quarters of consumers (72.3%) know this word. At the same time almost none of them (97.5%) know what language the word is in, so they are not aware that the word LINGVO is in Esperanto.

2. Thus, almost all consumers (93.4%) either do not know the meaning of the word LINGVO, think it does not have any meaning at all, or they give an incorrect meaning, i.e. in fact they do not know it. Therefore, the vast majority of consumers in Russia perceive the word as having no notion, i.e. as being an imaginary word.

3. More than a half of all consumers (84.6%) and almost all of those who gave a specific answer (95.9%) (excluding those 11.8% who gave a "don't know" answer) distinguish LINGVO as a trademark, which means this word has a high distinguishing feature in terms of its use as a trademark.



The vast majority of all consumers (74.9%) and almost all of those who gave a specific answer (91.8%) understand the word LINGVO as a associated with translation software and electronic dictionaries, i.e. this word has a high distinguishing feature with regard to goods bearing this name – translation software and electronic dictionaries.

4. More than a half of all consumers (55.3%) and over four fifths of those who gave a specific answer (88.1%) recognize the LINGVO trademark, used for translation software and electronic dictionaries, as a name that is owned by ABBYY, i.e. the LINGVO trademark has a high differentiating feature with regard to the company owning the trademark – ABBYY.

5. Over four fifths of consumers (82.9%) first learned about the LINGVO trademark for translation software and electronic dictionaries over a year ago, that illustrates that the trademark possesses a very high level of retrospective renown.

6. The word LINGUA, first, is not perceived as a trademark that labels translation software and, thus, is not confused in consumer perception with the LINGVO trademark that labels translation software and electronic dictionaries in terms of use of the former. Second, it is perceived as having the specific definition of “language” if translated from English.

**General Conclusions:**

*1. The word LINGVO is perceived by the majority of consumers in Russia as having no notion and being an imaginary word.*

*2. The LINGVO trademark, used for translation software and electronic dictionaries and owned by ABBYY has a high differentiating feature with regard to the goods thus labeled and to the company to which the trademark belongs.*

**3. The word *LINGUA* is not confused with the trademark *LINGVO* that labels electronic dictionaries and translation software.**

Head of Social Research Methodology Department,

Professor

/Signed/

Yu.P. Averin

# APPENDIX

LOMONOSOV MOSCOW STATE UNIVERSITY

SOCIOLOGY DEPARTMENT

Telephone: 939-27-95

Dear resident of Russia! The MSU Sociology Department is researching the opinion of Russians as regards trademarks (service marks).

We would like to ask you to complete this questionnaire.

When answering the questions, **CIRCLE THE NUMBER OF THE ANSWER** or **GIVE YOUR OWN OPINION**.

**№1. WHAT IS A TRADEMARK?**

- |  |   |
|--|---|
| 1. A label on products   | 3. The name of the product manufacturer |
| 2. A marking allowing to differentiate products of one manufacturer from similar products of another | 4. Other (Please, specify) _____        |
|  | 5. I don't know                         |

**№2. WHEN BUYING PRODUCTS DO YOU PAY ATTENTION TO THEIR APPEARANCE AND THEIR TRADEMARK DESIGN?**

- |        |       |
|--------|-------|
| 1. Yes | 2. No |
|--------|-------|

**№3. WERE YOU AWARE OF THE WORD "LINGVO" BEFORE TODAY?** *Show Card 1.*

- |                |                 |
|----------------|-----------------|
| 1. Yes, I was. | 2. No, I wasn't |
|----------------|-----------------|

**№4. WHAT LANGUAGE, IN YOUR OPINION, IS THE WORD "LINGVO" IN?** *Show Card 1.*

- |                           |
|---------------------------|
| 1. Please, specify. _____ |
| 2. I don't know.          |

**№5. BELOW IS A LIST OF LANGUAGES. IN WHAT LANGUAGE, IN YOUR OPINION, IS THE WORD "LINGVO" WRITTEN?**

*Show Card 1.*

- |              |           |                  |
|--------------|-----------|------------------|
| 1. English   | 4. Latin  | 7. Other _____   |
| 2. Spanish   | 5. German | 8. I don't know. |
| 3. Esperanto | 6. French |                  |

**№6. WHAT, IN YOUR OPINION, DOES THE WORD "LINGVO" MEAN IN THE LANGUAGE YOU CHOSE?**

- |                                      |
|--------------------------------------|
| 1. Please, specify _____             |
| 2. This word does not have a notion. |
| 3. I don't know.                     |
- №7. IF YOU CONSIDER THAT THE WORD "LINGVO" HAS NO NOTION, WHAT IS IT USED FOR?**
- |   |
|---|
| 1. It is a marking for products or services (trademark) |
| 2. To create a literary image.                          |
| 3. It is the name of an animal.                         |
| 4. Other _____  |
| 5. I don't know.  |

**№8. IF YOU WERE AWARE OF THE WORD "LINGVO" BEFORE TODAY, WHAT PRODUCTS OR SERVICES, IN YOUR OPINION, DOES IT DESIGNATE?** *Show Card 1*

- |                         |                            |                 |
|-------------------------|----------------------------|-----------------|
| 1. Computers            | 4. Electronic dictionaries | 7. Other _____  |
| 2. Translating software | 5. Mobile phones           | 8. I don't know |
| 3. Players              | 6. Calculators             |                 |

**№9. WHEN DID YOU FIRST LEARN THAT THE "LINGVO" TRADEMARK EXISTED?**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Less than a year ago  | 4. From 9 to 12 years ago |
| 2. From 1 to 4 years ago | 5. Over 12 years ago      |
| 3. From 5 to 8 years ago |                           |

**№10. WHICH COMPANY OWNS THE "LINGVO" TRADEMARK FOR TRANSLATING SOFTWARE AND ELECTRONIC DICTIONARIES?** *Show Card 1.*

- |              |             |                 |
|--------------|-------------|-----------------|
| 1. Paragon   | 4. Babylon  | 7. Other _____  |
| 2. Prompt    | 5. Kingsoft | 8. I don't know |
| 3. Cognitive | 6. ABBYY    |                 |

**№11. DO YOU KNOW WHAT THE WORD "LINGUA" MEANS? Show Card 2.**

1. Please, specify. \_\_\_\_\_
2. I don't know.

**№12. IS THE WORD "LINGUA" A TRADEMARK FOR TRANSLATING SOFTWARE AND ELECTRONIC DICTIONARIES?**

*Show Card 2.*

1. Yes.
2. No.
3. I don't know.

**№13. YOUR AGE?**

- |                      |                      |
|----------------------|----------------------|
| 1. Between 18 and 34 | 3. Between 45 and 54 |
| 2. Between 35 and 45 | 4. Between 55 and 60 |

**№14. YOUR GENDER? 1. Male. 2. Female.**

**№15. YOUR EDUCATION LEVEL?**

1. General secondary
2. Secondary vocational
3. Higher

**№16. WHAT IS THE AVERAGE INCOME PER PERSON IN YOUR FAMILY?**

- |                              |                                |                                |
|------------------------------|--------------------------------|--------------------------------|
| 1. Under RUB 3000            | 4. From RUB 8001 to RUB 13000  | 7. From RUB 25001 to RUB 50000 |
| 2. From RUB 3001 to RUB 8000 | 5. From RUB 13001 to RUB 25000 | 8. Over RUB 50000              |

**№17. YOUR CITY? PLEASE, SPECIFY. \_\_\_\_\_**

**THANK YOU FOR TAKING PART IN THE RESEARCH!**

Card 1

**LINGVO**

Card 2

**LINGUA**

**Linear distribution of answers to the questions in the Questionnaire**

**№1. What is a trademark?**

|   | %    |
|---|------|
| A label on products   | 11.0 |
| A marking allowing to differentiate products of one manufacturer from similar products of another | 72.0 |
| The name of the product manufacturer  | 15.0 |
| Other (Please, specify)   | 1.0  |
| I don't know  | 1.0  |

**№2. WHEN BUYING PRODUCTS DO YOU PAY ATTENTION TO THEIR APPEARANCE AND THEIR TRADEMARK DESIGN?**

|     | %    |
|-----|------|
| Yes | 85.5 |
| No  | 14.5 |

**№3. WERE YOU AWARE OF THE WORD "LINGVO" BEFORE TODAY? Show Card 1.**

|              | %    |
|--------------|------|
| Yes, I was   | 72.3 |
| No, I wasn't | 28.7 |

**№4. WHAT LANGUAGE, IN YOUR OPINION, IS THE WORD "LINGVO" IN?**

|              | %    |
|--------------|------|
| English      | 49.7 |
| Latin        | 12.1 |
| Esperanto    | 2.5  |
| Other        | 2.0  |
| I don't know | 33.7 |

**№5. BELOW IS A LIST OF LANGUAGES. IN WHAT LANGUAGE, IN YOUR OPINION, IS THE WORD "LINGVO" WRITTEN?**

|              | %    |
|--------------|------|
| English      | 55.8 |
| Spanish      | 0.9  |
| Esperanto    | 3.5  |
| Latin        | 18.5 |
| German       | 0.5  |
| French       | 0.2  |
| Other        | 0.2  |
| I don't know | 20.4 |

**№6. WHAT, IN YOUR OPINION, DOES THE WORD "LINGVO" MEAN IN THE LANGUAGE YOU CHOSE?**

|                                  | %    |
|----------------------------------|------|
| Other                            | 1.0  |
| Speech, talk                     | 2.4  |
| Linguistics                      | 2.5  |
| Electronic dictionary/translator | 5.2  |
| Language                         | 6.6  |
| Language translation             | 13.5 |
| Doesn't matter                   | 12.7 |
| I don't know                     | 56.1 |

**№7. IF YOU CONSIDER THAT THE WORD "LINGVO" HAS NO NOTION, WHAT IS IT USED FOR?**

|   | %    |
|---|------|
| It is a mark for products or services (trademark) | 84.6 |
| To create a literary image                        | 1.7  |
| It is the name of an animal                       | 0.8  |
| Other   | 1.1  |
| I don't know                                      | 11.8 |

**№8. IF YOU WERE AWARE OF THE WORD "LINGVO" BEFORE TODAY, WHAT PRODUCTS OR SERVICES, IN YOUR OPINION, DOES IT DESIGNATE?**

|                         | %    |
|-------------------------|------|
| Computers               | 4.1  |
| Translating software    | 43.2 |
| Players                 | 0.2  |
| Electronic dictionaries | 31.7 |
| Mobile phones           | 1.0  |
| Calculators             | 0.6  |
| Other                   | 0.8  |
| I don't know            | 18.4 |

**№9. WHEN DID YOU FIRST LEARN THAT THE "LINGVO" TRADEMARK EXISTED?**

|                        | %    |
|------------------------|------|
| Less than a year ago   | 17.1 |
| From 1 to 4 years ago  | 37.2 |
| From 5 to 8 years ago  | 42.0 |
| From 9 to 12 years ago | 3.0  |
| Over 12 years ago      | 0.7  |

**№10. WHICH COMPANY OWNS THE "LINGVO" TRADEMARK FOR TRANSLATING SOFTWARE AND ELECTRONIC DICTIONARIES?**

|              | %    |
|--------------|------|
| Paragon      | 0.9  |
| Prompt       | 1.8  |
| Cognitive    | 0.8  |
| Babylon      | 1.3  |
| Kingsoft     | 2.7  |
| ABBYY        | 55.3 |
| Other        | 0.0  |
| I don't know | 37.2 |

**№11. DO YOU KNOW WHAT THE WORD "LINGUA" MEANS?**

|                      | %    |
|----------------------|------|
| Other                | 0.2  |
| Translating software | 0.7  |
| Trademark            | 1.7  |
| Word                 | 1.9  |
| Language             | 78.3 |
| I don't know         | 17.2 |

**№12. IS THE WORD "LINGUA" A TRADEMARK FOR TRANSLATING SOFTWARE AND ELECTRONIC DICTIONARIES?**

|              | %    |
|--------------|------|
| Yes          | 1.3  |
| No           | 24.5 |
| I don't know | 74.2 |



# EXHIBIT 6

&lt;&lt; Back

## Company History

### In the Beginning Was the Dictionary

ABBYY (before 1997 — BIT Software) was founded in 1989 by David Yang, currently the chairman of ABBYY's board of directors. The company was born from an idea to create a dictionary software. This idea occurred to David during a French lesson when he was a student of Moscow Institute of Physics and Technology. While looking up words in a bulky dictionary he imagined an easy-to-use tool that would allow people to translate words in just a few seconds. This dictionary application later became the first ABBYY product named Lingvo.

The first version of ABBYY Lingvo (released in July 1990) offered translation of words and phrases from Russian to English and back. Further enhanced versions followed, and in time, other product lines were introduced, including widely known ABBYY FineReader document conversion application (July 1993), ABBYY FormReader system for data capture, software development tools, etc.

### ABBYY Comes to the World

A few years after the launch of ABBYY FineReader, the company realized that quality and accuracy of this product had exceeded the quality of the alternatives not only in Russia but also abroad. As a result, in 1997 ABBYY began to expand its business in the global market building up an international distribution network and establishing partnerships with the world's leading equipment manufacturers to bundle FineReader with modern scanning devices.

Since 2004, along with further expansion to new markets, ABBYY has spent considerable effort on streamlining its business processes and diversifying its product portfolio. For example, the company strengthened its focus on developing "technology" products — software development kits (SDK) and enterprise solutions. This brought ABBYY to a leading position on enterprise content management (ECM) and document management markets as a provider of high-quality optical character recognition (OCR), data capture and form processing solutions.

### The Company Today

Today, ABBYY is an international company with 9 offices in different countries including Russia, Germany, the United States, Ukraine, the UK, Cyprus, Japan and Taiwan. ABBYY products are now being sold in more than 130 countries around the world through a network of regional and international partners.

&lt;&lt; Back

[PRODUCTS](#)[INDUSTRIES](#)[SUPPORT](#)[PARTNERS](#)[COMPANY](#)[SHOPPING](#)[ABBYY.com](#) > [ABBYY - Company Overview](#) > [Contact ABBYY](#)**ABBYY FineReader 10 Professional Edition Named Editor's Choice by PC Magazine**

The solution's ease of use, optical character recognition (OCR) accuracy, and new user interface ... [more >>](#)

AB|

**QUICK LINKS**[ABOUT ABBYY](#)[NEWS](#)[EVENTS](#)[PRESS ROOM](#)[AWARDS&REVIEWS](#)[TESTIMONIALS](#)[CASE STUDIES](#)[TRIAL VERSIONS](#)[CAREERS](#)[SUBSCRIBE NEWS](#)**Contact ABBYY**

&lt;&lt; Back

**General Contacts**Career: [job@abbyy.com](mailto:job@abbyy.com)Sales: [sales@abbyy.com](mailto:sales@abbyy.com)Support: [support@abbyy.com](mailto:support@abbyy.com)Press contacts: [press@abbyy.com](mailto:press@abbyy.com)Web master: [webmaster@abbyy.com](mailto:webmaster@abbyy.com)**ABBYY Headquarters****ABBYY Europe GmbH****ABBYY USA****ABBYY Ukraine****ABBYY UK Ltd.****ABBYY Taiwan****ABBYY Japan****ABBYY Russia****ABBYY Solutions Ltd. (Cyprus)**

&lt;&lt; Back

[CONTACT US](#)[SITE MAP](#)[LEGAL](#)[PRI](#)

# EXHIBIT 9

*Handwritten: [Signature] Anna C. [Signature] VISA*

MILLER & MILLER, LLC  
PATENTS, TRADEMARKS & COPYRIGHTS  
150-152 MASON STREET  
GREENWICH, CT 06830  
USA

Invoice submitted to:

Sergey Andreyev, Executive Director  
BIT Software, Inc.  
2nd Floor  
Gospitalny pereulok 4/6  
Moscow, 107005  
Russia

July 2, 1997

Four U.S. Trademark Applications; Preparation and filing including U.S. government filing fee of \$245.00 per application and drawing sheets; \$495.00 per International Class per application (not including responses to Office Action by Amendment)

AMOUNT

SUBTOTAL

\$1,980.00  
(\$495.00x  
4 appls.)

For Professional Services Rendered

\$1,980.00  
-----

Balance Due

\$1,980.00

**EXHIBIT 11**

## California Business Portal

SEARCH RESULTS FOR: MICHAEL BOWEN

BUSINESS SEARCH RESULTS

BUSINESS SEARCH RESULTS

BUSINESS PROGRAMS

ARCHIVES &amp; HISTORY

OTHER SERVICES

Business Search  
Corporations[Home Page](#)[New Search](#)[Search Tips](#)[Field Definitions](#)[Status Definitions](#)[Name Availability](#)[Corporate Records](#)[Business Entities](#)[Business Order Form](#)[Corporations](#)[Corporations](#)[Status Reports](#)[FAQ](#)[Corporations Main Page](#)[Home Page](#)

## Corporations

The information displayed here is current as of "DEC 04, 2009" and is updated weekly. It is not a complete or certified record of the Corporation.

| Corporation                         |                                |                             |
|-------------------------------------|--------------------------------|-----------------------------|
| MICRO 3 CORPORATION                 |                                |                             |
| <b>Number:</b><br>C1854568          | <b>Date Filed:</b><br>3/5/1993 | <b>Status:</b><br>dissolved |
| <b>Jurisdiction:</b> California     |                                |                             |
| <b>Address</b>                      |                                |                             |
| 47221 FREMONT BLVD                  |                                |                             |
| FREMONT, CA 94538                   |                                |                             |
| <b>Agent for Service of Process</b> |                                |                             |
| JUDY HSU                            |                                |                             |
| 47221 FREMONT BLVD                  |                                |                             |
| FREMONT, CA 94538                   |                                |                             |

[New Search](#)

- For information about certification of corporate records or for additional corporate information, please refer to **Corporate Records**.
- Blank fields indicate the information is not contained in the computer file.
- If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code **Section 2114** for information relating to service upon corporations that have surrendered.

