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

Proceeding	92049973
Party	Defendant Ectaco Inc.
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Date	03/05/2010
Attachments	Notice of Reliance.pdf (6 pages)(164281 bytes) EXHIBIT 1.pdf (8 pages)(341056 bytes) Exhibit 2.pdf (6 pages)(217709 bytes) Exhibit 3.pdf (23 pages)(1398458 bytes) 1_pdfsam_.pdf (17 pages)(4123276 bytes) 18_pdfsam_.pdf (2 pages)(3478177 bytes) 20_pdfsam_.pdf (2 pages)(142583 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
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ABBYY SOFTWARE LTD.	Cancellation No. 92049973
v.	Mark: LINGVOSOFT Reg. No. 3,015,325 Reg. Date: November 15, 2005
ECTACO INC.	
Petitioner,	
Registrant.	

REGISTRANT’S EXHIBITS AND NOTICE OF RELIANCE

Registrant hereby gives notice that it intends to rely upon the below described Exhibits in opposition to the Petitioner’s Petition to Cancel, and moves for such Exhibits to be admitted as evidence. The Affidavit filed with these Exhibits authenticates and provides 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.

Exhibit No.	Description	Bates Nos.
1	Shotscreen of translation of the term “lingvo” using the Petitioner’s translation software; printout from http://www.lingvo.ru/aboutus/	LS003217- LS003221; LS003300-LS003301
2	Printout from www.abbyy.ru/company and its translation	LS000057-LS000059
3	Petitioner’s Petition to Cancel	LS003304-LS003325
4	Photograph of the packaging for Ectaco ITravel Language Teacher and Travel Guide	LS000055-LS000056
4	Printout from	LS003326-LS003327

	www.lingvosoft.com archived in June 2004	
4	Printout from www.lingvosoft.com archived in October 2004	LS000118-LS000120
4	Printout from www.lingvosoft.com archived in December 2004	LS000114-LS000117
4	Printout of lingvosoft.com pages archived at http://web.archive.org	LS000121-LS000125
4	Photographs of various Ectaco products bearing the mark LINGVOSOFT	LS003000-LS003003
5	Printouts from Sonja's English-Esperanto Dictionary	LS000060-LS000063
5	Printout from Websters Online Dictionary	LS000064
5	Printouts from www.dicts.info	LS000065-LS000070
5	Printout from http://dictionaries.travlang.com	LS000071-LS000073
6	Office Action issued by U.S. Trademark Office for Trademark Application No. 77/357,275	LS000078-LS000108
7	Copy of Trademark Registration No. 3,015,325 for LINGVOSOFT	LS000111
8	Copy of an advertising flyer for lingvosoft.com	LS000112-LS000113
9	Notice of Publication of the mark LINGVOSOFT	LS000110
10	Printouts from Smartphone & PocketPC magazine website identifying LingvoSoft Picture Dictionaries as a new product for June 2007	LS000042-LS000050
10	Printouts from Smartphone & PocketPC magazine website identifying LingvoSoft Software Suite and LigvoSoft Bilingual Talking Dictionaries as Finalists of Smartphone & PocketPC Best Software Awards 2006	LS000001-LS000027
10	Printouts from Smartphone &	LS000031-LS000041

	PocketPC magazine website identifying LingvoSoft Flash Cards for PocketPC as a new product for May 2005	
10	Copy of 2005 Best Software Award from Smartphone & Pocket PC magazine for LingvoSoft Bilingual Talking Dictionaries	LS000052
10	Printout of awards from www.lingvosoft.com	LS003367-LS003373
10	Printout of search results for the term "Lingvosoft" at Smartphone & PocketPC magazine website	LS000053-LS000054
11	Printout of product listings from www.lingvosoft.com	LS000175-LS000192
11	Printout of product listings from www.lingvosoft.com	LS000126 -LS000156
11	Printout of product listings from www.lingvosoft.com	LS000157-LS000174
12	Printout of search results for the term "Lingvo" at Smartphone & PocketPC magazine website	LS000051
13	Printout of the Google search for the term "Lingvo Internacia"	LS000074-LS000075
13	Printouts of the Google search for the term "Lingvo Esperanto"	LS000076-LS000077; LS003031-LS003032
13	Printouts from Wikipedia identifying the number of articles in different languages including Esperanto	LS003328-LS003337
13	Printout of international classification of language codes	LS003389-LS003395
14	Photograph of Petitioner's product	P00027
15	Opinion of the Commission of Linguistic Experts	LS003167-LS003204
16	Books having the term "lingvo" in their titles, including, search results for New York Public Library	LS003033-LS003108; LS003374

	catalog; printouts of Google search results for phrases including the term "lingvo"	
17	Printout of online dictionaries and other products having the term "Lingvo" in their titles; printout of page 1 of Google search results for the term "Lingvo Esperanto Software"; printout of catalog search results of books having "lingvo" in their titles	LS003004-LS003010; LS003381-LS003386
18	Printouts from websites having the term "lingvo" in their domain names and offering linguistic products and/or services; compilation of domain names having the term "lingvo" in their domain names; printouts Google search results for the terms "www.*.*.*lingvo" and "lingvo*.*"; printout of search results at amazon.com for the term "lingvo"	LS003011-LS003030; LS003375-LS003380
19	Printouts from websites of providers of linguistic goods and services using the term "lingvo" to identify their products/services	LS003109-LS003138
20	Photographs of Petitioner's products	P00029; P00034; P00036; P00042; P00044-P00047; P00058-P00060; LS003388
21	Copies of materials from the Russian Trademark Office	LS003139-LS003160
22	Compilation of various terms having the international root "lingv" and its morphs and related to the field of linguistics	LS003161-LS003166
23	Photographs of the product allegedly manufactured by BIT Software Inc.	P00010-P00012
24	Printouts from www.uspto.gov showing disclaimer of terms	LS003210-LS003214

