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

Proceeding	92049973
Party	Plaintiff ABBYY Software Ltd.
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Attachments	ABBYY Pretrial Disclosures.pdf ( 7 pages )(35804 bytes )

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

<b>ABBY SOFTWARE LTD.</b>	Cancellation No. 92049973
v.	<b>PETITIONER’S PRE-TRIAL DISCLOSURES</b>
<b>ECTACO INC.</b>	Mark: LINGVOSOFT Reg. No. 3,015,325 Reg. Date: November 15, 2005
Petitioner,	
Registrant.	

Pursuant to 37 C.F.R. §2.120(a) and Federal Rule of Civil Procedure 26(a)(1), Petitioner ABBYY SOFTWARE LTD. makes its pre-trial disclosures based on information currently known to it and without waiver of the attorney-client privilege or any other applicable privilege or doctrine.

Moreover, Petitioner’s discovery and investigation and trial preparation is ongoing, and the disclosures below are based on information reasonably available to Petitioner at this time following a good faith inquiry. Petitioner reserves the right to modify, amend or otherwise supplement this Disclosure as additional information becomes available during the course of this proceeding, and to rely on such information as evidence in this proceeding. Petitioner further reserves the right to object to production and/or introduction into evidence of any document within the categories described herein or any testimony of the witnesses identified herein on the basis of privilege, relevance, or otherwise as appropriate.

- Petitioner presently intends to present testimony of the following individuals (not including those for impeachment):

Marinos Dimosthenous, Director  
ABBYY Software Ltd.  
Stasikratous 29, office 202 CY 1065  
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Tel. # +357 22 680635

Vadim Tereshchenko, Chief Financial Officer  
Sergey Andreev, Chief Executive Officer  
ABBYY Production LLC  
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Nelson Chiu, Business Development Manager  
Ding-Yuan Tang, President  
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Yu.P. Averin  
Lomonosov Moscow State University  
MGU, Building 3, Leninskie Gory  
Moscow, Russia, 119991  
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- An identification or description of evidence, that Petitioner, ABBYY may use to support its claims or defenses, include the following:

1. Documents having to do with companies who have had rights to the Petitioner's mark (ABBYY Lingvo or Lingvo), such companies including ABBYY USA, Petitioner, BIT LLP, ABBYY USA, ABBYY Software or ABBYY Software House, NLC Technologies Ltd., and ABBYY Solutions Ltd. Such documents include corporate documents (i.e., meeting minutes, name changes, formation), those filed with or issued by governmental agencies, and others that reflect the formation date of such companies.
2. Documents having to do with the ownership, assignment and/or transfer of the Petitioner's mark, starting at least as early as 1992, which include,
  - a. Corporate documents, such as meeting minutes
  - b. Registrations of the Petitioner's mark (including ABBYY Lingvo and Lingvo), and having to do with products bearing the Petitioner's mark
  - c. Licensing, transfer, sales, and assignment agreements having to do with the Petitioner's mark
3. Copyright registration for the Petitioner's mark
4. An agreement for the licensing of a dictionary for products bearing the Petitioner's mark on or about February 16, 1999.
5. Document showing the domain registration of Lingvo.com.
6. Various Agreements having to do with the distribution and/or sales of products bearing the Petitioner's mark, including those involving IBT, BIT International and ABBYY USA.

7. Various agreements licensing the Petitioner's mark, including those involving Petitioner and other companies having rights to the mark, such as ABBYY USA, ABBYY Software House, NLC Technologies, BIT International, IBT, and ABBYY Software.
8. Invoices, and summaries or compilations of invoices, having to do with the sales and distribution of products bearing the Petitioner's mark, starting at least as early as 1995 to current, and including those from IBT, Digital Language, ABBYY USA Software House, Micro 3 and others.
9. Financial reports from ABBYY USA and Petitioner showing the amount of revenue and marketing expenditures for products bearing the Petitioner's mark, starting at least as early as 2002 to current.
10. Various awards for products bearing the Petitioner's mark, starting at least as early as 2001 to current.
11. Various articles and reviews for products bearing the Petitioner's mark, starting at least as early as 1990 to current.
12. Various Press releases for products bearing the Petitioner's mark, starting at least as early as 2001 to current.
13. Article on BIT Software on or about 11/21/1996

14. Various internet web pages which describe Petitioner and other companies offering products bearing the Petitioner's mark, and which describe such products, including [www.abbyy.com](http://www.abbyy.com) and [www.lingvo.com](http://www.lingvo.com).
15. Documents describing products bearing the Petitioner's mark, and showing use of such marks, starting at least as early as 1990 to current. Such documents include pictures of product boxes, brochures, web pages and product specification sheets.
16. Internet search results for "lingvo", from various search providers, including Yahoo, Google and Bing.
17. Various definitions and other information having to do with "lingvo" and "language", from dictionaries and other sources, such as Wikipedia.
18. Prior foreign court decisions in Russia relating to lingvo.com and the Lingvo mark.
19. Reports issued by A.N. Baranov from the Lomonosov Moscow State University on or about January 31, 2009 and the Russian Academy of Sciences on or about October 2, 2006, having to do with Lingvo.
20. Registrant's first Answer and its attachments submitted in this proceeding.
21. Registrant's responses to discovery on or about August, 2009, and documents produced in conjunction with such discovery.

22. Various awards, pictures of packaging and web pages having to do with products bearing Registrant's mark.
23. Invoices and documents having to do with the sales and advertising expenditures for products bearing Registrant's mark.
24. Document showing the formation date of Registrant.
25. Documents having to do with Ectaco-RD LLC and Registrant, such as web pages, articles, press releases and corporate documents filed with governmental agencies.

A translation of documents will be provided when available.

Date: November 20, 2009

Merit Law Group PC



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Roy Ching, Esq.

Attorney for Petitioner ABBYY Software Ltd.

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing **PETITIONER'S PRE-TRIAL DISCLOSURES** was served upon counsel for Registrant this 20TH day of NOVEMBER, 2009 by e-mail and First-Class mail, postage prepaid, addressed as follows:

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Roy Ching, Esq.