# EXHIBIT 12



# California Business Portal

**DISCLAIMER:** The information displayed here is current as of JUN 05, 2009 and is updated weekly. It is not a complete or certified record of the Corporation.

| Corporation                    |                      |                |
|--------------------------------|----------------------|----------------|
| ABBYY USA SOFTWARE HOUSE, INC. |                      |                |
| Number: C2193929               | Date Filed: 7/5/2000 | Status: active |
| Jurisdiction: California       |                      |                |
| Address                        |                      |                |
| 47221 FREMONT BLVD             |                      |                |
| FREMONT, CA 94538              |                      |                |
| Agent for Service of Process   |                      |                |
| DING YUAN TANG                 |                      |                |
| 47221 FREMONT BLVD             |                      |                |
| FREMONT, CA 94538              |                      |                |

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.

**EXHIBIT 14**

# Certificate of Registration

**FORM TX**

Registration of Literary, Musical, and Artistic Works  
UNITED STATES COPYRIGHT OFFICE  
1077 G Street, N.W., Washington, D.C. 20540

TX 6-811-356



EFFECTIVE DATE OF REGISTRATION

Oct 06 2003

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**TITLE OF THE WORK** ✓

**AEDDY Lingo 7.0**

**ALTERNATE OR ALTERNATIVE TITLES** ✓

**INDICATION AS A CONTRIBUTION** If this work was published as a contribution to a periodical, serial, or collection, give information about the collection and in which the contribution appeared. **Title of Collective Work** ✓

**If published in a periodical or serial, give:** Volume ✓

Number ✓

Issue Date ✓

On Page ✓

**NAME OF AUTHOR** ✓

**AEDDY Software House**

**Is the contributor to the work a sole creator?**  
☐ Yes  
☒ No

**AUTHOR'S NATIONALITY OR DOMICILE**

**OR** **Citizen of** \_\_\_\_\_

**OR** **Resident in** \_\_\_\_\_

**DATE OF BIRTH AND DEATH**

Year Born ✓

Year Died ✓

**HOW THE AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous ☐ Yes ☒ No

Joint authorship ☐ Yes ☒ No

**REPORT OF AUTHORSHIP** Indicate the nature of material created by the author in which copyright is claimed. ✓

**Is the work a derivative work?**

**NAME OF AUTHOR** ✓

**DATE OF BIRTH AND DEATH**

Year Born ✓

Year Died ✓

**Is the contributor to the work a sole creator?**  
☐ Yes  
☒ No

**AUTHOR'S NATIONALITY OR DOMICILE**

**OR** **Citizen of** \_\_\_\_\_

**OR** **Resident in** \_\_\_\_\_

**HOW THE AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous ☐ Yes ☒ No

Joint authorship ☐ Yes ☒ No

**REPORT OF AUTHORSHIP** Indicate the nature of material created by the author in which copyright is claimed. ✓

**NAME OF AUTHOR** ✓

**DATE OF BIRTH AND DEATH**

Year Born ✓

Year Died ✓

**Is the contributor to the work a sole creator?**  
☐ Yes  
☒ No

**AUTHOR'S NATIONALITY OR DOMICILE**

**OR** **Citizen of** \_\_\_\_\_

**OR** **Resident in** \_\_\_\_\_

**HOW THE AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous ☐ Yes ☒ No

Joint authorship ☐ Yes ☒ No

**REPORT OF AUTHORSHIP** Indicate the nature of material created by the author in which copyright is claimed. ✓

**WORKS WHICH ARE DERIVATIVES OF THIS WORK**

**WORKS WHICH ARE DERIVATIVES OF THIS WORK**

**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Copyright Information Month \_\_\_\_\_ Day \_\_\_\_\_ Year 2001

**Is the work a derivative work?**

**Is the work a derivative work?**

**Is the work a derivative work?** Name and address must be given even if the claimant is the same as the creator given in space 2. ✓

**M/C Technologies Ltd.**

**2 Kantonos St.  
CY-1087 Nicosia, Cyprus**

**TX 6-811-356**

**TX 6-811-356**

**10/6/03**

**TWO DEPOSITS RECEIVED**

**FUNDS RECEIVED**

**Is the work a derivative work?** Indicate the nature of material created by the author in which copyright is claimed. ✓

**by assignment**

**REMARKS** • Complete all applicable spaces (numbers 1-4) on the reverse side of this page.  
• See detailed instructions.  
• Sign the form at line 4.

**COPIES OF THIS FORM**

Page 1 of 2 pages

P00189

SIGNED BY DW FORM TX  
 CHECKED BY \_\_\_\_\_  
☒ CONFERENCE FOR COPYRIGHT OFFICE USE ONLY  
 Yes

IF YOU HAVE ALREADY REGISTERED THIS WORK, OR AN EARLIER VERSION OF THIS WORK, ALREADY BEEN MADE IN THE COPYRIGHT OFFICE:  
 (1) If the answer is "Yes," why is another registration being sought? (Check appropriate box.) **5**  
 (2) If the answer is "No," why is another registration being sought?  
 (3) If the answer is "No," why is another registration being sought?  
 (4) If the answer is "No," why is another registration being sought?  
 (5) If the answer is "No," why is another registration being sought?  
 Year of Registration: \_\_\_\_\_

IF YOU HAVE ALREADY REGISTERED THIS WORK, OR AN EARLIER VERSION OF THIS WORK, ALREADY BEEN MADE IN THE COPYRIGHT OFFICE:  
 (1) If the answer is "Yes," why is another registration being sought? (Check appropriate box.) **a 6**  
 (2) If the answer is "No," why is another registration being sought?  
 (3) If the answer is "No," why is another registration being sought?  
 (4) If the answer is "No," why is another registration being sought?  
 (5) If the answer is "No," why is another registration being sought?  
 Year of Registration: \_\_\_\_\_

IF YOU HAVE ALREADY REGISTERED THIS WORK, OR AN EARLIER VERSION OF THIS WORK, ALREADY BEEN MADE IN THE COPYRIGHT OFFICE:  
 (1) If the answer is "Yes," why is another registration being sought? (Check appropriate box.) **a 7**  
 (2) If the answer is "No," why is another registration being sought?  
 (3) If the answer is "No," why is another registration being sought?  
 (4) If the answer is "No," why is another registration being sought?  
 (5) If the answer is "No," why is another registration being sought?  
 Year of Registration: \_\_\_\_\_

IF YOU HAVE ALREADY REGISTERED THIS WORK, OR AN EARLIER VERSION OF THIS WORK, ALREADY BEEN MADE IN THE COPYRIGHT OFFICE:  
 (1) If the answer is "Yes," why is another registration being sought? (Check appropriate box.) **8**  
 (2) If the answer is "No," why is another registration being sought?  
 (3) If the answer is "No," why is another registration being sought?  
 (4) If the answer is "No," why is another registration being sought?  
 (5) If the answer is "No," why is another registration being sought?  
 Year of Registration: \_\_\_\_\_

IF YOU HAVE ALREADY REGISTERED THIS WORK, OR AN EARLIER VERSION OF THIS WORK, ALREADY BEEN MADE IN THE COPYRIGHT OFFICE:  
 (1) If the answer is "Yes," why is another registration being sought? (Check appropriate box.) **9**  
 (2) If the answer is "No," why is another registration being sought?  
 (3) If the answer is "No," why is another registration being sought?  
 (4) If the answer is "No," why is another registration being sought?  
 (5) If the answer is "No," why is another registration being sought?  
 Year of Registration: \_\_\_\_\_

IF YOU HAVE ALREADY REGISTERED THIS WORK, OR AN EARLIER VERSION OF THIS WORK, ALREADY BEEN MADE IN THE COPYRIGHT OFFICE:  
 (1) If the answer is "Yes," why is another registration being sought? (Check appropriate box.) **10**  
 (2) If the answer is "No," why is another registration being sought?  
 (3) If the answer is "No," why is another registration being sought?  
 (4) If the answer is "No," why is another registration being sought?  
 (5) If the answer is "No," why is another registration being sought?  
 Year of Registration: \_\_\_\_\_

# Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**FORM TX**

Copyright Office  
Registration of Copyrights

TX 6-011-367

EFFECTIVE DATE OF REGISTRATION

Oct 30 2004

PRINTED ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**NAME OF THIS WORK** ✓

ADAPT Langto-6.5

**INDICATE ALTERNATIVE TITLES** ✓

**INDICATE IF THIS IS A CONTRIBUTION** If this work was published as a contribution to a periodical, serial, or collection, give information about the publication in which the contribution appeared. Title of Collective Work ✓

Published in a periodical or serial give: Volume ✓ Number ✓ Issue Date ✓ On Page ✓

**NAME OF AUTHOR** ✓

ADAPT Software House

**DATE OF BIRTH AND DEATH**

Year Born ✓ Year Died ✓

Is the author dead at the time of publication? ☐ Yes ☒ No

**AUTHOR'S NATIONALITY OR RESIDENCE**

Citizen of: \_\_\_\_\_  
Domiciled in: Russia

**IS THE AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous? ☐ Yes ☒ No  
Pseudonym? ☐ Yes ☒ No

**INDICATE IF THIS IS A CONTRIBUTION** Briefly describe the nature of material created by this author in which copyright is claimed. ✓

ADAPT Software House

**DATE OF BIRTH AND DEATH**

Year Born ✓ Year Died ✓

Is the author dead at the time of publication? ☐ Yes ☒ No

**AUTHOR'S NATIONALITY OR RESIDENCE**

Citizen of: \_\_\_\_\_  
Domiciled in: \_\_\_\_\_

**IS THE AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous? ☐ Yes ☒ No  
Pseudonym? ☐ Yes ☒ No

**INDICATE IF THIS IS A CONTRIBUTION** Briefly describe the nature of material created by this author in which copyright is claimed. ✓

ADAPT Software House

**DATE OF BIRTH AND DEATH**

Year Born ✓ Year Died ✓

Is the author dead at the time of publication? ☐ Yes ☒ No

**AUTHOR'S NATIONALITY OR RESIDENCE**

Citizen of: \_\_\_\_\_  
Domiciled in: \_\_\_\_\_

**IS THE AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous? ☐ Yes ☒ No  
Pseudonym? ☐ Yes ☒ No

**INDICATE IF THIS IS A CONTRIBUTION** Briefly describe the nature of material created by this author in which copyright is claimed. ✓

ADAPT Software House

**DATE AND NATION OF FIRST PUBLICATION OF THE LITERARY WORK**

Month: Jan Day: 01 Year: 2004 Nation: Russia

Copyright notice must be given even if the claimant is the same as the author. Give the notice. ✓

M/C Technologies Ltd.

2 Kastoras St.  
CY-1057 Nicosia, Cyprus

**INDICATE IF THIS IS A CONTRIBUTION** Briefly describe the nature of material created by this author in which copyright is claimed. ✓

ADAPT Software House

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

JUL 1 2 2004

**REMARKS** • Enter remarks in this space (numbers 1-4) on the reverse side of this page. • See attached materials. • Sign the form at the bottom.

**DEPOSIT RECEIVED**

EXAMINED BY DEO FORM 14

CHECKED BY \_\_\_\_\_

☒ CORRESPONDENCE

☐ Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

**SECTION 1: STATEMENT OF AUTHORSHIP**

1. Is this work your original work? (Check appropriate box.)

☐ Yes ☐ No

2. If you checked "Yes," why is another registration being sought? (Check appropriate box.)

☐ I am the author of a work previously registered in unpublished form.

☐ I am the author of a work previously registered by this office as copyrightable.

☐ I am the author of a work previously registered by this office as copyrightable.

3. Give Previous Registration Number: \_\_\_\_\_

Year of Registration: \_\_\_\_\_

5

**SECTION 2: STATEMENT OF COPYRIGHT CLAIM**

4. I, the undersigned, hereby certify that this work is based on originality. ☐ Yes ☐ No

5. Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ☐ Yes ☐ No

6. Describe the computer program: \_\_\_\_\_

a 6

b

**SECTION 3: STATEMENT OF ADDRESS**

7. The applicant is hereby assigned to a District Address and is hereby assigned to a District Address. Give name and number of District Address: \_\_\_\_\_

8. Give name and address to which correspondence about the application should be sent. Name/Address/Apt/City/State/ZIP: \_\_\_\_\_

9. Give name and address of the applicant: \_\_\_\_\_

a 7

b

**SECTION 4: STATEMENT OF AUTHORSHIP**

10. I, the undersigned, hereby certify that I am the author of the work. (Check only one.)

☐ I am the author of the work.

☐ I am the author of the work.

☐ I am the author of the work.

☐ I am the author of the work.

11. Give name and address of the applicant: \_\_\_\_\_

12. Give name and address of the applicant: \_\_\_\_\_

8

**SECTION 5: STATEMENT OF ADDRESS**

13. Give name and address of the applicant: \_\_\_\_\_

14. Give name and address of the applicant: \_\_\_\_\_

15. Give name and address of the applicant: \_\_\_\_\_

16. Give name and address of the applicant: \_\_\_\_\_

**SECTION 6: STATEMENT OF ADDRESS**

17. Give name and address of the applicant: \_\_\_\_\_

18. Give name and address of the applicant: \_\_\_\_\_

19. Give name and address of the applicant: \_\_\_\_\_

20. Give name and address of the applicant: \_\_\_\_\_

9

**EXHIBIT 15**

## NetworkSolutions

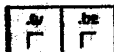
Call us 1-800-333-7680 (U.S. Only)

Shopping Cart

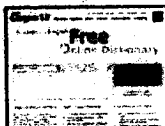
Login Help

## WHOIS Search Results

Available lingvo extensions:


[Order Selected Domain\(s\) >](#)

## Your WHOIS Search Results



## lingvo.com

Services from Network Solutions:

Certified Offer Service - Let us help you get this domain name!  
 Backorder - Try to get this name when it becomes available.  
 Private Registration - Keep personal information for this domain private.  
 SSL Certificates - Get peace of mind with a secure certificate.  
 Enhanced Business Listing - Promote your business to millions of viewers for only \$1 a month!

Visit AboutUs.org for more information about LINGVO.COM AboutUs: LINGVO.COM

Registrant:  
 ABBYY Software Ltd.  
 Stashevskaya 29  
 Moscow, CY-1065  
 CY

Make this info private

Domain Name: LINGVO.COM

Promote your business to millions of viewers for only \$1 a month!

Learn how you can get an Enhanced Business Listing here for your domain name.

[Learn More](#)

Administrative Contact, Technical Contact:  
 ABBYY Software Ltd.  
 DomainAdministration@abbyy.com  
 Stashevskaya 29  
 Moscow, CY-1065  
 CY  
 Phone: +7-495-783-3700

Record expires on 02-Apr-2009  
 Domain created on 02-Apr-1999  
 Database last updated on 31-Mar-2008

Domain servers in listed order:

Manage DNS

DWAM.BITSOFT.RU  
 NS1.ABBYY.COM

212.247.155.245

[Show underlying registry data for this record](#)

Current Registrar: NETWORK SOLUTIONS, LLC.  
 IP Address: 212.44.132.20 (ARIN & RIPE IP search)  
 IP Location: RU(RUSSIAN FEDERATION)-MOSKVA-MOSCOW  
 Record Type: Domain Name

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit [www.internetprivacyadvocate.org](http://www.internetprivacyadvocate.org).

**NOTICE AND TERMS OF USE:** You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes or for the purpose or purposes of using the data in any manner that violates these terms of use. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Network Solutions (or its



Get the power of a  
 dedicated server at  
 a fraction of the cost.

## DOMAIN OPTIONS

## Premium Names

- ☐ lingvo.net \$1,488
- ☐ praguepivo.com \$6,470
- ☐ lingto.com \$248
- ☐ chunglingalumni.net \$300
- ☐ vopp.net \$1,645
- ☐ vootkur.com \$580
- ☐ vonier.net \$688

## Misspellings

- ☐ lngvo.com
- ☐ lingv0.com
- ☐ lingvoo.com
- ☐ lingov.com
- ☐ lingvvo.com
- ☐ lrvgo.com
- ☐ linggvo.com
- ☐ lgnvo.com

## Similar Names

- ☐ haywardlingvo.com
- ☐ ling-vo.com
- ☐ lingv0.com
- ☐ lingvomei.com
- ☐ lingvosprad.com
- ☐ spradlingvo.com
- ☐ lingvoinc.com
- ☐ lingvofactory.com

[Add Domain\(s\) to Cart >](#)



**Server Type:** IIS 6  
**Link Status:** clientTransferProhibited  
**Web Site Status:** Active  
**WHOIS:** no listings  
**VI Directory:** see listings  
**Secure:** No  
**E-signature:** No  
**Traffic Handling:** 4  
**Date as of:** 25-Jul-2006

SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

☒ Domain Name☐ IP Address

Search &gt;



**Need to get your business online?**  
Our professional designers can build a custom Web site for your business.



\$11.95/month, plus a \$499.00 design fee



**PerformanceClicks™ from Network Solutions**  
Create and manage your pay per click advertising from as low as \$125/month plus \$99 one time set-up fee



**SOLUTIONS TO GET ONLINE**  
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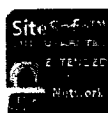
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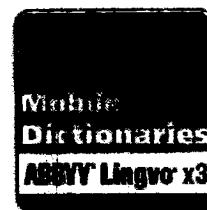
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**ABBYY Lingvo x3 - your reliable language companion!**

ABBYY Lingvo x3 is a new generation of electronic dictionaries which combines reliable content, powerful word look-up and intuitive dictionary software in a single product. With about 19 years of experience in the development of intelligent applications, ABBYY offers an ideal combination between language and software. This makes the dictionary application an authoritative language companion for both work and private everyday life.