	“language” and “lingua”	
25	Photographs of products sold under the name “Lingvo” between 2002 and 2006	P00021; P00029; P00034; P00038; P00047
26	Information regarding Ectaco’s Lingvobit stores	LS003367
27	Printout of search results from Cyprus Register of Names	LS003339
28	Copy of the Trademark Registration No. 3,548,842 for LINGVOBIT	LS003340
29	Copy of the Trademark Registration No. 3,562,896 for LINGVO COMPASS LINGVA LINGUA INTERLINGVO N E S W	LS003341-LS003342
30	Printout from http://en.wiktionary.org	LS000109
31	Ruling from Supreme Arbitration Court of the Russian Federation	LS003205-LS003209
32	U.S. Trademark Application No. 78/459,745 for LINGVOSOFT	LS003343-LS003348
33	Certificate of Incorporation for Ectaco Inc.	LS003349
34	Copy of U.S. Trademark Application for ABBYY LINGVO	LS003350-LS003353
35	Copy of U.S. Trademark Application for LINGVO	LS003354-LS003366
Confidential Exhibit 1	Sample Invoices and Sample Advertising Expenses	LS000193-LS000233

Registrant also intends to rely on Petitioner's Responses to Registrant's Interrogatories, attached as Exhibit 36 and Petitioner's Responses to Registrant's Requests for Production of Documents and Things, attached hereto as Exhibit 37.

Dated: March 5, 2010
New York, New York

Respectfully submitted,


Anna Vishev

CERTIFICATE OF SERVICE

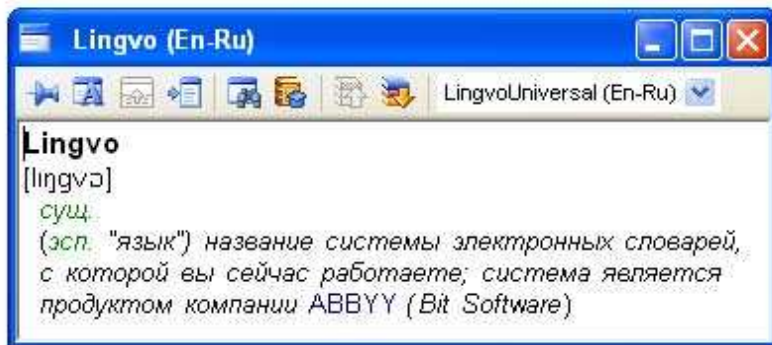
It is hereby certified that a copy of the **REGISTRANT'S NOTICE OF RELIANCE, with Exhibits 1-36 and Confidential Exhibit 1**, was served upon counsel for Petitioner this 5th day of March, 2010, by First-Class mail, postage prepaid, addressed as follows:

Roy Ching
Merit Law Group PC
201 San Antonio Circle, Ste. 105
Mountain View CA 94040



Anna Vishev

EXHIBIT 1



О компании

Новости

История Lingvo

Контакты

Условия использования

О компании ABBYY

Российская компания ABBYY – ведущий разработчик технологий оптического распознавания, обработки документов, извлечения данных и лингвистического программного обеспечения. Десятки тысяч коммерческих организаций и разработчиков приложений по всему миру используют продукты ABBYY для автоматизации трудоемких задач, ускорения бизнес-процессов и повышения эффективности бизнеса. Наиболее известные продукты ABBYY – линейка программных решений для оптического распознавания символов ABBYY FineReader, линейка решений для извлечения данных ABBYY FlexiCapture и линейка электронных словарей ABBYY Lingvo.

В семи международных офисах группы компаний ABBYY по состоянию на апрель 2008 года работает 670 человек. Головной офис компании ABBYY и центр исследований и разработок находятся в Москве. Другие офисы компании расположены в Германии, США, Украине, Великобритании и Японии.

ABBYY, логотип ABBYY, FlexiCapture, Lingvo, FineReader и DOCFLOW являются зарегистрированными товарными знаками либо товарными знаками ABBYY Software Ltd. Иные упомянутые названия могут являться товарными знаками и/либо зарегистрированными товарными знаками своих законных владельцев.

Для получения более полной информации посетите сайт компании по адресу www.ABBYY.ru

ABBYY Lingvo

В 1989 году студент 4 курса МФТИ **Давид Ян** и программист **Александр Москалёв** начинают работу над компьютерной программой, способной переводить слова и словосочетания с английского языка на русский – электронный словарь. Идея выполнить пользовательский интерфейс в виде системы «карточек» (независимых окон со словарными статьями), на несколько лет опережает своё время. Название словаря приходит само – **Lingvo**, что на международном языке эсперанто означает «язык». Программа появилась в продаже уже через год и стала первым продуктом компании ABBYY (до 1997 года BIT Software).

Первая версия словаря Lingvo умещалась на одной пятидюймовой дискете, содержала 38.000 словарных статей и поставлялась в комплекте с драйверами (русификаторами) клавиатуры и экрана, также созданными программистами компании.

Сегодня электронный словарь **ABBYY Lingvo** признан качественным многофункциональным инструментом перевода, который используют в учёбе и работе свыше 5 миллионов человек! В его составе уже **более 150 словарей** для 11 языков.

ABBYY Lingvo пословно переводит предложения, озвучивает, показывает ударения, проверяет написание слов и помогает в изучении языка. Словарь устанавливается на персональные компьютеры, смартфоны, коммуникаторы и КПК. **Сегодня ABBYY Lingvo – самый популярный в России электронный словарь!**

Над его созданием работают десятки специалистов компании: лексикографы, лингвисты, программисты, интерфейс-дизайнеры, тестировщики и многие другие. Актуальная, постоянно пополняемая словарная база словаря – результат серьезной работы группы лексикографов *В.А.Павловой* и отдела прикладной лингвистики во главе с *В.П.Селегеем*, их совместных проектов с такими известными переводчиками и составителями словарей, как *П.Р.Палажченко* («Несистематический словарь»), *Е.К.Масловский* (Словарь по информатике и вычислительной технике), *М.А.Сторчевой* (словари серии "Economicus"). Однако создание «живой» лексики ABBYY Lingvo было бы невозможно без активного участия в этом процессе самих пользователей. Отслеживая на практике появление новых слов и значений, они высказывают свои наблюдения на [форумах Lingvo](#); эти примеры затем входят в новые версии продукта.

