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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.
Correspondence Address	Roy Ching Merit Law Group PC 201 San Antonio Circle, Ste. 105 Mountain View, CA 94040 UNITED STATES rching@mlgpc.com
Submission	Testimony For Plaintiff
Filer's Name	Roy Ching
Filer's e-mail	rching@mlgpc.com
Signature	/Roy Ching/
Date	12/23/2009
Attachments	Affidavit of Vladimir Kovalev for Petitioner 20091223.pdf ( 4 pages )(29323 bytes )

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

<b>ABBYY SOFTWARE LTD.</b>	Cancellation No. 92049973
Petitioner,	<b>AFFIDAVIT OF VLADIMIR KOVALEV</b>
v.	Mark: LINGVOSOFT
<b>ECTACO INC.</b>	Reg. No. 3,015,325
Registrant.	Reg. Date: November 15, 2005

I, Vladimir Kovalev, hereby declare:

1. The facts stated below are based upon my personal knowledge, and upon my review of records kept in the regular course of the businesses set forth below. As to those matters stated on information and belief, I believe them to be true. If called as a witness, I could and would competently testify thereto.

2. I distributed and sold the Lingvo starting from at least as early as 1994 to about mid to late 2000, when ABBYY USA Software House Inc. was formed, and began its sales of Lingvo. I distributed and sold Lingvo to various purchasers in the United States of America, including individual consumers and businesses.

**The Lingvo Product**

3. Lingvo is a software product. Versions of this software enable users to obtain translations, and to study or learn different languages, such as grammatical information, pronunciations, examples for word use, definitions, synonyms and antonyms, word searches, etc. Its languages have included Russian, European languages, such as French, German or Italian, and Chinese.

4. At the time that I was selling and distributing Lingvo, I was aware that Lingvo was very well-known overseas, namely in Russia. People who purchased Lingvo from me in the U.S. also expressed to me that they had been aware of Lingvo before they purchased the product from me. My decision to sell Lingvo was based in significant part on my being informed that Lingvo had a reputation of being a superior product of its type.

#### **Sales and Distribution of Lingvo in U.S. Commerce**

5. My distribution and sales of Lingvo was first through a company I founded called International Business Translation. The name of the company was later changed to IBT and then finally to Digital Language. I was primarily engaged in the sales of language translation or dictionary software products in the United States.

6. All of my businesses were based in California -- located first at 2003 Oxford Avenue, Cardiff California 92007, and then at other locations within California. My business is currently located at 1640 Brady Circle, Carlsbad, CA 92008-2574. I managed all facets of the operations of my businesses, including marketing, receiving and fulfilling orders, and all financial aspects as well.

7. I began selling Lingvo in 1994. I first purchased Lingvo from BIT Software (later ABBYY Software House). I later purchased the Lingvo products from BIT Software through BIT International Corp. I was informed that BIT Software (later ABBYY Software House) were located in Russia. In 1999, I entered into an agreement with BIT International to sell Lingvo, among other products, in the U.S.

8. Exhibit 10 is a redacted copy of the agreement I had with BIT International.

9. Lingvo products were shipped to me from BIT Software. I received inquiries and orders from purchasers throughout the U.S., and I would ship Lingvo products from my business location in California to fulfill those orders.

10. Exhibit 8 include some of the invoices (redacted copies) which were issued for Lingvo products. The invoices include the States to which the products were shipped to and sold. Throughout the time that I sold Lingvo, it was one of my most popular products. My sales of Lingvo were significant, regular and continuous, and was profitable. I estimate that I sold several hundreds of copies of Lingvo to customers in the U.S.

### **Marketing**

11. Throughout the time I sold Lingvo, I engaged in marketing efforts for the product in the United States.

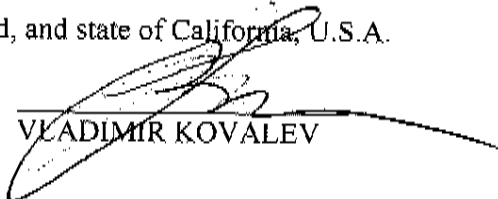
12. My marketing efforts included word-of-mouth, for example, phone calls, conventions, and networking activities, from a website advertising the product, and by mailing catalogs to potential customers in the U.S. I estimate that I have talked to and sent catalogs to thousands of people, businesses and governmental agencies in the U.S.

### **The Lingvo Mark**

13. The Lingvo mark was prominently displayed on the boxes in which the software disks were contained, on the disks themselves, on manuals and other documentations within the boxes and in the user interface within the software application itself.

14. Pictures of the Lingvo boxes, descriptions of the products, and screenshots displaying the Lingvo mark, were included in the catalogs I sent out.

I declare under the penalty of perjury under the laws of the state of California and the United States of America that the foregoing is true and accurate. Executed on December 9, 2009 in the city of Carlsbad, and state of California, U.S.A.

  
VLADIMIR KOVALEV