ABBYY Lingvo allows you to quickly and accurately translate words and word combinations from various languages offering English, German and Russian as the core starting languages. It is available in several versions for installation on PC and mobile devices such as smartphones and PDAs. For more information, please select the product below or use the corresponding menu items on the left.

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# ABBYY Lingvo

International | Deutschland | Polska | Россия | Казахстан | Украина



## Key features

ABBYY Lingvo x3 and ABBYY Lingvo x3 Mobile are state-of-the-art dictionary applications for PC and mobile devices. With 19 years of experience in the development of intelligent applications and lexicography work, ABBYY delivers an ideal combination of language and software. This makes ABBYY Lingvo a reliable language companion for work, travel, study and everyday life.

ABBYY Lingvo x3 and ABBYY Lingvo x3 Mobile key features:

- Authoritative dictionaries from leading publishers
- Reliable and accurate translations
- Detailed entries with pronunciations and example sentences
- Audio pronunciations of most common words recorded by native speakers
- Easy and fast look-up
- Flexible and expandable software
- Lingvo Tutor tool for memorizing words
- Phrasebooks with common day-to-day phrases and audio pronunciation

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Agitacija už esperanto kalbos vartojimą Europos Sąjungoje, anglų kalbos pakeitimą esperanto.

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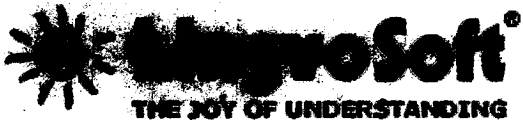
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**EXHIBIT 17**



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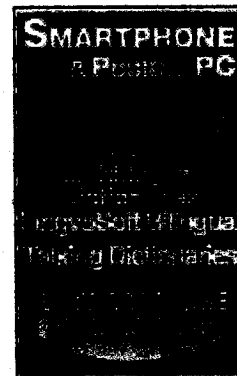
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- Dictionaries for Windows Mobile
- FlashCards for Windows Mobile
- PhraseBooks
- Machine Translators
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- Picture Dictionary software
- Language Learning Software
- Speech Interpreters
- Travel Software
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## LingvoSoft Dictionaries

Translate with the best!  
Award-winning dictionaries  
for more than 45 languages

**LingvoSoft Dictionary** software applications give you advanced linguistic solutions utilizing text-to speech-technologies. **LingvoSoft Dictionaries** provide bidirectional word translation with one of the largest database of words and phrases anywhere. These are powerful and sophisticated applications, which will provide you with exhaustive amounts of study material. As part of the **LingvoSoft Suite**, they provide immediate, practical help when faced with a communication challenge requiring an instant response. If you are in need of a professional and powerful language tool, a **LingvoSoft Dictionary** is the best choice.



Keep in mind that **LingvoSoft Dictionary** is one component of a complete language solution ? **LingvoSoft Suite** ? which also contains **LingvoSoft FlashCards** and **LingvoSoft PhraseBook** applications.

**LingvoSoft Dictionaries** are available for all major platforms.



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Select the language pair you are interested in or  
view the whole list of **LingvoSoft Dictionaries**  
for Windows

Any language

Any language

If you are unable to find the required product or  
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**EXHIBIT 18**

## Trademark/Service Mark Application, Principal Register

Serial Number: 78459745

Filing Date: 07/30/2004

The table below presents the data as entered.

| Input field | Entered  |
|-------------|--|
|             | <u>LINGVOSOFT</u>  |
|             | YES  |
|             | YES  |
|             | LINGVOSOFT   |
|             | The mark consists of standard characters, without claim to any particular font, style, size, or color. |
|             | Ectaco Inc.  |
|             | 31-21 31st Street  |
|             | Long Island City   |
|             | NY   |
|             | 11106  |
|             | United States  |
|             | 718-728-6110   |
|             | 718-728-4023   |
|             | david@ectaco.com   |
|             | Yes  |
|             | CORPORATION  |
|             | New York   |

|  |   |
|--|---|
|  | Translation software, language learning software, portable electronic devices, electronic handheld dictionaries |
|  | Section 1(a)  |
|  | At least as early as 05/10/2004   |
|  | At least as early as 05/10/2004   |
|  |   |
|  | /David Lubinitsky/  |
|  | David Lubinitsky  |
|  | 07/30/2004  |
|  | CEO   |
|  |   |
|  | 1   |
|  | 1   |
|  | 335   |
|  | 335   |
|  |   |
|  | David Lubinitsky  |
|  | Ectaco Inc.   |
|  | 31-21 31st Street   |
|  | Long Island City  |
|  | NY  |
|  | 11106   |
|  | United States   |
|  | 718-728-6110  |
|  | 718-728-4023  |
|  | david@ectaco.com  |
|  | Yes   |

|  |  |
|--|--|
|  | David Lubinitsky   |
|  | Ectaco Inc.  |
|  | 31-21 31st Street  |
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|  | 11106  |
|  | United States  |
|  | 718-728-6110   |
|  | 718-728-4023   |
|  | david@ectaco.com   |
|  | Yes  |
|  |  |
|  | Fri Jul 30 16:26:40 EDT 2004   |
|  | USPTO/BAS-631004098-20040<br>730162640693444-78459745-<br>200de36825e7a0b6e0bca5f87<br>f44ead3bf-CC-185-20040730<br>162346052943 |

PTO Form 1478 (Rev 6/2005)  
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## Trademark/Service Mark Application, Principal Register

**Serial Number: 78459745**

**Filing Date: 07/30/2004**

**To the Commissioner for Trademarks:**

**MARK:** (Standard Characters, see mark)

**The mark** consists of standard characters, without claim to any particular font, style, size, or color.

**The literal element of the mark consists of LINGVOSOFT.**

**The applicant, Ectaco Inc., a corporation of New York, residing at 31-21 31st Street, Long Island City, NY, United States, 11106, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.**

**The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.**

**International Class \_\_\_\_\_: Translation software, language learning software, portable electronic devices, electronic handheld dictionaries**

**In International Class \_\_\_\_\_, the mark was first used at least as early as 05/10/2004, and first used in commerce at least as early as 05/10/2004, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services.**

**The applicant hereby appoints David Lubinitsky of Ectaco Inc., 31-21 31st Street, Long Island City, NY, United States, 11106 to submit this application on behalf of the applicant.**

**The USPTO is authorized to communicate with the applicant or its representative at the following email address: david@ectaco.com.**

**A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).**

#### **Declaration**

**The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.**

**Signature: /David Lubinitsky/ Date: 07/30/2004**

**Signatory's Name: David Lubinitsky**

**Signatory's Position: CEO**



**Mailing Address:**

**David Lubinitsky**

**31-21 31st Street**

**Long Island City, NY 11106**

**RAM Sale Number: 185**

**RAM Accounting Date: 08/02/2004**

**Serial Number: 78459745**

**Internet Transmission Date: Fri Jul 30 16:26:40 EDT 2004**

**TEAS Stamp: USPTO/BAS-631004098-20040730162640693444**

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**d3bf-CC-185-20040730162346052943**

**LINGVOSOFT**

**EXHIBIT 19**

**FEDERAL ARBITRATION COURT OF MOSCOW DISTRICT**

**RULING**

No. KG-A40/13696-06

**Moscow**

**January 31, 2007**

**Case No. A40-62691/05-67-403**

**The Federal Arbitration Court of Moscow District comprising:**

**presiding judge V. V. Petrova,**

**judges S. V. Soloviov, V. K. Tikhonova**

**with the participation of:**

**for plaintiffs – company ABBYY Solutions Limited, company Abbyy Software Limited – no-show, duly notified;**

**for defendants: 1) Ectaco-RD, LLC – K. A. Yakovlev, unnumbered power of attorney dated March 10, 2006; 2) A. V. Epifanov – K. A. Yakovlev – order No. 120 dated January 24, 2007;**

**for the third party - ANO RSIC – A. P. Grinkevich – unnumbered power of attorney dated December 30, 2006;**

**having examined in court on January 24, 2007, the cassation appeals of A. V. Epifanov and Ectaco-RD, LLC (defendants)**

**against the June 13, 2006, decision of the Arbitration Court of Moscow made by judge G. V. Cherenkova in case No. A40-62691/05-67-403**

**and the September 25, 2006, ruling No. 09AP-9802/2006-GK of the Ninth Arbitration Court of Appeal**

**handed down by judges V. V. Popov, A. P. Tikhonov, A. A. Solopova in the case**

**brought by company NLS Technologies Ltd (Cyprus), seeking to protect its**

**trademark rights and recover 2,500,000 rubles in compensation,**

**against Ectaco-RD, LLC and A. V. Epifanov,**

**third party: ANO RSIC (Regional Network Information Center)**

**HAS ESTABLISHED:**

Company NLS Technologies Ltd (Cyprus) lodged a claim with the Arbitration Court of Moscow against ANO RosNIIRos, Ectaco-RD, LLC, seeking to protect the plaintiff's rights to its trademarks "Lingvo" under certificates Nos. 280687 and 224996 by prohibiting Ectaco-RD, LLC from using the Lingvo trademark in the domain name Lingvobit.ru, obligating ANO RosNIIRos and Ectaco-RD, LLC to assign to the plaintiff the right to administer the domain name Lingvobit.ru, obligating Ectaco-RD, LLC to remove the Lingvo trademark from the electronic dictionary LingvoSoft. Additionally, the plaintiff sought to recover 2,500,000 rubles in compensation for illegal use of the said trademark from Ectaco-RD, LLC.

The claims were filed with reference to Articles 45-47 of the Russian Federation Law dated September 23, 1992, No. 3520-I "On Trademarks, Service Marks, and Appellations of Origin", Article 10bis of the Paris Convention for the Protection of Industrial Property, and are motivated by the fact that the defendants are illegally using the verbal designation "Lingvo" in the said domain name to sell products regarding which the plaintiff has registered an eponymous trademark, in particular with regard to electronic dictionaries.

During the examination of the case in the court of original jurisdiction, under Article 48 of the Arbitration Procedural Code of Russia the defendant ANO RosNIIRos was changed to ANO RSIC. The court accepted abandonment of claim against ANO RSIC and stopped case proceedings

against this defendant; ANO RSIC was brought into proceedings as a third party without independent claims in connection with the subject of dispute.

Additionally the plaintiff – NLS Technologies Limited (Cyprus) – was changed to ABBYY Solutions Limited in connection with the plaintiff's name change. A. V. Epifanov was brought into proceedings as a second defendant. Additionally, with a reference to Article 48 of the Arbitration Procedural Code of Russia, the court of original jurisdiction changed the plaintiff, ABBYY Solutions Limited, by order of procedural succession to Abbyy Software Limited with respect to claims of intangible nature, that is, with respect to all claims with the exception of the claim seeking to recover monetary compensation.

In its ruling dated June 13, 2006, in case No. A40-62691/05-67-403, the Arbitration Court of Moscow partially satisfied the plaintiff's claims: the court ordered to prohibit A. V. Epifanov from using the Lingvo trademark in the domain name Lingvobit.ru, and Ectaco-RD, LLC from selling or otherwise publicly circulating on Russian territory its electronic dictionaries under the trademark LingvoSoft.

The ruling is motivated by the fact that the Lingvo trademark registered to the plaintiff and the domain name Lingvobit.ru used by the defendants are similar to the point of confusion. This fact is not contested by the defendants. The court of original jurisdiction established that the defendants in fact used the domain name Lingvobit.ru to promote under the Lingvo trademark products similar to those with respect to which the plaintiff registered an eponymous trademark, in confirmation of which the court pointed to the notarized minutes of the inspection of the website www.Lingvobit.ru as well as letters from RosNIIRos.

In refusing to satisfy the plaintiff's claim as regards obligating A. V. Epifanov to transfer to ABBYY Solutions Limited administration rights to the domain name Lingvobit.ru, the court of original jurisdiction pointed out that this form of protection of the right is not stipulated in legislation, while the plaintiff may register rights to the said domain using standard procedure. The court motivated its refusal to grant ABBYY Solutions Limited damages of 2,500,000 rubles by the fact that the possibility to claim monetary damages for the infringement of exclusive trademark rights is envisioned by the Russian Federation Law dated September 23, 1992, No. 3520-I "On Trademarks, Service Marks, and Appellations of Origin" only for trademark holders, but ABBYY Solutions Limited was not a trademark holder at the moment when the dispute was examined because it had assigned its rights to the disputed trademarks.

In its ruling dated September 25, 2006, No. 09AP-9802/2006-GK, the Ninth Arbitration Court of Appeal left the decision of the Arbitration Court of Moscow dated June 13, 2006, in case No. A40-62691/05-67-403 unchanged, confirming its findings as substantiated.

The defendants disagreed with the judicial acts in the case and lodged cassation appeals seeking to overturn the decision of the Arbitration Court of Moscow dated June 13, 2006, and the ruling of the Ninth Arbitration Court of Appeal dated September 25, 2006, No. 09AP-9802/2006-GK in case No. A40-62691/05-67-403, because they believe that the findings of both courts about the proof of the fact that the defendants used the domain name to sell products with respect to which the plaintiff has registered the Lingvo trademark do not correspond to the factual circumstances of the case established by the courts and contravene the available evidence in the case.

In particular, the defendants believe that neither the letters of RosNIIRos dated September 7, 2005, and February 2, 2006, nor the notarized minutes of the inspection of the website www.Lingvobit.ru dated August 29, 2005, confirm the fact that Ectaco-RD, LLC CEO A. V. Epifanov used the said domain name in order to offer for sale electronic dictionaries under the Lingvo trademark, that is, there is no proof of the fact that the defendants infringed on the plaintiff's exclusive rights to the trademark.

During the court hearing, the representative of both appellants, much like the representative of the third party – ANO RSIC – supported the arguments contained in their cassation appeals. The representatives of the plaintiffs, who were duly notified about the time and place of the appeal hearing, did not show up for the hearing and did not present a written response to the cassation appeal.

After studying the case materials, discussing the arguments contained in cassation appeals, hearing out the attending representatives, and checking pursuant to Article 286 of the Arbitration Procedural Code of Russia the correctness of application of substantive law and procedural law norms by the arbitration court, the cassation appeal court has reached a conclusion that the decision and the ruling are not subject to overturning in view of the following.

The subject of claim filed in this case is the requirement to protect the plaintiff's exclusive rights to its trademark.

Under paragraph 2 of clause 1, clause 2 of Article 4 of the Russian Federation Law dated September 23, 1992, No. 3520-I "On Trademarks, Service Marks, and Appellations of Origin", nobody may use a trademark protected in the Russian Federation without the rightholder's permission. An infringement on a rightholder's exclusive right (illegal use of a trademark) is use without the rightholder's permission in public circulation on Russian territory of the rightholder's trademark or a name similar to the point of confusion on products for whose individualization the trademark has been registered or products of the same kind, including placement of the trademark or a name similar to the point of confusion on the Internet, and in particular in a domain name and other address means.

Proceeding from the subject of the claim, both courts correctly established the scope of circumstances subject to inspection, study, and determination in this case.

Both courts established that the original plaintiff- company NLS Technologies held exclusive rights to the Lingvo trademarks, certificates Nos. 280687 and 224996, with respect to products and services of classes 09 and 42 under the International Classification of Goods and Services, including electronic translators, electronic pocket translators (volume 1, case sheets 25-27).

Eventually, under the agreement for assignment of rights No. 03.01.N2.05 dated January 3, 2005, company NLS Technologies Ltd has assigned its rights to trademarks under certificates Nos. 280687 and 224996 to company Abbyy Software Limited (volume 4, case sheets 55-56).

With respect to the defendants, the courts established that Ectaco-RD, LLC and its CEO A. V. Epifanov administered the second-tier domain name lingvobit.ru, which was used by the defendants for an eponymous website where third persons were offered to buy products and services similar to those with respect to which NLS Technologies Ltd duly registered the Lingvo trademark, rights to which had been assigned to Abbyy Software Limited at the moment of examination of the dispute. In particular, the website offered for sale electronic dictionaries under the "Lingvo" trademark.

The court's conclusion to the effect that the defendants used the said domain name to offer for sale electronic dictionaries under the "Lingvo" trademark is based on the legal assessment of the evidence presented in the case materials, such as: letters of RosNIIRos No. ROS-03/125 dated September 7, 2005, an ROS 03/03 dated February 2, 2006, according to which the lingvobit.ru domain was initially administered by Ectaco-RD, LLC and eventually by A. V. Epifanov; notarized minutes of the inspection of the lingvobit.ru website; an advertisement published in the "PC+Mobile" magazine No. 3/2006 advertising the sale of electronic dictionaries via the lingvobit.ru website belonging to A. V. Epifanov (volume 4, case sheets 17, 18; volume 1, case sheets 29, 40-90).

According to Part 1 of Article 72 of the Arbitration Procedural Code of Russia, the arbitration code evaluates evidence based on its internal opinion that is founded on a comprehensive, thorough, objective and firsthand examination of the available evidence.

Having established the fact that the plaintiffs own the "Lingvo" trademark and the fact that this trademark was illegally used by the defendants as administrators of the domain name lingvobit.ru similar to the point of confusion with the "Lingvo" trademark, the court of original jurisdiction and the court of appeals reached the correct conclusion to satisfy claims under Articles 2, 4, 47 of the Russian Federation Law dated September 23, 1992, No. 3520-I "On Trademarks, Service Marks, and Appellations of Origin" as regards prohibiting the defendants from using the "Lingvo" trademark, which did not belong to the defendants at the moment when the lawsuit was

filed, because at that time the trademark belonged to NLS Technologies Limited, nor at the moment of the judgment, when the rights to the trademark had been assigned to Abbyy Software Limited.