ABBYY Lingvo - это не просто качественный и удобный в использовании электронный словарь. Его [web-ресурсы](#) объединили целое сообщество людей, увлечённых вопросами перевода и языкознания, - [Lingvo Community](#). Здесь каждый может задать вопрос разработчикам Lingvo, высказать свои идеи по его улучшению, похвалить, обратиться за советом к носителям языка и профессиональным переводчикам, пообщаться со своими единомышленниками.

На [форумах Lingvo Community](#) в 2004 году зародился и **Фан-клуб Lingvo**, основателем и идейным вдохновителем которого стал самый активный участник обсуждений - физик *Денис Шамирян*. Клуб завоевывает всё большую популярность среди любителей иностранных языков. Мы выражаем искреннюю благодарность всем, кто сегодня принимает живое участие в этом проекте!

В 2003 году под эгидой **ABBYY** и **Союза переводчиков России** (СПР) была основана **Ассоциация лексикографов Lingvo**. Она объединила независимых лексикографов, создающих словари в формате Lingvo, на специальном профессиональном ресурсе - [LingvoDA.ru](#). Одной из целей Ассоциации является продвижение открытого универсального стандарта для создания электронных словарей, языка **DSL** (на этом языке создаются словари в Lingvo). Используя этот стандарт, каждый может создать собственный словарь и разместить его на сайте Ассоциации. На сайте доступны сотни **бесплатных словарей** по различным тематикам. По инициативе известного переводчика и лексикографа *П.Р.Палажченко* на LingvoDA запущен специальный проект «**Страница переводчика**», который включил в себя сразу несколько тематических форумов: «Делаем словарь вместе», «Ресурсы и инструменты переводчика», а также авторские разделы *Павла Палажченко* («Дополнения к моему несистематическому словарю»), *Веры Флор-Семёновой* («Уроки французского»), *Евгения Масловского* («Школа технического перевода»).

Lingvo Online

Английский <> Английски

Перевести

Компания АBBYU входит в число организаторов международной конференции **«Диалог»: компьютерная лингвистика и интеллектуальные технологии**», в которой ежегодно принимают участие не только лексикографы, лингвисты и переводчики, но и представители ведущих ИТ-компаний.

В 2008 году компания АBBYU вошла в состав международной ассоциации **TAUS Data Association**, деятельность которой направлена на создание базы данных параллельных переводов и терминологии на всех языках, классифицируемых по различным отраслям экономики.
В ряду лингвистических проектов АBBYU:

- общественно-научный проект **«Языки русских городов»**. Его цель - создание словаря современных диалектов крупных городов России;
- серия новых англо-русских толковых словарей по экономике и бизнесу **Economicus**, выпуск которой осуществляется совместно с Институтом "Экономическая школа" (Санкт-Петербург);
- **«Московско-питерский словарь»**, в котором собраны примеры различий в языках двух столиц;
- **«Женско-мужской словарь»** - шуточный словарь с яркими и оригинальными толкованиями слов русского языка.

АBBYU Lingvo открыт для новых идей! Присоединяйтесь к нам, переводите, создавайте словари и общайтесь свободно. Вместе с АBBYU Lingvo!

О компании АBBYU | Отзывы | Контакты | Правовая информация | Реклама на сайте | Бюро переводов | Издательство
АBBYU Press | Онлайн словарь © 1996-2009 АBBYU



О компании

Новости

История Lingvo

Контакты

Условия использования

Lingvo Online

Английский <> Русский

Перевести

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ABBYY Lingvo - это не просто качественный и удобный в использовании электронный словарь. Его [web-ресурсы](#) объединили целое содружество людей, увлечённых вопросами перевода и языкознания, - [Lingvo Community](#). Здесь каждый может задать вопрос разработчикам Lingvo, высказать свои идеи по его улучшению, покритиковать, обратиться за советом к носителям языка и профессиональным переводчикам, пообщаться со своими единомышленниками.

На [форумах Lingvo Community](#) в 2004 году зародился и **Фан-клуб Lingvo**, основателем и идейным вдохновителем которого стал самый активный участник обсуждений - физик *Денис Шамирян*. Клуб завоевывает всё большую популярность среди любителей иностранных языков. Мы выражаем искреннюю благодарность всем, кто сегодня принимает живое участие в этом проекте!

В 2003 году под эгидой **ABBYY** и **Союза переводчиков России** (СПР) была основана **Ассоциация лексикографов Lingvo**. Она объединила независимых лексикографов, создающих словари в формате Lingvo, на специальном профессиональном ресурсе - LingvoDA.ru. Одной из целей Ассоциации является продвижение открытого универсального стандарта для создания электронных словарей, языка **DSL** (на этом языке создаются словари в Lingvo). Используя этот стандарт, каждый может создать собственный словарь и разместить его на сайте Ассоциации. На сайте доступны сотни **бесплатных словарей** по различным темам. По инициативе известного переводчика и лексикографа *П.Р.Палажченко* на LingvoDA запущен специальный проект «**Страница переводчика**», который включил в себя сразу несколько тематических форумов: «Делаем словарь вместе», «Ресурсы и инструменты переводчика», а также авторские разделы *Павла Палажченко* («Дополнения к моему несистематическому словарю»), *Веры Флор-Семёновой* («Уроки французского»), *Евгения Масловского* («Школа технического перевода»).

Компания АBBYU входит в число организаторов международной конференции **«Диалог»: компьютерная лингвистика и интеллектуальные технологии**», в которой ежегодно принимают участие не только лексикографы, лингвисты и переводчики, но и представители ведущих ИТ-компаний.

В 2008 году компания АBBYU вошла в состав международной ассоциации **TAUS Data Association**, деятельность которой направлена на создание базы данных параллельных переводов и терминологии на всех языках, классифицируемых по различным отраслям экономики.
В ряду лингвистических проектов АBBYU:

- общественно-научный проект **«Языки русских городов»**. Его цель - создание словаря современных диалектов крупных городов России;
- серия новых англо-русских толковых словарей по экономике и бизнесу **Economicus**, выпуск которой осуществляется совместно с Институтом "Экономическая школа" (Санкт-Петербург);
- **«Московско-питерский словарь»**, в котором собраны примеры различий в языках двух столиц;
- **«Женско-мужской словарь»** - шуточный словарь с яркими и оригинальными толкованиями слов русского языка.

АBBYU Lingvo открыт для новых идей! Присоединяйтесь к нам, переводите, создавайте словари и общайтесь свободно. Вместе с АBBYU Lingvo!

Правовая информация | Реклама на сайте | Бюро переводов Переведем.ру © 1996-2008 АBBYU | Онлайн перевод слов и словосочетаний



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Home > About

About

News

History Lingvo

Contact

Terms

About ABBYY

Russia ABBYY has - The leading developer of optical character recognition, document processing, data extraction and linguistic software. Tens of thousands of commercial organizations and application developers around the world use ABBYY products to automate time-consuming tasks, accelerating business processes and improve business efficiency. The most famous products of ABBYY - line of software solutions for optical character recognition ABBYY FineReader, line of solutions for data extraction and ABBYY FlexiCapture line of electronic dictionaries ABBYY Lingvo.

In the seven international offices ABBYY Group as at April 2008 is working 670 people. The head office of the ABBYY and research and development center in Moscow. Other company offices are located in Germany, USA, Ukraine, Britain and Japan.

ABBYY, logo ABBYY, FlexiCapture, Lingvo, FineReader and DOCFLOW are registered trademarks or trademarks of ABBYY Software Ltd. Other names mentioned may be trademarks and / or registered trademarks of their respective owners.

For more information, visit the website at www.ABBYY.ru

ABBYY Lingvo

In 1989, student, 4-year MIPT **David Yang** programmer **Aleksandr Moskalev** begin work on a computer program that can translate words and phrases from English into Russian - an electronic dictionary. The idea to fulfill a user interface in a system of "cards" (independent windows with entries) for a few years ahead of its time. Name of the dictionary finds itself -- **Lingvo** That the international language Esperanto, means "*language*". The program will be available later in the year and became the first product ABBYY (until 1997 BIT Software).

The first version of the dictionary Lingvo pyatidyumovoy fit on one diskette containing 38,000 entries and comes with drivers (russifiers) keyboard and screen, also created by programmers.

Today, electronic dictionary **ABBYY Lingvo** recognized quality multi-functional tool translation, which is used in the study and work more than 5 million people! In its structure has **than 150 dictionaries** for 11 languages.

ABBYY Lingvo translating sentences, express, show accents, verifies the spelling of words, and helps in language learning. Dictionary installed on personal computers, smart phones, communicators and PDAs. **Today ABBYY Lingvo - the most popular in Russia, an electronic dictionary!**

Above its establishment has dozens of specialists of the company: lexicographers, linguists, programmers, interface designers, testers and many others. Actual, constantly updated dictionary database dictionary - the result of serious work of lexicographers *VA Pavlov* and Department of Applied Linguistics, headed by *VP Selegeem* Their joint projects with such well-known interpreters and compilers of dictionaries, as *PR Palazhchenko* (Unsystematic Dictionary ") *EK Maslovsky* (Dictionary of Computer Science) *MA Storchevoy* (dictionaries series "Economicus"). However, the creation of "live" vocabulary ABBYY Lingvo would have been impossible without the active involvement of the users themselves. By tracking the emergence in practice of new words and meanings, they express their observations on [forums Lingvo](#), Then these examples are included in new versions of the product.

ABBYY Lingvo - is not just high-quality and easy to use electronic dictionary. His [web-resources](#) pooled whole community of people keen on issues of translation and linguistics -- [Lingvo Community](#). Here one can ask developers Lingvo, to express their ideas on how to improve it, to criticize, seek the advice of native speakers and professional translators, to communicate with his supporters.

At the forums Lingvo Community in 2004, was born and **Fan Club Lingvo**, The founder and inspirer of which was the most active participant in the discussions - physicist *Denis Shamiryan*. The club is gaining popularity among fans of foreign languages. We express our sincere gratitude to all those who today take an active part in this project!

In 2003, under the auspices **ABBYY** and **Union of Translators of Russia** (IDB) was established **Association lexicographers Lingvo**. It brought together independent lexicographers, to create a dictionary in the format Lingvo, to specialist professional resources -- [LingvoDA.ru](#). One of the objectives of the Association is to promote an open, universal standard for electronic dictionaries, language **DSL** (this language to create a dictionary in Lingvo). Using this standard, anyone can create their own dictionary and post it on the website of the Association. The site is available hundreds **Free dictionaries** on various topics. The initiative of the well-known translator and lexicographer *PR Palazhchenko* on LingvoDA launched a special project "**Page Translator**", which will include several thematic forums: " Making dictionary together, "Resources and Tools interpreter, as well as author sections *Paul Palazhchenko* ("Further to my incidental vocabulary") *Faith Flür-Semenova* ("French lessons") *Eugene Maslovsky* ("School of Technical Translation").

ABBYY is among the organizers of the international conference "**Dialogue": computational linguistics and intellectual technologies** ", which annually take part not only to lexicographers, linguists and translators, but also representatives of leading IT companies.

In 2008, ABBYY has joined the International Association **TAUS Data Association** which seeks to create a database of parallel translations and terminology in all languages, classified by different sectors of the economy. In a number of language projects ABBYY:

- social science project "**Languages of Russian cities**". His goal - a dictionary of modern dialects of the major

- cities of Russia;
- A series of new English-Russian Dictionary of Economics and Business **Economicus** Which release is carried out jointly with the Institute "The School of Economics (St. Petersburg);
 - "**Moscow-St.Petersburg dictionary**", Which collects examples of differences in language between the two capitals;
 - "**Female-male Dictionary**" - Humorous dictionary with bright and original interpretations of the words of the Russian language.