Notably, the assignment of the rights to the trademark does not affect the legal qualification of the defendants' actions, who used the contested trademark while not having a permission from the rightholder, which is prohibited under the Russian Federation Law dated September 23, 1992, No. 3520-I "On Trademarks, Service Marks, and Appellations of Origin".

Taking into account the established facts, the court of cassation appeals does not have grounds for a different judgment in this dispute.

The court of cassation appeals has reached a conclusion that the contested decision and ruling were made on the basis of a complete examination of actual circumstances that are material to the case and with correct application of law norms, which is why there are no grounds to overturn these judicial acts on the basis of arguments presented in the defendant's cassation appeals.

Revaluation of actual circumstances of the case established by the court of original jurisdiction and the court of appeals, much like revaluation of evidence in the case, which is in essence what the appellants' arguments are aimed at, are unacceptable under Article 268 of the Arbitration Procedural Code of Russia when reviewing judicial acts in a cassation procedure.

Pursuant to Articles 284, 286-289 of the Arbitration Procedural Code of the Russian Federation, the court

HAS RULED:

[REDACTED]

Presiding Judge

V. V. Petrova

Judges

S. V. Soloviov

V. K. Tikhonova

*/Stamp/: Federal Arbitration Court of Moscow District*

*True copy*


*Expert*

*Signature: /illegible/*

*/Seal/: Federal Arbitration Court of Moscow District*

*Judicial Division for Civil Cases No. 5*

*/Translated from Russian language into English language by Dobrynina Alisa Andreevna/*

*/Перевод с русского языка на английский язык выполнила Добрынина Алиса Андреевна* 

# EXHIBIT 20



# Ectaco

From Wikipedia, the free encyclopedia

**ECTACO Inc.** (East-Coast Trading American Company Incorporated) is a US-based developer and manufacturer of hardware and software products for speech recognition and electronic translation.

## Contents

- 1 Speech recognition technologies
- 2 Founding
- 3 Developing centers
- 4 World presence
- 5 Brands
- 6 References
- 7 External links

## Speech recognition technologies

ECTACO is one of the first developers of speech recognition technologies in the field of electronic translation <sup>[1]</sup>. The speech recognition technologies developed by ECTACO in cooperation with the Defense Advanced Research Projects Agency <sup>[2]</sup>

are used by such international organizations as NATO, United Nations and Organization for Security and Co-operation in Europe (OSCE), such state institutions of the USA as United States Army, FBI, United States Department of Homeland Security, Social Security Administration, United States Secret Service, Department of Health Services, United States Postal Service, New York Hospitals etc. The cooperation with US institutions was especially active in 2004-2006 <sup>[3]</sup>. ECTACO devices were also used in the War in Iraq.

The speech recognition system developed by ECTACO allowed troops as well as other US governmental institutions to communicate with non-English-speaking communities, especially in conflict regions. The technology made it possible to translate not only the outgoing message but the incoming one as well, with no dependence of the quality of the translation on the speech particularities of an individual speaker – a service not provided by other companies in the segment of the time <sup>[4]</sup>.

## Founding

ECTACO was founded in autumn of 1989 in New York, USA, by David Lubaynitsky, born Saint-Petersburg. The company was functioning at that time mainly as a reseller of electronic dictionaries of other manufacturers.

### ECTACO Inc.

## ECTACO®

|                     |  |
|---------------------|--|
| <b>Type</b>         | Private company  |
| <b>Founded</b>      | Long Island, New York, United States (1989)  |
| <b>Founder(s)</b>   | David Lubaynitsky  |
| <b>Headquarters</b> | 31-21 31st Street, Long Island City, NY, USA   |
| <b>Area served</b>  | Worldwide; United States, United Kingdom, Canada, Germany, Australia, Ukraine, Russia, Spain, Poland, the Czech Republic |
| <b>Key people</b>   | David Lubaynitsky (CEO, Chairman, and Co-founder)<br>Anton Epifanov (Vice President)                                     |
| <b>Industry</b>     | Hardware · Software<br>Consumer electronics · Speech recognition   |
| <b>Subsidiaries</b> | LingvoSoft Co.<br>Voice Methods LLC.<br>Russian Silicon Valley, LLC<br>ECTACO Developing Center                          |
| <b>Website</b>      | ectaco.com ( <a href="http://www.ectaco.com/">http://www.ectaco.com/</a> )   |

In 1990 ECTACO started to develop its own hardware and software. Russian- and Polish-speaking immigrants in the USA became the primary commercial target group for the products of the company. The first electronic dictionaries of ECTACO supported translation between Russian ↔ English, Polish ↔ English and later German ↔ English language pairs.

## Developing centers

In 1998 a software developing center of ECTACO was opened in Saint-Petersburg, Russia, headed by Anton Epifanov, the vice president of the company. The center developed software for app. 300 models with support of 47 languages and started to develop speech recognition software in 2000. The first commercial device of ECTACO with speech recognition appeared on the market in 2002. With cooperation with the Defense Advanced Research Projects Agency the company launched production of the first multi-lingual translation device with ASR (Advanced Speech Recognition).

The hardware developing center of ECTACO is located in Hong-Kong.

## World presence

The head quarters of ECTACO are located in Long Island City, NY. In 1993 ECTACO opened a local representation in Russia (Saint Petersburg and Moscow). Within the next 2 years offices were opened in Germany (Berlin), Great Britain (London), the Czech Republic (Prague), Canada (Toronto), Poland (Warsaw) and Ukraine (Kiev). In 2000 a second US office was opened in Chicago.

## Brands

Ectaco has several brands which it uses to break its products into categories.

- iTravel - is aimed at travelers and features multiple languages and speech recognition.
- Lingvosoft - encompasses all the translation software available from Ectaco and is available for multiple platforms including Windows, Palm OS, and Pocket PC.
- Partner - this brand houses a general purpose translation dictionary which targets business users and language learners.
- SpeechGuard - is the brand used to market devices to military, police and other government agencies.

## References

1. ^ BBC article ([http://news.bbc.co.uk/2/hi/science/nature/1814724.stm#Back\\_To\\_Top/](http://news.bbc.co.uk/2/hi/science/nature/1814724.stm#Back_To_Top/)) about the first device of ECTACO with speech recognition
2. ^ Report ([http://www.special-operations-technology.com/sotech-archives/167-sotech-2008-volume-4-issue-3/1556-learning-the-language.html#Back\\_To\\_Top/](http://www.special-operations-technology.com/sotech-archives/167-sotech-2008-volume-4-issue-3/1556-learning-the-language.html#Back_To_Top/)) on technologies used by US forces
3. ^ Report ([http://www.fedspending.org/fpds/fpds.php?parent\\_id=102228&detail=-1/#Back\\_To\\_Top/](http://www.fedspending.org/fpds/fpds.php?parent_id=102228&detail=-1/#Back_To_Top/)) Federal Contracts with ECTACO Inc.
4. ^ Report ([http://www.nationaldefensemagazine.org/archive/2006/October/Pages/ArmysRapid2837.aspx#Back\\_To\\_Top/](http://www.nationaldefensemagazine.org/archive/2006/October/Pages/ArmysRapid2837.aspx#Back_To_Top/)) Technologies used by US Army in Iraq and Afghanistan

## External links

- ECTACO Inc. – Global Headquarters (<http://www.ectacoinc.com/>)

- **Lowering the Language Barrier** (<http://www.forbes.com/2001/11/15/1115tentech.html>) Forbes.com
- **Russia Takes Advantage of Brain Power at Home** (<http://www.ihf.com/articles/2001/05/28/btrussia.php>) International Herald Tribune
- **Palm Reading Goes Educational** (<http://www.wired.com/culture/lifestyle/news/2000/08/38065>) Wired.com
- **Handheld Translator Also Sends E-Mail** (<http://www.pcworld.com/article/id,9306-page,1/article.html>) Pcworld.com
- **CES blitz: Work and playthings** (<http://archives.cnn.com/2001/CAREER/goodgadgetry/01/10/ces/index.html>) CNN
- **Speech-to-speech translation system with user-modifiable paraphrasing grammars** (<http://www.patentstorm.us/applications/20070016401/fulltext.html/>) Patent Storm
- **ECTACO clients** (<http://www.ectaco.com/awards/>)
- **SpeechGuard Handheld Language Translation** (<http://www.hendonpub.com/resources/articlearchive/details.aspx?ID=206897/>) Law & Order Magazine
- **Air Force Dual-Use Science & Technology Two-Way Voice-to-Voice Translator** (<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA427316&Location=U2&doc=GetTRDoc.pdf>) Air Force Research Laboratory (PDF-Datei; 524 kB)

Retrieved from "<http://en.wikipedia.org/wiki/Ectaco>"

**Categories:** Companies established in 1989 | Companies based in New York

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**EXHIBIT 21**

**To:** ABBYY Software Ltd. (rching@mlgpc.com)  
**Subject:** TRADEMARK APPLICATION NO. 77357275 - LINGVO - N/A  
**Date:** 3/31/08 9:50:23 AM  
**From:** ECOM110@USPTO.GOV  
**Attachments:** Attachment - 1  
Attachment - 2  
Attachment - 3  
Attachment - 4  
Attachment - 5  
Attachment - 6  
Attachment - 7  
Attachment - 8  
Attachment - 9  
Attachment - 10  
Attachment - 11  
Attachment - 12  
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Attachment - 15  
Attachment - 16  
Attachment - 17  
Attachment - 18  
Attachment - 19  
Attachment - 20  
Attachment - 21  
Attachment - 22

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/357275

**MARK:** LINGVO

**\*77357275\***

**CORRESPONDENT ADDRESS:**

ROY CHING  
MERIT LAW GROUP A PROF. CORP.

800 W EL CAMINO REAL STE 180  
MOUNTAIN VIEW, CA 94040-2586

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** ABBYY Software Ltd.

**CORRESPONDENT'S  
REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[rching@mlgpc.com](mailto:rching@mlgpc.com)

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE:** 3/31/2008

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

**Section 2(d) - Likelihood of Confusion Refusal as to International Class 009**

Registration of the proposed mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3015325. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 et seq. See the enclosed registration.

Taking into account the relevant *Du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 et seq.

**Facts**

Applicant proposes LINGVO for use in connection with "Educational software featuring instruction in languages; Pocket translators; Pocket translators, electronic; Electronic pocket translators; Computer

software for language translation and learning," "Dictionaries," and "Language translation; Language interpretation; language instruction; Translation; Translation services." Registrant provides LINGVOSOFT in connection with "Translation software, language learning software, electronic voice interpreter, electronic handheld dictionaries."

### **Similarity of the Marks**

The marks are compared for similarities in sound, appearance, meaning or connotation. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1536 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *In re Mack*, 197 USPQ 755 (TTAB 1977); TMEP §1207.01(b).

Furthermore, the mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). *See In re Optical Int'l*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). In the present case, applicant's mark does not create a distinct commercial impression because it contains the same common wording as registrant's mark, and there is no other wording to distinguish it from registrant's mark.

Applicant's mark, LINGVO, is confusingly similar to the registered mark, LINGVOSOFT, because they are phonetic equivalents. The only difference in the marks is applicant's mere deletion of the word "SOFT" from the wording in the registered mark. This difference does not alter the commercial impression of the marks.

### **Relatedness of the Goods/Services**

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. Instead, they need only be related in some manner, or the conditions surrounding their marketing be such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods and/or services come from a common source. *Online Careline Inc. v. America Online Inc.*, 229 F.3d 1080, 56 USPQ2d 1471 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Prods. Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re Int'l Tel. & Tel. Corp.*, 197 USPQ 910 (TTAB 1978); TMEP §1207.01(a)(i).

Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods listed therein are of a kind that may emanate from a single source. *See In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-1218 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB

1988).

Specifically, the applicant's goods, namely, "Educational software featuring instruction in languages; Pocket translators; Pocket translators, electronic; Electronic pocket translators; Computer software for language translation and learning" are closely related to the registrant's goods, namely, "Translation software, language learning software, electronic voice interpreter, electronic handheld dictionaries", because both are likely to travel through the same channels of trade to the same classes of purchasers. For example, the provider of software featuring instruction in language would likely also provide language learning software. Accordingly, because confusion as to source is likely, registration is refused under Trademark Act Section 2(d) based on a likelihood of confusion.

Any doubt regarding a likelihood of confusion is resolved in favor of the prior registrant. *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988); TMEP §§1207.01(d)(i).

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

#### **Section 2(e)(1) - Descriptive Refusal**

Additionally, the examining attorney refuses registration on the Principal Register because the proposed mark merely describes the goods and services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 et seq.

#### **Facts**

In the instant case, applicant proposes the mark LINGVO for use in connection with "Educational software featuring instruction in languages; Pocket translators; Pocket translators, electronic; Electronic pocket translators; Computer software for language translation and learning;" "Dictionaries;" and "Language translation; Language interpretation; language instruction; Translation; Translation services."

#### **Analysis**

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods and/or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b). A mark that describes an intended user of a product or service is also merely descriptive within the meaning of Section 2(e)(1). *Hunter Publishing Co. v. Caulfield Publishing Ltd.*, 1 USPQ2d 1996 (TTAB 1986); *In re Camel Mfg. Co., Inc.*, 222 USPQ 1031 (TTAB 1984); *In re Gentex Corp.*, 151 USPQ 435 (TTAB 1966).

Furthermore, the foreign equivalent of a merely descriptive English word is not registrable under Section 2(e)(1) because it too is considered merely descriptive. *In re Oriental Daily News, Inc.*, 230



USPQ 637 (TTAB 1986); *In re Geo. A. Hormel & Co.*, 227 USPQ 813 (TTAB 1985); *In re Optica International*, 196 USPQ 775 (TTAB 1977); TMEP §1209.03(g).

Here, the term "LINGVO" is translated to mean "language" in the Esperanto language. See Internet evidence attached. The word "language" is merely descriptive of applicant's goods and services. For example, applicant proposes the mark in connection with software featuring instruction in languages, dictionaries, presumably, language dictionaries, and language translation services. Based on the goods and services identified in the application, language is a feature of the goods and services.

As evidenced by the specimen of record, the applicant is providing goods and services featuring languages. Therefore, the proposed mark LINGVO is then the foreign equivalent of a merely descriptive English word and the proposed mark merely describes a main feature of the applicant's goods and/or services. Registration on the Principal Register must be refused under Trademark Act Section 2(e)(1).

Although the trademark examining attorney has refused registration on the Principal Register, applicant may respond to the stated refusal under 2(e)(1) by amending the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. §1091; 37 C.F.R. §§2.47 and 2.75(a); TMEP §§801.02(b), 815 and 816 *et seq.*

Additionally, although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

#### **Section 2(f) Suggested**

The record indicates that applicant has used its mark for a long time; therefore, to overcome the Section 2(e)(1) refusal only, applicant may seek registration on the Principal Register under Trademark Act Section 2(f), 15 U.S.C. §1052(f), based on acquired distinctiveness. To amend the application to Section 2(f) based on five years use, applicant should submit the following written statement claiming acquired distinctiveness, if accurate:

The mark has become distinctive of the goods and/or services through applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

Applicant must verify this statement with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.41(b); TMEP §1212.05(d).

#### **Specimen**

The specimens are not acceptable for International Classes 016 and 041 because they do not show the applied-for mark used in connection with any of the goods and services in International Class 016 and 041 as specified in the application. An application must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services based on Section 1(a) in the application. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56; TMEP §§904, 904.07(a), 1301.04.

In this case, the three specimens are identical. Each specimen provides the same photo featuring applicant's mark used in connection with software. There exists no specimen for the goods in International Class 016 and the services in International Class 041.

Therefore, applicant must submit the following:

- (1) A substitute specimen showing use of the mark for each class of goods and/or services specified in the application; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "The specimen was in use in commerce at least as early as the filing date of the application." 37 C.F.R. §2.59(a); TMEP §904.05. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c).

Examples of specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the goods or packaging, or displays associated with the goods at their point of sale. TMEP §§904.03 *et seq.* Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq.*

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

In order to amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application." 15 U.S.C. §1051(b); 37 C.F.R. §§2.34(a)(2), 2.35(b)(1); TMEP §806.03(c).

Pending a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark or service mark for the identified goods or services. 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56; TMEP §§904, 904.07(a).

### **Translation**

Applicant must submit an English translation of the foreign wording in the mark. 37 C.F.R. §2.61(b); TMEP §809. The following translation statement is suggested: "The English translation of lingvo is language."

If applicant has questions about its application or needs assistance in responding to this Office Action, please telephone the assigned trademark examining attorney directly at the number below.

/Scott Sisun/  
Trademark Examining Attorney  
Law Office 110  
(571)272-5493

**RESPOND TO THIS ACTION:** If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**PAGE TWO 20, 2008**

**78459745**

**DESIGN MARK**

**Serial Number**  
78459745

**Status**  
REGISTERED

**Word Mark**  
LINGVO80FT

**Standard Character Mark**  
Yes

**Registration Number**  
3015325

**Date Registered**  
2005/11/15

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Ectaco Inc. CORPORATION NEW YORK 31-21 31st Street Long Island City  
NEW YORK 11106

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Translation software, language learning software, electronic voice  
interpreter, electronic handheld dictionaries. First Use: 2004/05/10.  
First Use In Commerce: 2004/05/10.