АББYY Lingvo is open to new ideas! Join us, translate, create dictionaries and talk freely. However, АББYY Lingvo!

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EXHIBIT 2

[История](#)[Важные факты](#)[Контакты](#)[Новости](#)[Успешные проекты](#)[Награды](#)[Отзывы](#)[Пресс-центр](#)[Вакансии](#)

О компании ABBYY

Российская компания ABBYY (до 1997 года BIT Software) основана в 1989 г. студентом 4 курса МФТИ Давидом Яном и на сегодняшний день является одним из ведущих мировых разработчиков технологий оптического распознавания документов и лингвистического программного обеспечения.

Компания ABBYY обладает широким спектром собственных технологий в сфере распознавания печатных документов и заполненных рукописных форм и на их основе создает различные программные продукты. Разработка технологий и программных продуктов ABBYY производится в Москве. За годы работы компании инвестиции в разработку составили более 4 000 человеко-лет.

Миссия ABBYY – улучшать жизнь людей. Создавая технологии искусственного интеллекта и программы для ввода данных в компьютер и перевода с одного языка на другой, мы превращаем информацию в полезные знания.

В настоящее время в группе компаний ABBYY работает свыше 650 человек.

Головной офис компании ABBYY находится в Москве и отвечает за исследования в области технологий и разработки продуктов, формирование стратегических планов развития компании и координацию деятельности региональных офисов, которые расположены в России, Германии, США, Украине, Великобритании и Японии. Региональные офисы осуществляют маркетинговую деятельность, непосредственные продажи и техническую поддержку продуктов компании.

Продукты и решения компании ABBYY доступны пользователям более чем в 100 странах мира благодаря собственной сети партнёров и представителей.

Наиболее известные продукты ABBYY:

Для индивидуального использования в офисе или дома:

- **ABBYY FineReader** – система оптического распознавания документов;
- **ABBYY Lingvo** – электронные словари для стационарных ПК и мобильных устройств;
- **ABBYY PDF Transformer** – программа для обработки и преобразования PDF-файлов;
- **ABBYY Business Card Reader** – приложение для распознавания визитных карточек мобильным телефоном.

Для корпоративных пользователей:

- **ABBYY FlexiCapture** – решение для потокового ввода данных из документов и форм;
- **ABBYY Recognition Server** – серверный продукт для автоматизации процессов оптического распознавания и конвертирования документов.

Продукты для разработчиков:

- ABBYY FineReader Engine – инструмент для интеграции функций распознавания и обработки документов в Windows, Linux, MacOS, FreeBSD-приложения;
- ABBYY Mobile OCR SDK – инструмент для создания решений для оптического распознавания текстов на базе мобильных телефонов.

По данным исследований ABBYY, ежегодно около 30 миллионов частных пользователей и десятки тысяч организаций обрабатывают с помощью программных продуктов компании более 1,3 млрд. страниц документов и форм. Ежегодная экономия от использования продуктов и технологий ABBYY в мире составляет около 150 млн. человеко-часов или 450 млн. долларов США.

Непревзойденное качество продуктов ABBYY является результатом научных исследований, которые компания ведет со дня своего основания. Благодаря высокому качеству, широкой функциональности и простоте эксплуатации продукты компании ABBYY признаны во всем мире. Их качество подтверждено многочисленными (около 180) наградами от авторитетных международных ассоциаций, изданий и тестовых лабораторий в 25 странах мира. В 2002 году авторский коллектив разработчиков системы распознавания ABBYY FineReader был удостоен Премии Правительства РФ в области науки и техники.

Ежегодно около 14 млн. МФУ и сканеров от ведущих мировых производителей аппаратного обеспечения, в числе которых Epson, Canon, Fujitsu, Lexmark, Panasonic, Toshiba, Xerox и другие комплектуются OCR-технологиями компании ABBYY. Всего на начало 2008 года решениями ABBYY оснащено около 74 млн. МФУ и сканеров, что составляет более 50% таких устройств по всему миру.

Качество продуктов и технологий ABBYY высоко оценили:

Российские и зарубежные государственные организации и правительственные учреждения, в том числе:

Администрация Президента России,
Государственная Дума РФ и др.

Ведущие компании и организации банковской сферы, среди которых:

Сбербанк РФ,
Центральный Банк России и др.

Известные организации культурно-социальной сферы, так, например:

Государственный музей изобразительных искусств им. А.С.Пушкина,
Московский Государственный Университет им. М.И.Ломоносова и др.

Предприятия сферы торговли и ТНП, в том числе:

Nestle,
PROCTER&GAMBLE и др.

Технологии ABBYY используют в своих продуктах ведущие производители электроники, программного и аппаратного обеспечения и участники рынка документооборота и ввода данных, такие как Epson, IBM, Samsung Electronics, Xerox и многие другие.

Примеры проектов, в которых используются технологии ABBYY:

- Интегрированный комплекс программного обеспечения для оптического распознавания текста на базе ОС Linux, **Министерство обороны РФ**
- Автоматизированный ввод и обработка налоговых деклараций, **Государственная Налоговая Служба РФ**
- Обработка бланков таможенных деклараций, **Федеральная Таможенная Служба России**
- Автоматизированный ввод документов финансово-хозяйственной отчетности, **Федеральная Служба Налоговой Полиции России**
- Обработка и верификация данных, **Федеральная служба по финансовому мониторингу (Росфинмониторинг)**
- Обработка бланков пенсионного обеспечения, **Пенсионный Фонд РФ**
- Обработка результатов тестирования выпускников общеобразовательных учреждений, **Федеральный Центр Тестирования при Министерстве Образования РФ**
- Обработка данных ежегодных медицинских наблюдений за детьми в возрасте от 1 до 18 лет, **Департамент здравоохранения г. Москва**
- Ввод клиентских платежных документов, **Сбербанк РФ**
- Централизованная система электронного архива клиентских досье, **Альфа Банк**
- Ретроконверсия учетных каталогов, **Государственная публичная научно-техническая библиотека России**
- Обеспечение пакетом базового программного обеспечения российских школ в рамках национального проекта «Образование» - поставка электронных словарей ABBYY Lingvo и системы распознавания ABBYY FineReader, **Министерство Образования и Науки Российской Федерации, Министерство Информации и Связи РФ**
- Перевод в электронный формат библиотечных архивов крупнейших библиотек США в рамках проекта Live Search Books корпорации **Microsoft**

Создавая продукты и решения в интересах пользователей, компания ABBYY стремится стать лучшей среди мировых разработчиков технологий оптического распознавания документов и лингвистического программного обеспечения.

Правовая информация | [Контакты](#) | [Схема проезда](#)
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(Translation of the fragment “About ABBYY company” (<http://www.abbyy.ru/company/>) from Russian into English is prepared by Anna Merkuryeva)

About ABBYY company.

The Russian company ABBYY (“BIT Software” till 1997) was founded in 1989 by David Yan, the 4th year student of MFTI and for today it is one of the world leaders in development of technologies for optical recognition of the documents and linguistic software.

ABBYY Company has a wide spectrum of its own technologies in the sphere of recognition of the printed documents and filled hand-written forms and on their basis the Company creates various software programs. Development of ABBYY technologies and software is held in Moscow. Being operating for years, the company’s investment for development have come for more than 4000 human-years.

The mission of ABBYY – is to improve people’s life. Creating technologies of artificial intelligence and programs for data input into the computer and translation from one language into another, we transform information into useful experience.

There are more than 650 employees in a group of ABBYY companies now.

The head office of ABBYY Company is located in Moscow. This office is responsible for researches in technology field and product development, creation of strategic plans of company development and coordination of activity of the regional offices, which are located in Russia, Germany, USA, Ukraine, the Great Britain and Japan. Regional offices perform marketing activities, direct sales and technical support for company products.

Products and innovations of ABBYY Company are available for the consumers in more than 100 countries of the world due to the company’s own network of partners and representatives.

The most known ABBYY products:

For individual use at home or office:

- **ABBYY FineReader** - system of optical recognition of the documents;
- **ABBYY Lingvo** - electronic dictionaries for stationary PCs and mobile devices;
- **ABBYY PDF Transformer** - program for processing and transformation of PDF-files;
- **ABBYY Business Card Reader** - application for recognition of the business cards with the help of mobile phone.

Translator

/ Anna Merkuryeva/



Russia company ABBYY - one of the world's leading software developers in the field of document recognition (OCR), entry forms (ICR) and Applied Linguistics.



English

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About

Russia ABBYY has (until 1997 BIT Software) was founded in 1989, a student of 4-year MIPT David Ian and today is one of the world's leading developers **software in the field of artificial intelligence** in particular **document recognition and natural language processing**.

At present, the ABBYY Group employs over 650 people. Head office team is in Moscow. Other group companies are located in the USA (Fremont, Calif.), Japan (Tokyo), Germany (Munich), UK (Breknell), Ukraine (Kiev) and Russia (Moscow). In addition, ABBYY has an extensive network of dealers and partners in 80 countries on all continents.

Products ABBYY: family of electronic dictionaries **ABBYY Lingvo** for personal computers and mobile devices, includes 10 language translation directions, the system of recognition of printed text **ABBYY FineReader** Allows to enter into the computer documents using a scanner or camera, a program to convert PDF-files **ABBYY PDF Transformer** Presenting information in a convenient format for editing; **ABBYY FlexiCapture** - A system designed for stream input to the computer documents and data from both structured documents (invoices, contracts, invoices, etc.) and from a variety of forms filled in by hand (questionnaires, forms, questionnaires, applications, etc. etc.); recognition system of payment documents **ABBYY FineReader Bank**; Developer's toolbox **ABBYY FineReader Engine** Designed to integrate the functions of recognition and processing of documents in Windows, Linux, MacOS, FreeBSD-application, server-based solution for automating processes OCR and document conversion **ABBYY Recognition Server** and other programs.

The company's products have long enjoyed success with users around the world, thanks to exceptional quality and ease of use - FineReader line of products have won over **150 awards** in tests conducted by international publications and test labs (September 2004). An independent survey of Russia authoritative magazine "PC World", ABBYY products every year the winners of the contest "**Best Products of the Year**". ABBYY Lingvo electronic dictionaries in 2006 for the tenth time was recognized as a leader in the category "Electronic Dictionaries". At the competition of IT Solutions "Product of the Year 2007", held during the exhibition Softool, ABBYY FineReader won 1 seat.

The unsurpassed quality of products ABBYY is a result of research, which the company has since its inception. In 2002, the developers of ABBYY FineReader was awarded **RF Government Prize** in science and technology.

Many of Russia's and international companies praised the quality of products ABBYY:

AvtoVAZ, Archivista (Switzerland), Administration of President of Russia, Arkenstone (USA), All-Russia Broadcasting Company, C Technologies (Sweden), GAZPROM, DAEWOOD (Moscow), the State Duma of Russia, DHL INTERNATIONAL CIS, State Historical Library, eFax (USA), the State Tax Service of Russia, LOCKHEED SPACE AND MISSILE CORPORATION (United States), the State Registration Chamber of Russia, MAS Elektronikhandels GmbH (Germany), the State Museum of Fine Arts. Pushkin, MASTER FOODS (Moscow), State Hermitage Museum, MERCEDES-BENZ AD, ITAR-TASS, NewSoft (USA), Ministry of Internal Affairs of Russia, OTG Software (USA), Moscow State University, Primax (Netherlands), MOSPRIVATIZATSIYA, PROCTER & GAMBLE (Moscow), Moscow Mayor's Office, SALAMANDER (Moscow), Samsung Electronics (South Korea), YUKOS », Samsung Data Systems (South Korea), the Pension Fund of Russia, Siemens Nixdorf (Germany), Moscow City Government, Sumitomo Electric Industries Ltd. (Japan), Rocket and Space Corporation Energia », TOKYO INTERNATIONAL UNIVERSITY, Central Bank of Russia, YVES ROCHER, Bank of Moscow, METRO Cash & Carry (Moscow), Nestle (Moscow), Rosoboronexport, factory "Bolshevik "

... and more than 100,000 organizations in various countries.