**Filing Date**  
2004/07/30

**Examining Attorney**  
THOMPSON, HEATHER

**Attorney of Record**  
David Lubinitsky

**LINGVOSOFT**

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## entry

## discussion

## citations

edit

## history

(Redirected from Lingvo)

## [edit]

**[edit]**

**Noun**

[edit]

1. language.

Categories: Esperanto nouns | Esperanto BRO3

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- Brezhoneg
- Eλληνικά

- Ελληνικά
- Español
- Esperanto
- Français
- Italiano
- Kurdî / كوردی
- Latina
- Lietuvių
- Nederlands
- Norsk (bokmål)
- Occitan
- Polski
- Русский
- Suomi
- Svenska
- Türkçe
- 中文

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- Redlink - please add this
- Entry has inaccurate information
- Definition is too complicated

If you have time, leave us a  
note.

Print: Mar 30, 2008

78459745

**DESIGN MARK**

**Serial Number**  
78459745

**Status**  
REGISTERED

**Word Mark**  
LINGVOSOFT

**Standard Character Mark**  
Yes

**Registration Number**  
3015325

**Date Registered**  
2005/11/15

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Ectaco Inc. CORPORATION NEW YORK 31-21 31st Street Long Island City  
NEW YORK 11106

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Translation software, language learning software, electronic voice  
interpreter, electronic handheld dictionaries. First Use: 2004/05/10.  
First Use In Commerce: 2004/05/10.

**Filing Date**  
2004/07/30

**Examining Attorney**  
THOMPSON, HEATHER

**Attorney of Record**  
David Lubinitsky



**LINGVOSOFT**

**Print Date 30, 2003**

**75759999**

**DESIGN MARK**

**Serial Number**  
**75759999**

**Status**  
**REGISTERED**

**Word Mark**  
**ABBY SOFTWARE HOUSE**

**Standard Character Mark**  
**No**

**Registration Number**  
**2472890**

**Date Registered**  
**2001/07/31**

**Type of Mark**  
**TRADEMARK**

**Register**  
**PRINCIPAL**

**Mark Drawing Code**  
**(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS**

**Owner**  
**ABBY Software House CORPORATION RUSSIAN FED. 41 Parkovaya 9-th Str,**  
**building 1 Moscow RUSSIAN FED. 105264**

**Goods/Services**  
**Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:**  
**COMPUTER AND ELECTRONIC DEVICES FOR LANGUAGE RECOGNITION, PROCESSING**  
**AND TRANSLATION, NAMELY, SCANNERS, SEMANTIC, LEXICOGRAPHIC AND**  
**MORPHOLOGIC DEVICES, MACHINE TRANSLATION AND SYNTACTIC ANALYSIS**  
**DEVICES, ELECTRONIC DICTIONARIES AND SPELL CHECKERS, OPTICAL CHARACTER**  
**RECOGNITION DEVICES, OPTICAL MARK RECOGNITION DEVICES, INTELLIGENT**  
**CHARACTER RECOGNITION DEVICES, FORM PROCESSORS, ELECTRONIC ARCHIVING**  
**APPARATUS, ELECTRONIC DOCUMENT MANAGEMENT DEVICES, SPEECH-TO-TEXT**  
**RECOGNITION DEVICES AND TEXT-TO-SPEECH RECOGNITION DEVICES; COMPUTER**  
**SOFTWARE, ON CD-ROMS, DISCS AND DOWNLOADED FROM A GLOBAL COMPUTER**  
**NETWORK, IN THE FIELDS OF SEMANTIC, LEXICOGRAPHIC AND MORPHOLOGIC**  
**SYSTEMS, ELECTRONIC DICTIONARIES, MACHINE TRANSLATION AND SYNTACTIC**  
**ANALYSIS, SPELL CHECKING, OPTICAL CHARACTER RECOGNITION, OPTICAL MARK**  
**RECOGNITION, INTELLIGENT CHARACTER RECOGNITION, FORM PROCESSING,**  
**ELECTRONIC ARCHIVE MANAGEMENT, ELECTRONIC DOCUMENT MANAGEMENT,**  
**SPEECH-TO-TEXT RECOGNITION AND TEXT-TO-SPEECH RECOGNITION. First Use:**  
**1998/12/00. First Use In Commerce: 1998/12/00.**

**Printed: Mar 08, 2008**

**75759998**

**Prior Registration(s)**

2250424

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOFTWARE HOUSE" APART FROM THE MARK AS SHOWN.

**Filing Date**

1999/07/26

**Examining Attorney**

HERNAN RUSS

**Attorney of Record**

Craig J.J. Snyder



Printed: Mar 28, 2008

76440694

**DESIGN MARK**

**Serial Number**  
76440694

**Status**  
REGISTERED

**Word Mark**  
ECHO

**Standard Character Mark**  
No

**Registration Number**  
2900304

**Date Registered**  
2004/11/02

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
Inventec Corporation CORPORATION TAIWAN No. 66, Hou Kang Street Shih  
Lin District Taipei TAIWAN

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
series of pre-recorded video tapes, digital video discs, audio  
cassettes and compact discs intended to teach foreign language to  
adults and children; educational software featuring instruction in  
speech and language skills; computer software for building and  
executing interactive multimedia training and educational program and  
tests therefor; with related manuals, and texts, sold as a unit;  
computer software for use in translating foreign languages; software  
installed in computer, PDA, electronic translator for the Internet for  
learning foreign languages. First Use: 2004/05/25. First Use In  
Commerce: 2004/05/25.

**Filing Date**  
2002/08/15

**Drawing Attorney**  
GOODMAN, WENDY

**Printed: Mar 28, 2008**

**76440694**

**Attorney of Record**  
**Maureen C. Kassner**

**ECHO**

**Filed Mar 22, 2006**

**76618038**

**DESIGN MARK**

**Serial Number**  
76618038

**Status**  
REGISTERED

**Word Mark**  
ACNEPRO

**Standard Character Mark**  
Yes

**Registration Number**  
3052648

**Date Registered**  
2006/01/31

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
ACNEPRO ELECTRONICS, INC. CORPORATION CALIFORNIA 3346 West Olympic  
Blvd. Los Angeles CALIFORNIA 90019

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Electronic dictionary and translation machines, namely, handheld  
electronic dictionary and translation machine and computer software  
serving as an electronic dictionary and translator; handheld language  
computers, electronic readers producing audio and screen output from  
text stored on magnetic media or from keyboard input by the user;  
audio and video tapes, computer software and memory cards, all for  
learning languages. First Use: 2004/10/00. First Use In Commerce:  
2004/10/00.

**Filing Date**  
2004/10/27

**Examining Attorney**  
NICKLEBURGH, LINDA

**Attorney of Record**



**PAGE 38, 2008**

**76618038**

**Danton K. Mak**

**AONEPRO**

Print: Mar 28, 2008

77042100

**DESIGN MARK**

**Serial Number**  
77042100

**Status**  
REGISTERED

**Registration Number**  
3322453

**Date Registered**  
2007/10/30

**Type of Mark**  
TRADEMARK

**Registrar**  
PRINCIPAL

**Mark Drawing Code**  
(2) DESIGN ONLY

**Owner**  
Maxxile Corporation CORPORATION CALIFORNIA 526 E. Valley Boulevard San  
Gabriel CALIFORNIA 91776

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Electronic devices, namely, hand-held electronic dictionaries and  
language translation machines; hand-held language translation  
computers; electronic readers producing audio and screen output from  
text stored on magnetic media or from keyboard input by the user;  
audio tapes, video tapes, audio discs and video discs, featuring  
language instruction; computer software featuring language  
translation, for use in language translation computers and machines;  
and memory cards. First Use: 2006/11/12. First Use In Commerce:  
2006/11/12.

**Translation Statement**  
The foreign wording in the mark translates into English as Giant  
Without Antagonist or Giant Without Hegemonist.

**Transliteration Statement**  
The non-Latin character(s) in the mark transliterate into Ju, Wu, Ba,  
and this means Giant, No, Hegemonist or Antagonist in English.

**Filing Date**  
2006/11/12

**Examining Attorney**

**Print: Mar 30, 2008**

**77042100**

**BELENKER, ESTHER**

**Attorney of Record**  
**Gary F. Wang**

# 巨無霸

Print Mar 30, 2008

78164467

**DESIGN MARK**

**Serial Number**

78164467

**Status**

REGISTERED

**Word Mark**

OTKP

**Standard Character Mark**

No

**Registration Number**

2968119

**Date Registered**

2005/07/12

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Invented Corporation CORPORATION TAIWAN No. 66, Hou Kang Street Shih Lin District, Taipei TAIWAN

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Electronic dictionaries; electronic notebooks; video game machines for use with televisions; video game tape cassettes; electronic educational machines, namely, electronic overhead projectors, electronic organizers, electronic translators and electronic handheld graphic organizers; integrated circuit cards, magnetic tape cassette, compact discs, smart cards, micro-circuit cards, all pre-recorded with computer programs for teaching and learning foreign languages, practice and testing of conversation and translation skills; memory cards; calculators; data processors; word processors; computers; computer terminals; computer peripherals; computer disc drives; blank computer discs; CD-ROM drives; computer mouses; image scanners; computer light pens; writing input recognition apparatus; electronic circuit boards; computer software for database management; computer printers; computer interface cards, computer sound cards; computer micro-processor chips; telephones; cellular telephones; cordless telephones; telephone answering machines; image telephones; pagers;

facsimile machines; radio-frequency modulators; communication equipment, namely, radio receivers; computer whiteboards; optical scanners for use with computers; plotters; computer track balls; computer joysticks; memory cards; computer operating system programs and utility programs; computer software for authenticating signatures and safety locks; computer programs for developing other computer programs; compiler software; debugger software; utility programs; computer programs for assisting developers in constructing codes for smart cards and other smart card programs. First Use: 2004/06/29. First Use In Commerce: 2004/06/29.

#### **Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.

G & S: Magazines of general features; periodicals of general features; books related to computer, travel, literature, history, novel and story; books and instructional guides featuring information about computer software, computers, computer elements, computer peripherals and selection-based control display devices; user manuals, namely computer game instruction manuals, electronic dictionary instruction manuals, and computer software manuals for learning a foreign language; reference guides related to computer, language learning, science and travel; technical manuals related to maintenance of computer programs and web sites; blank forms for data; data cards, namely, blank paper cards for the recording of computer programs; paper labels and paper stenograph labels; stationery. First Use: 2004/06/29. First Use In Commerce: 2004/06/29.

#### **Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising and promotion services, namely, providing advertising space in periodicals, newspaper, magazines, TV and websites; business information services related to management, investment, and market analysis provided on-line from a computer database and the Internet; compilation of advertisements for use as web pages on the Internet; promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through a computer network; electronic retailing and mail order and on-line distributorship services via a global computer network featuring digital music, cellular telephones, compact discs, digital video discs, audio and video tapes, magazines, books, computer hardware, computer software; arranging and conducting trade shows featuring computers, computer software, computer software related products; on-line retail services featuring computer hardware, software and publications on computer hardware and software; licensing of computer software. First Use: 2004/06/29. First Use In Commerce: 2004/06/29.

#### **Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Information relating to books and publications and introductions of new books and publications, provided on-line from a computer database and from the Internet; providing information relating to entertainment, music, and

**Print: Mar 30, 2008**

**78164467**

interactive computer games via computer network and the Internet; education services, namely, conducting classes and seminars in the field of computers and computer software. First Use: 2004/06/29. First Use In Commerce: 2004/06/29.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer services, namely, providing information and consultation services in the field of computer hardware, computer software and computer operating systems, all offered via computer networks and global communications networks; technical support, namely, trouble shooting of computer hardware and software problems, and monitoring of network systems offered via computer networks and global communications networks; computer hardware and software testing services; computer services, namely, providing software updates via computer networks and global communication networks; Internet search engine services; licensing of intellectual property; computer services, namely, providing an on-line magazine in the field of computers and computer software; providing on-line research services for others in various fields, namely, product research. First Use: 2004/06/29. First Use In Commerce: 2004/06/29.

**Filing Date**

2002/09/16

**Examining Attorney**

BUCHANAN WILL, NORA

**Attorney of Record**

Michael D. Schumann



**OTXP**

**To:** ABBYY Software Ltd. ([rching@abbyy.com](mailto:rching@abbyy.com))  
**Subject:** TRADEMARK APPLICATION NO. 77357275 - LINGVO - N/A  
**Date:** 3/31/08 9:50:26 AM  
**From:** ECOM110@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE**  
**USPTO OFFICE ACTION HAS ISSUED ON 3/31/2008 FOR**  
**APPLICATION SERIAL NO. 77357275**

Please follow the instructions below to continue the prosecution of your application:

**VIEW OFFICE ACTION:** Click on this link  
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(or copy and paste this URL into the address field of your browser), or visit  
<http://tportal.uspto.gov/external/portal/tow> and enter the application serial number to access  
the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this notification.

**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable response time period. Your response deadline will be calculated from 3/31/2008.

**Do NOT** hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

**HELP:** For technical assistance in accessing the Office action, please e-mail [TDRO@uspto.gov](mailto:TDRO@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.**



# EXHIBIT 22

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

**ABBYY SOFTWARE LTD.**

Petitioner,

v.

**ECTACO INC.**

Registrant.

Cancellation No. 92049973

Mark: LINGVOSOFT

Reg. No. 3,015,325

Reg. Date: November 15, 2005

**REGISTRANT'S RESPONSE  
TO PETITIONER'S INTERROGATORIES  
AND DOCUMENT PRODUCTION REQUESTS**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Registrant Ectaco Inc. ("Registrant"), through its attorneys Ostrolenk Faber LLP, hereby replies to Petitioner's Interrogatories and Document Production Requests as follows:

**GENERAL OBJECTIONS**

1. Registrant generally objects to Petitioner's interrogatories and document requests to the extent that they seek information protected by the attorney-client privilege and/or work-product doctrine.
2. Registrant generally objects to Petitioner's interrogatories and document requests to the extent that they are overly broad, unduly burdensome, seek irrelevant information and/or are not reasonably calculated to lead to the discovery of admissible evidence.

3. Registrant generally objects to Petitioner's interrogatories and document requests to the extent that they seek information that does not exist and/or are not in the custody or possession of Registrant, or under the control of Registrant, or can more easily be obtained from Petitioner or other third parties.
4. Registrant generally objects to Petitioner's interrogatories and document requests to the extent that they prematurely call for information not yet required to be disclosed under the Federal Rules of Civil Procedure.
5. Registrant generally objects to Petitioner's interrogatories and document requests to the extent that they seek protected trade secrets and/or other confidential, proprietary or sensitive commercial information.
6. Registrant reserves the right to excise or redact from any documents which they otherwise agree to produce those portions which: (i) contain protected trade secrets and/or other confidential, proprietary or sensitive commercial information; (ii) are unrelated to any relevant subject matter on the ground that such portions are not relevant to the subject matter of this action or likely to lead to the discovery of admissible evidence; or (iii) any documents or portions thereof that constitute or document settlement discussions.
7. Registrant generally objects to Petitioner's discover requests on the ground that they incorporate interrogatories and document requests.
8. Registrant generally objects to Petitioner's "Definitions" to the extent that they are inconsistent with or require action beyond the requirements of the Federal Rules of Civil Procedure.

9. All of Registrant's responses incorporate and are subject to, without waiver, the foregoing General Objections as well as the additional specific objections set forth below.

1. With respect to your allegation that Petitioner has not made long and substantial use of the term "LINGVO" for translation software, language learning software, electronic voice interpreters in the United States,

A. Identify each document which relates to a showing that Petitioner has not made such long and substantial use of the term "LINGVO";

B. Produce a copy of each document identified in response to discovery request 1A; and

C. State all facts in support of your allegation that Petitioner has not made such long and substantial use of the term "LINGVO".

### **RESPONSE**

Registrant objects to this interrogatory and document request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this interrogatory and document request to the extent that it seeks information that is not in the custody or possession of Registrant.

A. Subject to the above objections, Registrant identifies Search Results from Smart Phone & Pocket PC Magazine document as responsive to this interrogatory.

B. Registrant produces the document identified in Response 1A under Bates No.: LS000051.

C. Search of the Smart Phone & Pocket PC Magazine website did not produce any results for the search term LINGVO.

2. With respect to your allegation that Petitioner lacks any goodwill or reputation in the term "LINGVO" for translation software, language learning software, electronic voice interpreters or electronic handheld dictionaries in the United States\* ,

A. Identify each document which relates to a showing that Petitioner lacks any such goodwill or reputation in the term "LINGVO";

B. Produce a copy of each document identified in response to discovery request 2A; and

C. State all facts in support of your allegation that Petitioner lacks any such goodwill or reputation in the term "LINGVO.

### **RESPONSE**

Registrant objects to this discovery request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this interrogatory and document request to the extent that it seeks information that is not in the custody or possession of Registrant.

A. Subject to the above objections, Registrant identifies Search Results from Smart Phone & Pocket PC Magazine document as responsive to this interrogatory.

B. Registrant produces the document identified in Response 2A under Bates No.: LS000051.

C. Search of the Smart Phone & Pocket PC Magazine website did not produce any results for the search term LINGVO.



3. With respect to your allegation that consumers in the relevant U.S. market are not familiar with the Russian trademark LINGVO and/or do not associate with the Russian trademark LINGVO with the goods listed in Registration No. 3,015,325,

A. Identify each document which relates to a showing that consumers in the relevant U.S. market are not familiar with the Russian trademark LINGVO and/or do not associate with the Russian trademark LINGVO with the goods listed in Registration No. 3,015,325;

B. Produce a copy of each document identified in response to discovery request 3A; and

C. State all facts in support of your allegation that consumers in the relevant U.S. market are not familiar with the Russian trademark LINGVO and/or do not associate with the Russian trademark LINGVO with the goods listed in Registration No. 3,015,325.

### **RESPONSE**

Registrant objects to this interrogatory and document request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this interrogatory and document request to the extent that it seeks information that is not in the custody or possession of Registrant.

A. Subject to the above objections, Registrant identifies Search Results from Smart Phone & Pocket PC Magazine document as responsive to this interrogatory.

B. Registrant produces the document identified in Response 3A under Bates No.: LS000051.

C. Search of the Smart Phone & Pocket PC Magazine website did not produce any results for the search term LINGVO.

4. With respect to your allegation that Petitioner's Russian trademark LINGVO is not a "famous foreign mark",

A. Identify each document which relates to a showing that Petitioner's Russian trademark LINGVO is not a "famous foreign mark";

B. Produce a copy of each document identified in response to discovery request 4A; and

C. State all facts in support your allegation that Petitioner's Russian trademark LINGVO is not a "famous foreign mark.

#### **RESPONSE**

Registrant objects to this interrogatory and document request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this interrogatory and document request to the extent that it seeks information that is not in the custody or possession of Registrant.

5. State whether Registrant's mark LINGVOSOFT has been in substantially continuous and exclusive use in U.S. commerce in connection with the goods set forth in Registration No. 3,015,325 since at least as early as May, 2004.

**RESPONSE**

Registrant's mark LINGVOSOFT has been in substantially continuous and exclusive use in U.S. commerce in connection with the goods set forth in Registration No. 3,015,325 since at least as early as May, 2004.

6. If the answer to discovery request 5 is other than an unqualified negative:

A. Identify each document which relates to a showing that Registrant's mark LINGVOSOFT has been in such substantially continuous and exclusive use;

B. Produce a copy of each document identified in response to discovery request 5A; and

C. State all facts in support of a showing that Registrant's mark LINGVOSOFT has been in such substantially continuous and exclusive use.

**RESPONSE**

Registrant objects to this interrogatory and document request on the ground that it is overly broad and unduly burdensome.

A. Subject to the objections, Registrant identifies printouts from <http://www.lingvosoft.com> and printouts from [archive.com](http://archive.com) as responsive to this interrogatory. Registrant is reviewing its files for additional responsive documents. Further information will be provided upon the implementation of a Protective Order.

B. Registrant produces a sample of printouts identified in Response 6A under Bates Nos.: LS000112 – LS000113; LS000126 – LS000192. Registrant produces a sample of the printouts from [archive.com](http://archive.com) identified in Response 6A under Bates Nos.:

**LS000114 – LS000125. Further documents will be produced upon the implementation of a Protective Order.**

**C. Registrant's mark LINGVOSOFT has been continuously and exclusively used at <http://www.lingvosoft.com> to identify translation software, language learning software, electronic voice interpreters and electronic handheld dictionaries since at least as early as June, 2004. Registrant's mark LINGVOSOFT has been continuously and exclusively used to identify translation software, language learning software, electronic voice interpreters and electronic handheld dictionaries since at least as early as May, 2004.**

**7. If the answer to discovery request 5 is other than an unqualified affirmative:**

**A. State the dates for which such substantially continuous and exclusive use was interrupted;**

**B. State the reasons for interruption of such substantially continuous and exclusive use;**

**C. Identify all documents which relate to interruption of such substantially continuous and exclusive use for the dates as stated in response to discovery request 7A;**

**D. Produce a copy of each document identified in response to discovery request 7C;**

**E. If not identified in response to a preceding discovery request, identify all documents which relate to the reasons stated in response to discovery request 7B for interruption of such substantially continuous and exclusive use; and**

F. Produce a copy of each document identified in response to discovery request 7E.

**RESPONSE**

Registrant's response to discovery request 5 was the unqualified affirmative.

8. With respect to your allegation that during the period from at least as early as May 2004 to date, Registrant has had extensive sales, distribution, advertising and promotion in U.S. commerce of the goods set forth in Registration No. 3,015,325 under the mark LINGVOSOFT,

A. Identify each document which relates to a showing that Registrant has had such extensive sales, distribution, advertising and promotion; and

B. Produce a copy of each document identified in response to discovery request 9A; and

C. State all facts in support of a showing that Registrant has had such extensive sales, distribution, advertising and promotion.

**RESPONSE**

Registrant objects to this interrogatory and document request on the ground that it is overly broad and unduly burdensome.

A. Registrant is reviewing its files for responsive documents. Information will be provided upon the implementation of a Protective Order.

B. Registrant is reviewing its files for responsive documents. Registrant will produce the documents upon the implementation of a Protective Order.

C. Information will be provided upon the implementation of a Protective Order.

9. With respect to your allegation that goods sold under the mark LINGVOSOFT have been subjects of numerous trade awards,

A. Identify each document which relates to a showing that goods sold under the mark LINGVOSOFT have been subjects of numerous trade awards;

B. Produce a copy of each document identified in response to discovery request 9A; and

C. State all facts in support of a showing that goods sold under the mark LINGVOSOFT have been subjects of numerous trade awards.

**RESPONSE**

A. Registrant identifies printouts from <http://www.smartphonemag.com/> and Best Software 2005 Award Certificate as responsive to this interrogatory. Additional documents were identified by Registrant in its Answer of December 29, 2008.

B. Registrant produces the documents identified in Response 9A under Bates Nos.: LS000001-LS000030, LS000052. Copies of the additional documents were included by Registrant in its Answer of December 29, 2008 as Exhibit A.

C. In 2008, LingvoSoft Talking Dictionaries for Mobile Pocket PC and LingvoSoft Talking PhraseBooks for MS Smartphone each won Best Software Awards 2008 from Smartphone & Pocket PC magazine. In 2008, LingvoSoft Dictionary English-German for Windows Mobile Pocket PC and LingvoSoft Dictionary English-Chinese for Windows Mobile Pocket PC each won Best Software Awards 2008 from handster.com.

In 2008, four different LingvoSoft products were nominated for the Best Software Awards 2008 from Smartphone & Pocket PC magazine: LingvoSoft Bilingual Talking Dictionaries for Mobile Pocket PC, LingvoSoft Suites for Mobile Pocket PC, ECTACO Voice Translator for Pocket PC English-Chinese, and LingvoSoft Talking PhraseBooks for MS Smartphone. In 2007, LingvoSoft Talking Dictionary 2008 for Windows Mobile Pocket PC won Best Software Award 2007 in the Multilingual Dictionaries category from Smartphone & Pocket PC magazine. In 2007, LingvoSoft Suite 2008 for Windows Mobile Pocket PC was nominated for Best Software Awards 2007 by Smartphone & Pocket PC magazine. In 2006, LingvoSoft Talking Dictionary 2006 for Pocket PC won Users Choice Award from Ipaqchoice.com. In 2006, LingvoSoft Bilingual Talking Dictionary 2007 was chosen as Finalist 2006 in the Best Multilingual Dictionaries category by Smartphone & Pocket PC magazine. In 2006, LingvoSoft Suite 2007 for Windows Mobile Pocket PC was chosen as Finalist 2006 in the Best Educational Multilingual Dictionary category by Smartphone & Pocket PC magazine. In 2005, LingvoSoft Dictionary 2006 for Windows Mobile Pocket PC won Best Software Award 2005 in the Best Multilingual Dictionaries category from Smartphone & Pocket PC magazine. In 2005, LingvoSoft Flashcards 2006 for Windows Mobile Pocket PC were nominated for Best Software Awards 2005 by Smartphone & Pocket PC magazine.

10. With respect to your allegation that Registrant's mark LINGVOSOFT has acquired substantial secondary meaning and goodwill and has become well-known among the relevant trade and public as designating Registrant as the exclusive source of the goods set forth in Registration No. 3,015,325,

A. Identify each document which relates to a showing that Registrant's mark LINGVOSOFT has acquired such substantial secondary meaning and good will and has become well-known among the relevant trade and public as designating Registrant as the exclusive source of the goods set forth in Registration No. 3,015,325;

B. Produce a copy of each document identified in response to discovery request 9A; and

C. State all facts in support of a showing that Registrant's mark LINGVOSOFT has acquired substantial secondary meaning and good will and has become well-known among the relevant trade and public as designating Registrant as the exclusive source of the goods set forth in Registration No. 3,015,325.

**RESPONSE**

In response to this discovery request, Registrant incorporates herein Responses 9A-9C. Registrant is continuing to review its files for responsive documents. Registrant additionally replies as follows:

A. Registrant identifies additional printouts from <http://www.smartphonemag.com/>.

B. Registrant produces the documents identified in Response 10A under Bates Nos.: LS000031-LS000050; LS000053-LS000054.

C. Smartphone magazine identifies LingvoSoft Picture Dictionaries as a new product for June 2007, LingvoSoft Flash Cards for PocketPC as a new product for May 2005.



11. With respect to your allegation that Petitioner's claims are barred, in whole or in part, under the equitable doctrine of laches, estoppel, and/or acquiescence,

A. Identify each document which relates to a showing that Petitioner's claims are barred as such;

B. Produce a copy of each document identified in response to discovery request 11A; and

C. State all facts in support of a showing that Petitioner's claims are barred as such.

**RESPONSE**

Registrant objects to this discovery request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this discovery request to the extent that it prematurely calls for information not yet required to be disclosed under the Federal Rules of Civil Procedure. Subject to the objections, Registrant responds as follows:

A. Notice of Publication of the mark LINGVOSOFT issued by the USPTO on August 3, 2005; Trademark Registration Certificate No. 3,015,325 issued by USPTO on November 15, 2005.

B. Copies of the documents identified in Response 11A are produced herewith under Bates Nos.: LS000110 – LS000111.

C. Mark LINGVOSOFT was published in the Official Gazette on August 23, 2005 and registered on November 15, 2005. Marks LINGVO and LINGVOSOFT coexisted in the marketplace without any notice from Petitioner to Registrant.

**12. With respect to your allegation that continued registration of the mark LINGVOSOFT will not damage Petitioner,**

**A. Identify each document which relates to a showing that continued registration of the mark LINGYOSOFT will not damage Petitioner;**

**B. Produce a copy of each document identified in response to discovery request 12A; and**

**C. State all facts in support of a showing that Continued registration of the mark LINGYOSOFT will not damage Petitioner.**

**RESPONSE**

Registrant objects to this discovery request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this discovery request to the extent that it prematurely calls for information not yet required to be disclosed under the Federal Rules of Civil Procedure. Subject to the objections, Registrant responds as follows:

**A. To the extent that responsive documents have not been identified in response to other discovery requests, Registrant is not aware of any other documents responsive to this discovery request.**

**B. To the extent that responsive documents are not being produced in response to other discovery requests, Registrant is not in possession of any other documents responsive to this discovery request.**

**C. Marks LINGVO and LINGVOSOFT coexisted in the marketplace without any notice from Petitioner to Registrant.**

13. With respect to your allegation that Registrant has been a bona fide owner and user of the trademark LINGVOSOFT,

A. Identify each document which relates to a showing that Registrant has been a bona fide owner and user of the trademark LINGVOSOFT;

B. Produce a copy of each document identified in response to discovery request 13A; and

C. State all facts in support of a showing that Registrant has been a bona fide owner and user of the trademark LINGVOSOFT.

**RESPONSE**

A. Trademark Registration Certificate No. 3,015,325 issued by USPTO on November 15, 2005.

B. A copy of the document identified in Response 13A is produced herewith under Bates No.: LS000111.

C. Trademark Registration Certificate No. 3,015,325 identifies Ectaco Inc. as a bona fide owner of the mark LINGVOSOFT.

14. With respect to your allegation that the term "LINGVO" as used by the Petitioner and as set forth in Petitioner's Trademark Application Serial No. 77/357275 is merely descriptive of the Petitioner's goods and services",

A. Identify each document which relates to a showing that the term "LINGVO" as used by the Petitioner and as set forth in Petitioner's Trademark Application Serial No. 77/357275 is merely descriptive of the Petitioner's goods and services;

B. Produce a copy of each document identified in response to discovery request 13A; and

C. State all facts in support of a showing that the term "LINGVO" as used by the Petitioner and as set forth in Petitioner's Trademark Application Serial No. 77/357275 is merely descriptive of the Petitioner's goods and services.

**RESPONSE**

Registrant objects to this discovery request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this discovery request to the extent that it prematurely calls for information not yet required to be disclosed under the Federal Rules of Civil Procedure.

A. Subject to the above objections, Registrant identifies Office Action issued in Trademark Application Serial No. 77/357275 and its attachments; and printouts of search results from google.com, Dicts.info, travlang.com and Sonja's English-Esperanto Dictionary as responsive to this document request.

B. Registrant produces documents identified in Response 14A under Bates Nos.: LS000060-LS000109.

C. The USPTO examining attorney refused registration on the Principal Register because the mark LINGVO "merely describes the goods and services" in Trademark Application Serial No. 77/357275. The term "LINGVO" is translated from Esperanto to English to mean "language" or "linguistic communications."

15. Produce a copy of each and every document, electronically stored information and tangible things referred to in your Initial Disclosures dated January 12, 2009 ("Initial Disclosures").

**RESPONSE**

Registrant objects to this discovery request on the ground that it is overly broad and unduly burdensome. Subject to the objections and to the extent documents are not being produced in response to other discovery requests, Registrant identifies packaging materials for Ectaco iTravel as being responsive to this discovery requests and produces photographs of the identified materials under Bates Nos.: LS000055-LS000056. Registrant is continuing to review its files for responsive documents. Registrant will identify and produce additional responsive documents upon the implementation of a Protective Order.

16. State all facts and/or contentions comprising the discoverable information that David Lubinitsky has (see your Initial Disclosures).

**RESPONSE**

Registrant objects to this discovery request on the ground that it is duplicative, overly broad and unduly burdensome. Registrant also objects to this discovery request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this discovery request to the extent that it prematurely calls for information not yet required to be disclosed under the Federal Rules of Civil Procedure. Subject to the objections and to the extent documents are not being produced in response to other discovery requests, Registrant identifies

printouts from ABBYY website and their translation as being responsive to this discovery requests and produces copies of the identified documents under Bates Nos.: LS000057-LS000059. Registrant is continuing to review its files for responsive documents. Registrant will identify and produce additional responsive documents upon the implementation of a Protective Order.

17. Identify each and every good or service as to which Registrant's mark LINGVOSOFT had been in use in U.S. commerce from its earliest date of use, identify the date(s) of use for each good or service, and produce a copy of any and all documents tending to support such use.

### **RESPONSE**

Registrant objects to this document request on the ground that it is overly broad and unduly burdensome. Subject to the objections, Registrant responds as follows:

Software suites, dictionaries, electronic flash cards, electronic phrase books, language teaching/learning software, machine translators, picture dictionaries, speech interpreters, travel software, language support software, software bundles, handheld emulators.

Registrant produces a sample of printouts identified in response to Interrogatory 6A under Bates Nos.: LS000112 – LS000113; LS000126 – LS000192. Registrant produces the printouts from archive.com identified in response to Interrogatory 6A under Bates Nos.: LS000114 – LS000125. Registrant is continuing to review its files for responsive documents. Further documents will be produced upon the implementation of a Protective Order.

18. With respect to any other legal contention or defense you will assert in this proceeding not covered by the foregoing discovery requests,

A. Identify each document which relates to a showing for such legal contention or defense;

B. Produce a copy of each document identified in response to discovery request 18A; and

C. State all facts in of a showing for such legal contention or defense.

**RESPONSE**

Registrant objects to this discovery request on the ground that a party is not required in discovery to specify the evidence it intends to present in support of its case. Registrant further objects to this discovery request to the extent that it prematurely calls for information not yet required to be disclosed under the Federal Rules of Civil Procedure. Subject to the objections and to the extent documents are not being produced in response to other discovery requests, Registrant is continuing to review its files for responsive documents.

19. Identify your corporate officers and the directors on your board of directors starting from your earliest date of use for the mark LINGVOSOFT in U.S. commerce to date.

**RESPONSE**

David Lubinitsky, CEO, Ectaco, Inc.

20. Identify the ownership interest held by Ectaco-RD, LLC in your company. Include in your response the number of shares of stock and the percentage of shares held by Ectaco-RD, LLC.

**RESPONSE**

Registrant objects to this interrogatory on the ground that it seeks irrelevant information and/or is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the objections, Registrant responds as follows: None.

21. Identify the source of each and every good (i.e. software) for which you use the mark LINGVOSOFT in U.S. commerce starting from your earliest date of use for the mark LINGVOSOFT to date.

**RESPONSE**

Ectaco Inc. located at 31-21 31st Street, Long Island City, NY 11106.

22. Identify all those persons employed by you (as a contractor or employee) or are an officer or director for your company who also have a relationship with Ectaco-RD, LLC (for example, as a corporate officer, director on their board of director employee or contractor) starting from your earliest date of use for the mark LINGVOSOFT in U.S. commerce to date.

**RESPONSE**

Registrant objects to this interrogatory on the ground that it is vague, seeks irrelevant information and/or is not reasonably calculated to lead to the discovery of



admissible evidence. Subject to the objections and to its best understanding, Registrant responds as follows: None.

23. With regard to the date when you first became aware of the Petitioner's mark LINGVO,

A. Identify the date when you first became aware of the Petitioner's mark.

LINGVO,

B. Identify the person(s) in your company who first became aware of Petitioner's mark LINGVO,

C. Identify the person(s) who made you aware of Petitioner's mark LINGVO,

and

D. State all facts describing how you first became aware of the mark LINGVO.

**RESPONSE**

A. On or about February, 2006.

B. David Lubinitsky

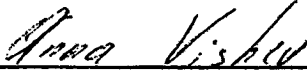
C. Anton Epifanov

D. Mr. Lubinitsky received a phone call from Mr. Epifanov informing Mr. Lubinitsky about the Russian mark LINGVO.

As to the objections:


Date: August 12, 2009

OSTROLENK FABER LLP

  
\_\_\_\_\_  
Anna Vishev, Esq.  
Attorney for Registrant Ectaco Inc.