Our technology is used in their products **leading players in the market of document and data capture** - BancTec, Captiva, C-Technologies, Cardiff Software, Cobra Technologies, DELL, EMC2/Documentum, Fujitsu, Freedom Scientific, HP, IKON (U.S.), IXOS, Kurzweil, Kofax Image Products, Legato Systems, NewSoft, Neurascript, Notable Solutions , Optika, Panasonic, ReadSoft, Siemens Nixdorf (Germany), Stellant (USA), SWT, SER Solutions, Samsung Electronics, Sumitomo Electric Systems, Toshiba (USA), Verity (USA) and many others.

ABBYY has an agreement with **14 multinational manufacturers**: BenQ, Epson, Foxlink, Lexmark, Microtek, Mustek, Primax, Plustek, UMAX, Maxium, Veutron, Toshiba, Fujitsu, Ricoh. These companies deliver products based on ABBYY technologies with their equipment (scanners, multifunction devices, etc.).

Projects that use technology ABBYY:

- Automated input of machine-readable forms of tax declarations and certificates of income **the State Tax Service of Russia** with **ABBYY FormReader**
- Enter payment documents clients **Sberbank RF** with **FineReader Bank**
- Entering machine-readable form "questionnaire insured" and "Personal Information" in **State Pension Fund of Russia** with **ABBYY FormReader**
- Entering into the computer test results of graduates of educational institutions conducted **Federal Center for RF Test** Located under the patronage of the Ministry of Education
- Organization of full text search in the electronic archive "**Nezavisimaya Gazeta**" On the basis **ABBYY Retrieval & Morphology Engine**
- and many others ...

ABBYY - a public company. We are open to cooperation with the media.

We will be glad if you visit our [Press Center](#).

[Legal Information](#) | [Contact](#) | [How to find us](#)



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EXHIBIT 3

ESTTA Tracking number: **ESTTA238915**

Filing date: **09/25/2008**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	ABBY Software Ltd.		
Entity	Limited	Citizenship	Cyprus
Address	Stasikratous 29, Office 202 Nicosia, 1065 CYPRUS		

Attorney information	Roy Ching Merit Law Group PC 800 W. El Camino Real #180 Mountain View, CA 94040 UNITED STATES rching@mlgpc.com Phone:650-943-2442		
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Registration Subject to Cancellation

Registration No	3015325	Registration date	11/15/2005
Registrant	Ectaco Inc. 31-21 31st Street Long Island City, NY 11106 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2004/05/10 First Use In Commerce: 2004/05/10 All goods and services in the class are cancelled, namely: Translation software, language learning software, electronic voice interpreter, electronic handheld dictionaries

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Related Proceedings	TRADEMARK APPLICATION NO. 77357275
---------------------	------------------------------------

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77357275	Application Date	12/20/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LINGVO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1990/07/00 First Use In Commerce: 1995/02/00 Educational software featuring instruction in languages; Pocket translators; Pocket translators, electronic; Electronic pocket translators; Computer software for language translation and learning Class 016. First use: First Use: 1990/07/00 First Use In Commerce: 1995/02/00 Dictionaries Class 041. First use: First Use: 1990/07/00 First Use In Commerce: 1995/02/00 Language translation; Language interpretation; language instruction; Translation; Translation services

Attachments	77357275#TMSN.jpeg (1 page)(bytes) Petition to Cancel 9.24.08 RC.pdf (20 pages)(1242848 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Roy Ching/
Name	Roy Ching
Date	09/25/2008

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

ABBY SOFTWARE LTD.	Petitioner,	Cancellation No. _____
		PETITION TO CANCEL
	v.	Mark: LINGVOSOFT
ECTACO INC.	Registrant.	Reg. No. 3,015,325
		Reg. Date: November 15, 2005

PETITION TO CANCEL

ABBY Software Ltd. (“Petitioner”) has been and believes it will continue to be damaged by the continued registration of the mark LINGVOSOFT (“the Mark”) shown in United States Trademark Registration No. 3,015,325 (“the Registration”), which according to the United States Patent and Trademark Office’s (“USPTO”) website, was filed on July 30, 2004 and registered on November 15, 2005, and hereby petitions for cancellation of this registration.

As grounds for cancellation, Petitioner alleges:

I. The Parties.

1. Petitioner is a Limited company, legally organized under the laws of Cyprus, and having its place of business at Stasikratous 29, Office 202, Nicosia, Cyprus, 1065.

2. On information and belief, Ectaco Inc. (“Registrant”) is a corporation with its principal place of business in New York, and that it is the owner of the United States Trademark Registration No. 3,015,325, for LINGVOSOFT.

II. The Registration.

3. On information and belief, Registrant represented in its application for the Mark that it used the Mark in connection with “[t]ranslation software, language learning

software, electronic voice interpreter, electronic handheld dictionaries”, in International Class 09, and represented that its first use of the Mark in commerce was May 10, 2004.

III. Petitioner’s Mark And Goods.

4. Petitioner produces, sells, and distributes dictionary and translation software, language learning software, electronic voice interpreter, electronic handheld dictionaries (“Petitioner’s Goods”), among other products, both internationally and in the United States.

5. Petitioner has used the mark “LINGVO” by itself and in conjunction with other terms and symbols, as trademarks (“Petitioner’s Marks”) in the United States at least as early as February 10, 1995.