As to the answers:

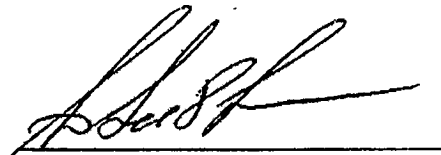
Date: August 12, 2009

  
\_\_\_\_\_  
David Lubinitsky  
Ectaco Inc.

**VERIFICATION**

David Lubinitsky declares that I have read the foregoing document entitled  
REGISTRANT'S RESPONSE TO PETITIONER'S INTERROGATORIES AND  
DOCUMENT PRODUCTION REQUESTS and believe the answers to be true and based  
on my personal knowledge, my business records and business records of Ectaco Inc., and  
information supplied to me in connection with the preparation of these answers.


Date: August 12, 2009

  
\_\_\_\_\_  
David Lubinitsky  
Ectaco Inc.

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing REGISTRANT'S  
RESPONSE TO PETITIONER'S INTERROGATORIES AND DOCUMENT  
PRODUCTION REQUESTS was served upon counsel for Petitioner this 12th day of  
August, 2009 by First-Class mail, postage prepaid, addressed as follows:

Roy Ching  
Merit Law Group PC  
201 San Antonio Circle, Ste. 105  
Mountain View CA 94040



---

Anna Vishev

**EXHIBIT 23**

## **2005 Consolidated Table of Advertising and Invoices**

### **Google**

#### **Date**

February 2005

April 2005

August 2005

November 2005

### **Invoices**

#### **Date**

01/01/2005

04/01/2005

07/01/2005

12/21/2005

**EXHIBIT 24**

**POCKET PC  
EDITION**

**Dictionaries □ LingvoSoft Gold Talking Dictionary**

• Chinese dictionaries • Spanish dictionaries • Russian dictionaries • Polish dictionaries • German dictionaries • French dictionaries  
• Other languages dictionaries

**Language Study Aids □ LingvoSoft FlashCards**

• Spanish learning software • Russian learning software • Polish learning software • German learning software • French learning software  
Other languages learning software

**Dictionaries for Travelers □ ECTACO PhraseBook**

• Multilingual Travel Dictionary ML11 • Spanish travel software • Russian travel software • Japanese travel software • German travel software • French travel software  
Other languages travel software

**Machine Translators □ Pocket PROMT**

• Pocket PROMT English ↔ Russian • Pocket PROMT English ↔ Spanish

**Speech Interpreters □ ECTACO Voice Translator**

• Japanese translators • Chinese translators • Spanish translators • Russian translators • German translators  
Other languages translators

**Language Support □ ECTACO Language Support**

• ECTACO Language Support Russian for Pocket PC • ECTACO Language Support Polish for Pocket PC • ECTACO Language Support Arabic for Pocket PC

**Dictionaries □ LingvoSoft Gold Talking Dictionary**  
• Spanish dictionaries • Russian dictionaries • Polish dictionaries • German dictionaries • French dictionaries • Other languages dictionaries

**Language Study Aids □ LingvoSoft FlashCards**  
• Spanish learning software • Polish learning software • Russian learning software • French learning software  
Other languages learning software

**PALM OS**

Software for MS Smartphone Dictionaries  
Software for Sony Ericsson Dictionaries  
Travel Software Software for Nokia  
Dictionaries Language Study Aids Travel Software

**Dictionaries □ LingvoSoft Gold Talking Dictionary**  
• Chinese dictionaries • Spanish dictionaries • Russian dictionaries • Polish dictionaries • German dictionaries • French dictionaries  
Other languages dictionaries

**Speech Interpreters □ ECTACO Voice Translator**  
• ECTACO Universal Translator for Windows English ↔ Spanish/French/German

**Machine Translators □ Pocket PROMT**

• ECTACO Translation Suite (English/Spanish/Italian/French/German) Full  
• Pocket PROMT English ↔ Russian for Windows • Idiomax Office  
Translator (English/Spanish/Italian/French/German)

**Handheld Try Outs**

• ECTACO Partner BAF430T English ↔ Arabic ↔ French Dictionary  
• ECTACO Partner BAF430T English ↔ Spanish ↔ Russian Dictionary  
• ECTACO Partner BAF430T English ↔ German ↔ Polish Dictionary  
• ECTACO Partner BAF430T English ↔ Chinese Dictionary for Windows

**WINDOWS**



### **Dictionary**

Our Pocket PC Dictionary software applications give you linguistic solutions. We use the text to speech and voice recognition technologies to make our software fully suit your purposes. Our products turn your electronic device into effective and powerful translation and foreign language learning. More information about our Dictionary Machine

### **Translators**

Our Pocket PC machine translation system is here to cut down on your cost. Use our Language Translation Software to translate texts and even large documents. The Prompt application will translate documents in sheer seconds. Use our Full Text Translation to get coherent and readable texts. More information about

### **Translators Language Study Aids**

Our Pocket PC software category includes Accent Removers, tutors, and other language learning software titles. These programs will help you have flawless English pronunciation. Memorize words and improve your spelling, have an easy time learning, enjoy the fun. Our study aids we have developed for you, make use of our pronunciation games, progressive learning techniques

### **Translators Speech Interpreters**

Our Pocket PC software application features our remarkable Speech Recognition engine - the most advanced technology enabling you to carry out the voice recognition function. It is to understand and interpret your voice and to perform translation tasks with it. Once the software is installed, your device will turn into an advanced voice translator.

### **Translators for Travelers**

Our Pocket PC Travel Software includes such items as multilingual software applications and phrasebooks, designed to help you in communicating when going abroad. These are perfect companions for those who travel a lot. With our software, your international travel will be pleasant and worry-free.

### **Language Support**

Our software includes Eastern Language Support, the localization system, and a series of translation software for various languages - including Chinese. The localization system is designed for Pocket PC and allows you to input texts, use Pocket PC software, and communicate with the Pocket PC in your native language.

For more information you can find at

[www.lingvosoft.com](http://www.lingvosoft.com)



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AND LANGUAGE LEARNING SOFTWARE

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Dictionaries

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Speech Interpreters

Language Study Aids

Dictionaries for Travelers

Language Support

Dictionaries

|                |            |
|----------------|------------|
| Albanian       | Italian    |
| Arabic         | Japanese   |
| Armenian       | Korean     |
| Azeri          | Latin      |
| Bosnian        | Latvian    |
| Bulgarian      | Lithuanian |
| Chinese Simpl. | Norwegian  |
| Chinese Trad.  | Persian    |
| Croatian       | (Farsi)    |
| Czech          | Polish     |
| Danish         | Portuguese |
| Dutch          | Romanian   |
| English        | Russian    |
| Estonian       | Serbian    |
| Finnish        | Slovak     |
| French         | Slovenian  |
| German         | Spanish    |
| Greek          | Swedish    |
| Hebrew         | Thai       |
| Hindi          | Turkish    |
| Hungarian      | Ukrainian  |
| Indonesian     | Vietnamese |
|                | Yiddish    |

Customer Info

Ordering from our site is  
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If you are unable to access the  
page with the order form,  
please install SSL support on  
your browser.



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Cards (Visa, MC, AmEx,  
Discover).

Shipping is not required for  
downloadable items. You will  
gain access to a fully  
functional software application,  
once your Credit Card  
payment is processed. Items  
distributed on CDs qualify for  
free shipping within USA and  
Canada. All deliveries are  
carried out by UPS courier  
service. Normal delivery time  
is 3-5 business days. You may  
also choose the second

## SOFTWARE FOR POCKET PC

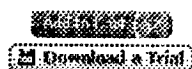
### Dictionaries

Page 1 | 2 | 3

Sort by: Features Prices (High to Low) Prices (Low to High) Total items: 58

Christmas price:

**\$24.95**



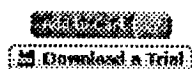
LingvoSoft Talking Dictionary English <-> Italian for  
Pocket PC

You can make your Pocket speak English with LingvoSoft English-Italian Talking Bidirectional Dictionary. Just select any English word and with one click make the speech synthesizer pronounce it for you. The synthesizer (Text-to-Speech engine) is based on a new approach to speech synthesis, i.e. formant synthesis, which creates a human voice simulation by modeling sounds of natural language.

More Info | Download a Trial | Order Now | Discounts

Christmas price:

**\$24.95**



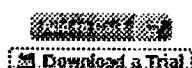
LingvoSoft Talking Dictionary English <-> Czech for  
Pocket PC

You can make your Pocket speak English with LingvoSoft English-Czech Talking Bidirectional Dictionary. Just select any English word and with one click make the speech synthesizer pronounce it for you. The synthesizer (Text-to-Speech engine) is based on a new approach to speech synthesis, i.e. formant synthesis, which creates a human voice simulation by modeling sounds of natural language.

More Info | Download a Trial | Order Now | Discounts

Christmas price:

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LingvoSoft Standard Talking Dictionary English <->  
Spanish for Pocket PC

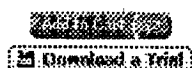
This LingvoSoft Talking Dictionary English<->Spanish for Pocket PC provides bidirectional word translation and synthesis of speech in both English and Spanish.

The ability to pronounce words in two languages is the distinguishing feature of this software translator. You don't have to check the transcription, merely select a word and with one touch make the speech synthesizer pronounce it for you. The synthesizer (Text-to-Speech engine) is built on innovative formant synthesis, which creates vocal simulations by modeling the sounds of natural human tongue.

More Info | Download a Trial | Order Now | Discounts

Christmas price:

**\$9.95**



LingvoSoft Basic Talking Dictionary English <-> Spanish  
for Pocket PC

This LingvoSoft Talking Dictionary English<->Spanish for Pocket PC provides bidirectional word translation and synthesis of speech in both English and Spanish.

The ability to pronounce words in two languages is the distinguishing feature of this software translator. You don't have to check the transcription, merely select a word and with one touch make the speech synthesizer pronounce it for you. The synthesizer (Text-to-Speech engine) is built on innovative formant synthesis, which creates vocal simulations by modeling the sounds of natural human tongue.


More Info | Download a Trial | Order Now | Discounts

Christmas price: **free**

LingvoSoft Free Talking Dictionary English <-> Spanish for  
Pocket PC

business day and overnight  
delivery options.

- Safe shopping guarantee
- Shipping information
- Payment options
- Security policy

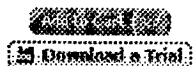
 Download for Free

This **LingvoSoft Talking Dictionary English <-> Spanish** for Pocket PC provides bidirectional word translation and synthesis of speech in both English and Spanish.

The ability to pronounce words in two languages is the distinguishing feature of this software translator. You don't have to check the transcription, merely select a word and with one touch make the speech synthesizer pronounce it for you. The synthesizer (Text-to-Speech engine) is built on innovative formant synthesis, which creates vocal simulations by modeling the sounds of natural human tongue.

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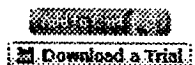
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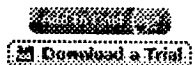
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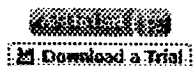
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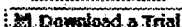
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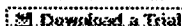
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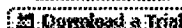
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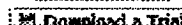
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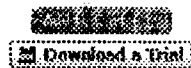
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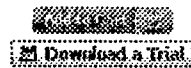
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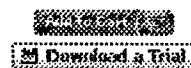
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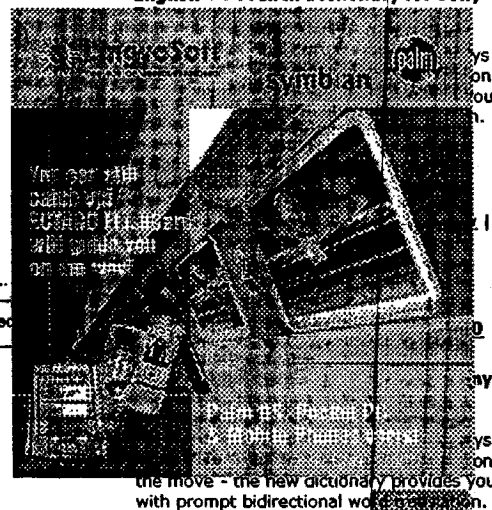


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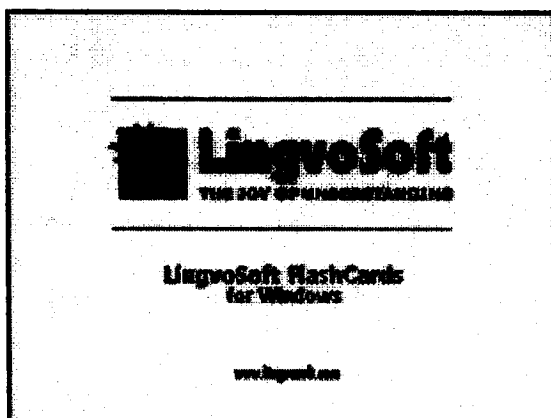
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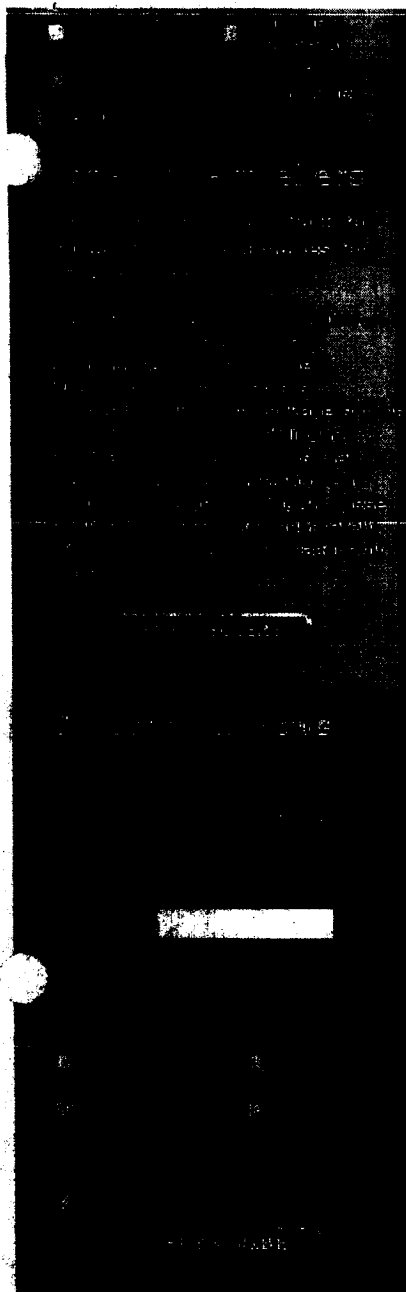
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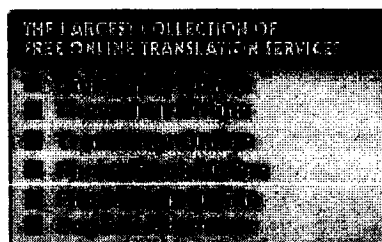
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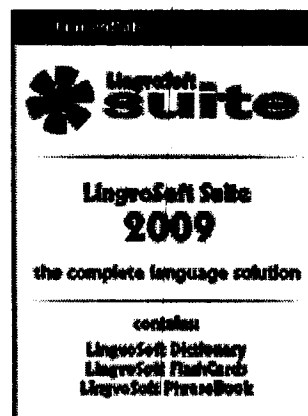
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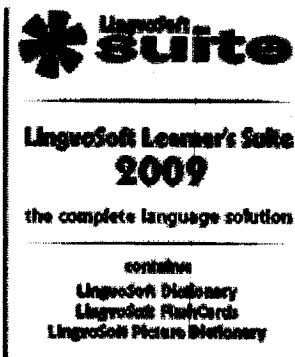
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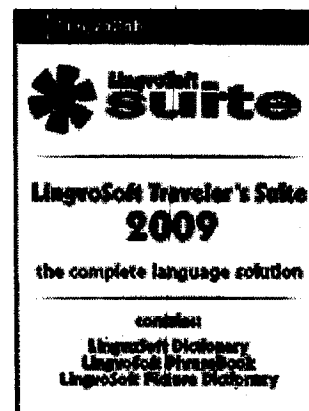
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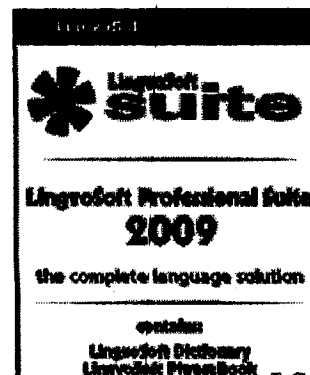
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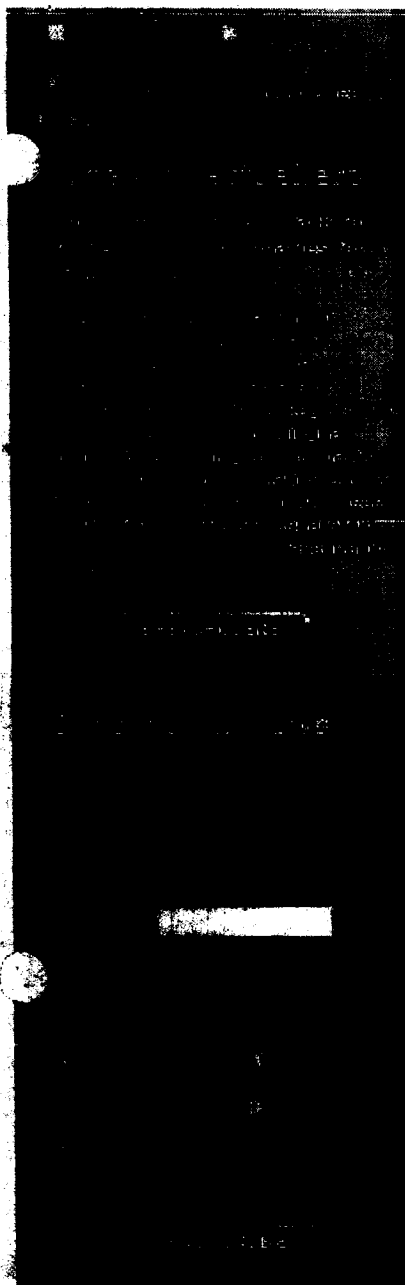
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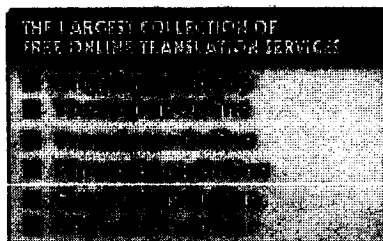
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















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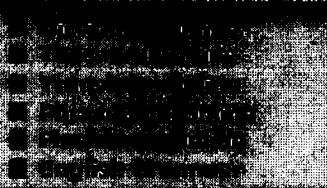
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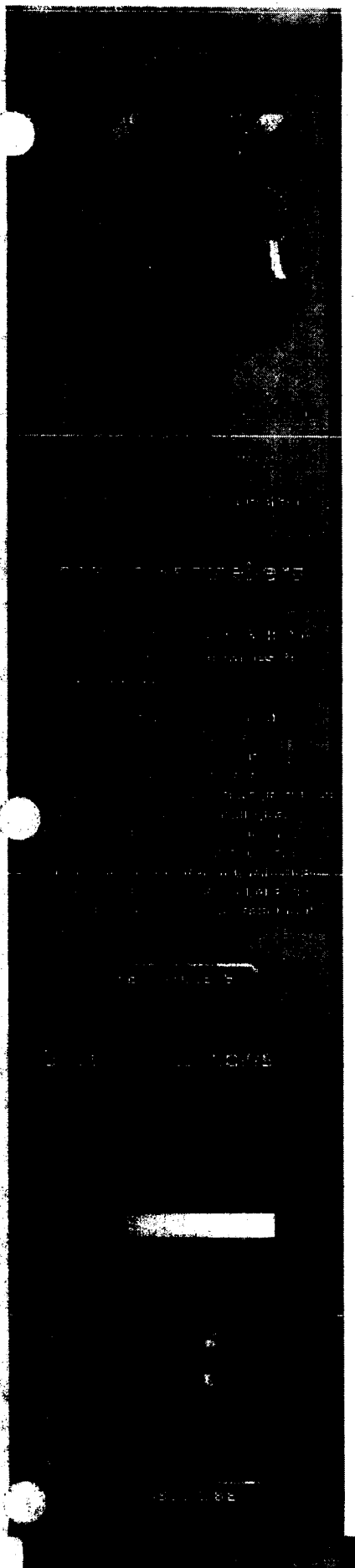
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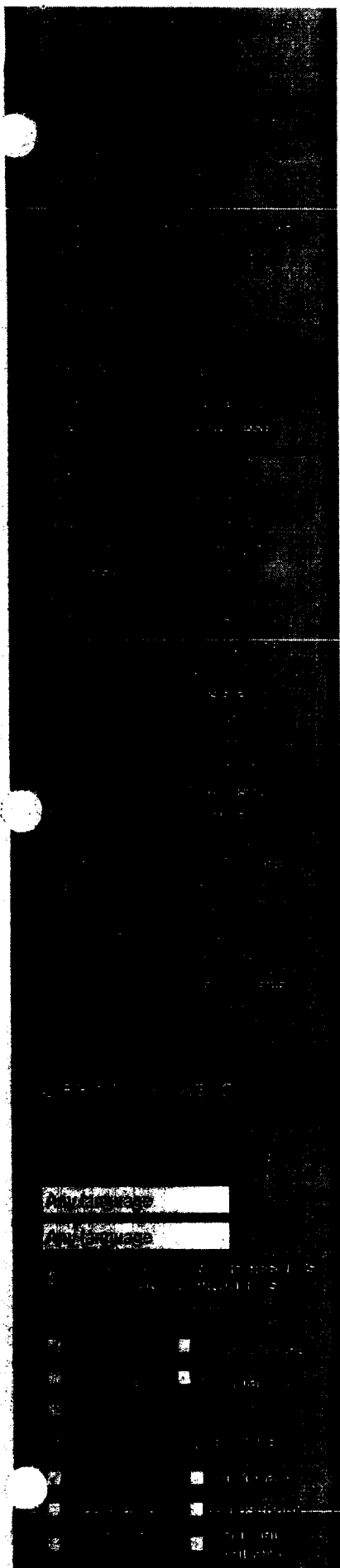
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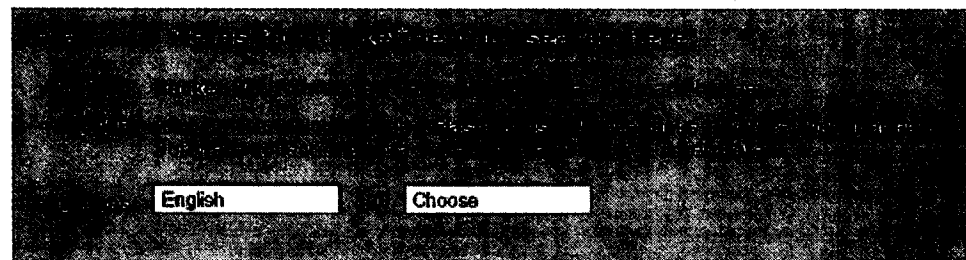
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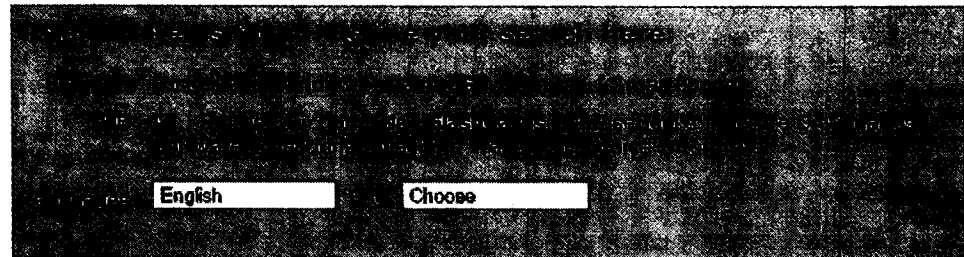
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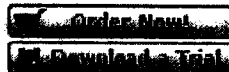


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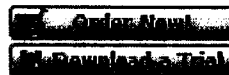


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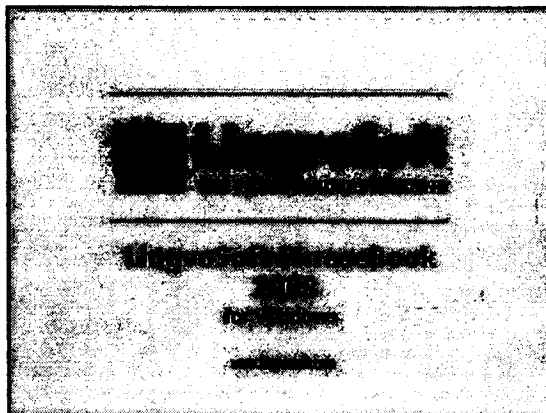
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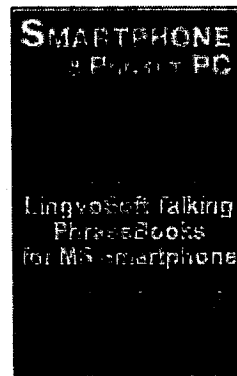
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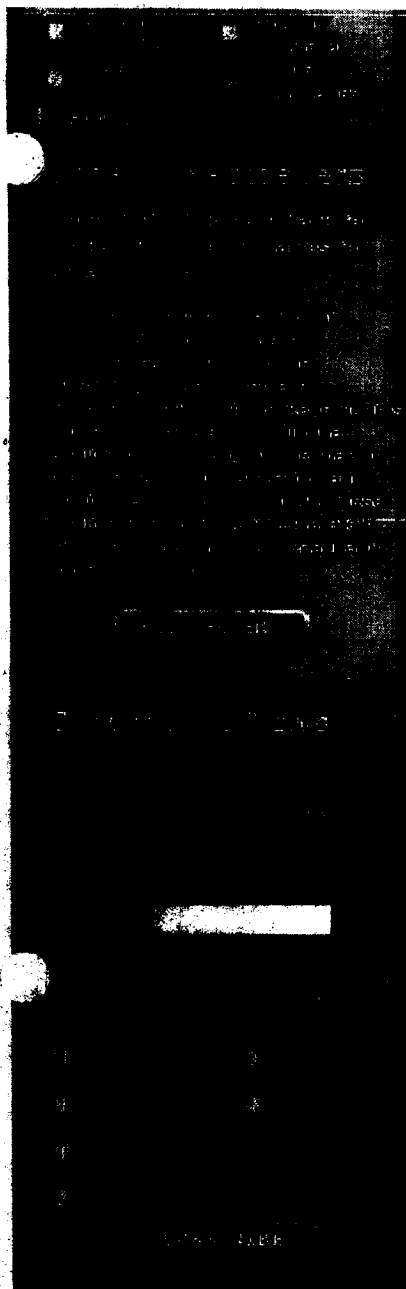
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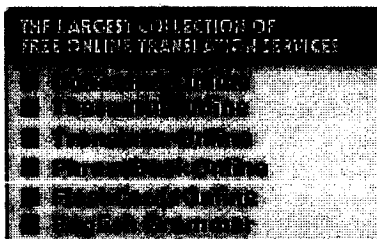
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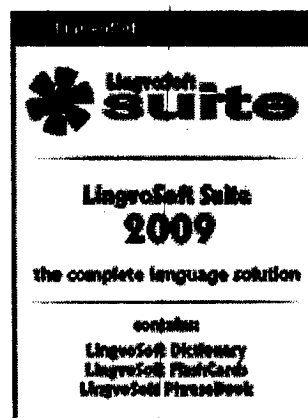
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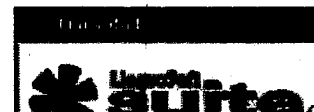


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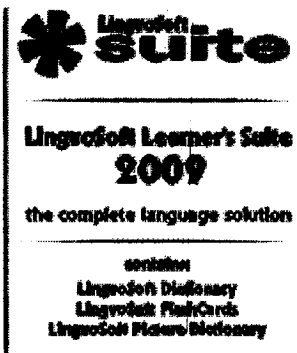
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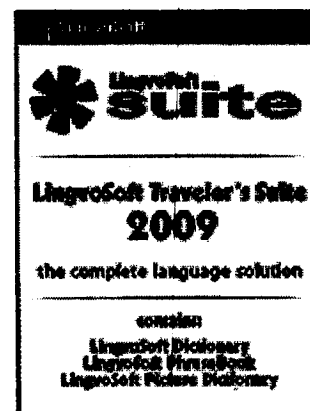
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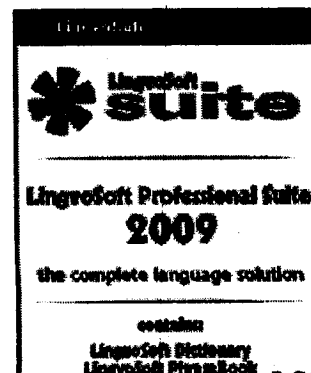
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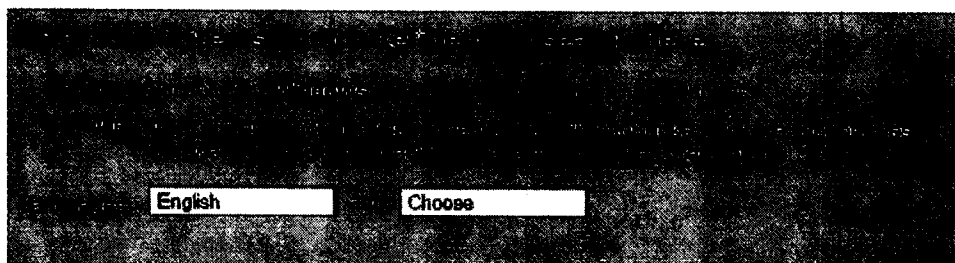
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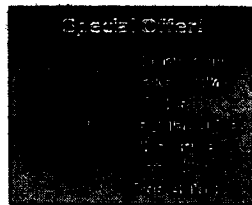
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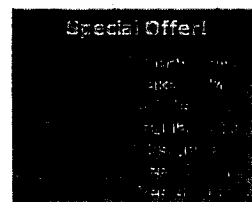
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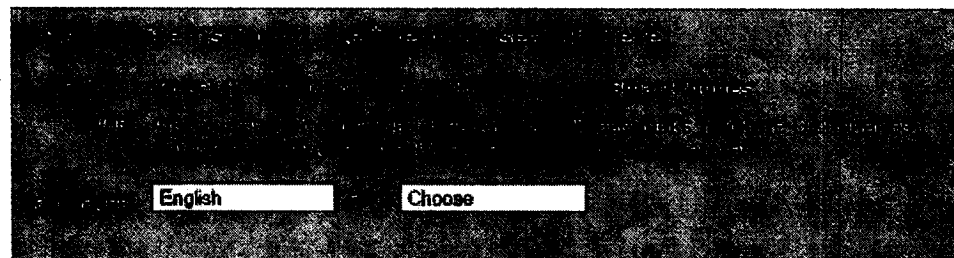
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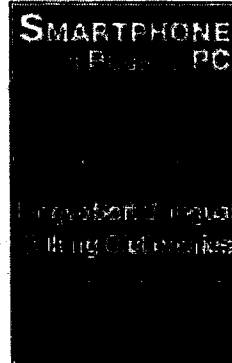
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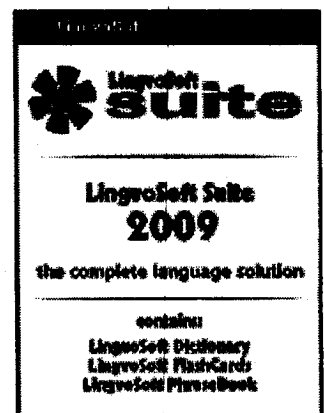
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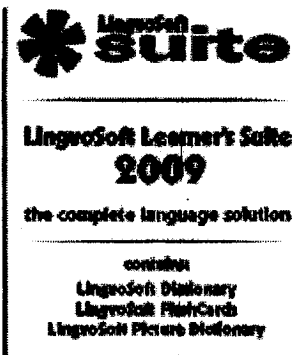
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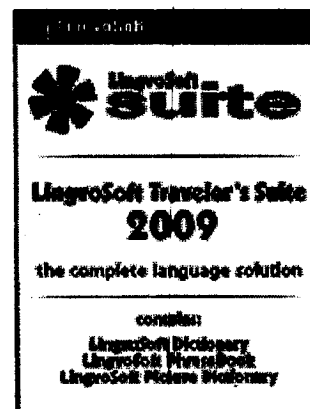
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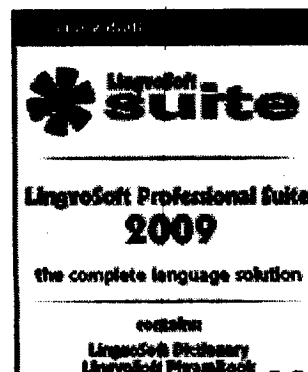
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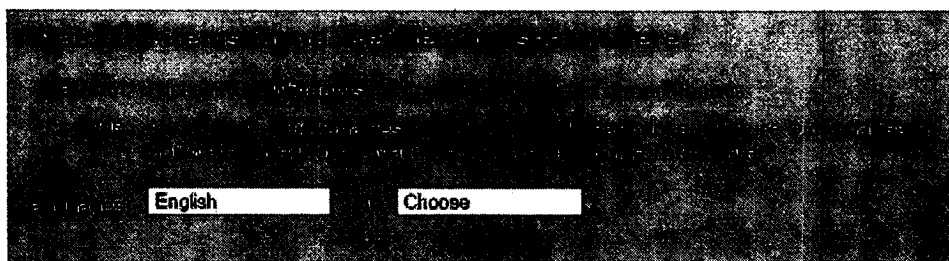
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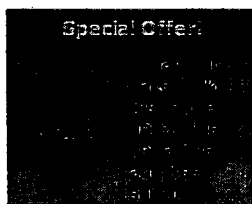
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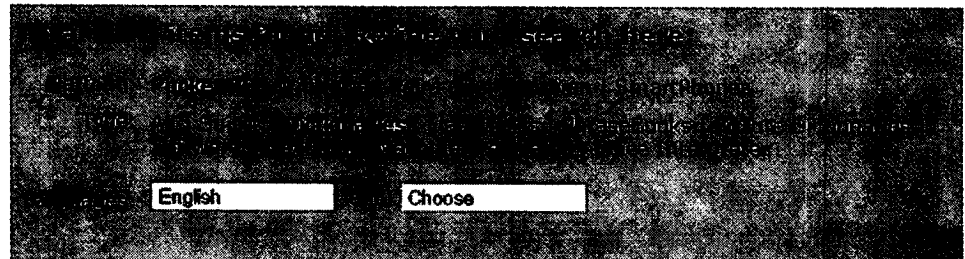
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