6. Petitioner’s Goods are similarly widely used in the United States by individuals and businesses, with its users including well-known companies in this country and abroad, such as those reflected on the web-page attached as Exhibit “A”.

7. For instance, “ABBYY LINGVO”, has been the most popular dictionary software in Russia with five million users.

8. Petitioner’s Marks are distinctive for Petitioner’s Goods and have substantial goodwill.

9. Petitioner has made substantial investments in marketing Petitioner’s Marks, and has done so for a long and sustained period of time.

10. The goods listed in the Registration are either identical or closely related to Petitioner’s Goods.

IV. Claims.

A. Priority of Use and Likelihood of Confusion.

11. Petitioner has been using Petitioner’s Marks, including in connection with Petitioner’s Goods, prior to Registrant’s use of Registrant’s Mark.

12. On information and belief, Petitioner's use of Petitioner's Marks preceded Registrant's use of Registrant's Mark in the United States.

13. Petitioner's first use of Petitioner's Marks in connection with its goods preceded the first use date indicated in the Registration.

14. Just as Petitioner believes that it has priority with regard to Petitioner's Marks in the United States, it was determined that Petitioner had priority as to the LINGVO mark in Russia.

15. On June 13, 2006, the Arbitration Court of Moscow ordered a company called "Ectaco-RD, LLC" to "discontinue its selling and otherwise circulating the electronic dictionary 'LingvoSoft' on the territory of the Russian Federation", and further ordered that an individual by the name of "Anton Valeryevich Epifanov", who was assigned the internet domain name "Lingvobit.ru" by Ectaco-RD, LLC to discontinue his use of the "Lingvo" mark. This decision was affirmed by Moscow's Ninth Arbitration Court of Appeal and the Federal Arbitration Court of Moscow District.

16. A copy of the above referenced decisions is attached as Exhibit "B".

17. On information and belief, Ectaco-RD, LLC is affiliated with Registrant.

18. For instance, on information and belief, Anton Valeryevich Epifanov is Registrant's Vice President of Research and Development, and as stated above, had been assigned the internet domain name "Lingvobit.ru" by Ectaco-RD, LLC.

19. The marks at-issue of both Registrant and Petitioner are highly similar.

20. For instance, both marks contain the term "LINGVO" and this term is a salient part of both marks.

21. On information and belief, the goods sold by the parties and their channels of trade are similar, and such goods are sold to and marketed to the same or similar class of purchasers.

22. Registrant's Mark are so similar to Petitioner's Marks so as to be likely to cause confusion, mistake, or to deceive as to origin, sponsorship and approval of Registrant's Goods with those of Petitioner.

B. Fraud on the Patent and Trademark Office.

23. On information and belief, Registrant knew of Petitioner's Marks prior to its application for the Registration.

24. On information and belief, Registrant knew it did not have rights in the subject mark of the Registration when Registrant submitted its application to the United States Patent and Trademark Office.

25. For instance, on information and belief, Registrant knew of Petitioner's Marks and its goods, and that the mark that it was applying for in the Registration was too similar to Petitioner's Marks at the time that it was applying for Registrant's Mark.

26. However, on information and belief, Registrant knew that the existence of Petitioner's Marks was a material fact for the examiner, and yet failed to disclose the existence of Petitioner's mark to the USPTO at the time of its application, and concealed such fact so to mislead the examiner into believing that Registrant was entitled to registration on the principal register.

27. Further, on information and belief, Registrant was not using its mark in connection with all the goods identified in its application, in spite of its representation to the USPTO to the contrary.

28. On information and belief, Registrant knew or should have known that the above representations were false.

29. On information and belief that Registrant, in bad faith, made false statements with the intent to induce authorized agents of the USPTO to grant the Registration, and reasonably relying on the truth of said false statements, the USPTO did, in fact, grant this registration to Registrant.

30. The continuous registration of the subject mark of the Registration is causing injury to Petitioner, Petitioner's investment in its marks, Petitioner's business plans, by impairing Petitioner's rights in its Marks, is inconsistent with Petitioner's rights, and will continue to cause injury to Petitioner until the registration is cancelled.

31. Registrant is not entitled to the continued registration of the Registration, because Registrant committed fraud in the procurement of that registration.

32. The continued registration of the subject of the Registration is causing injury to Petitioner, Petitioner's Marks, its goodwill and its business plans, is impairing Petitioner's rights in its Marks, and is inconsistent with Petitioner's rights, and will continue to cause injury to Petitioner until the registration is cancelled.

V. Request For Relief.

WHEREFORE, Petitioner asks that this Petition be granted, that the Registration be canceled and removed from the principal register.

Date: September 24, 2008

Merit Law Group PC



Roy Ching, Esq.

Attorney for Petitioner ABBYY Software Ltd.

EXHIBIT A

ABBYY

Lingvo 12

[Site Map](#) | [Search](#) | [Feedback](#) | [Contacts](#)



[Products](#) [Services](#) [Store](#) [Support](#) [Lingvo Online](#) [Company](#)



Products

Dictionary Software

English

European

Multilingual

Languages and Dictionaries

Lingvo Tutor

Lingvo for Business

Lingvo for Pocket PC and Smartphone

ABBYY Lingvo Dictionary for Your Business



ABBYY Lingvo is the most popular dictionary software in Russia that has won the hearts of five million users because of its comprehensive, trustworthy and up-to-date dictionaries, instant translation features and ease of use.

ABBYY Lingvo is widely used by Individual users (both language learners and professional translators), in small companies and large-scale enterprises. For companies employed a large staff ABBYY Lingvo is perfectly fit because of its group work features:

- Automated network installation from the server onto workstations via Microsoft SMS, Active Directory, Task Scheduler, and the command line;
- Network installation in Interactive mode;
- License Manager utility;
- Concurrent license management;
- Flexible licensing scheme and discounts.

ABBYY Lingvo dictionary software has being used in various companies including Deloitte, SAP CIS, Nokia, Motorola, Raiffelsen, Citibank, DuPont, KPMG, AMTEL, IKEA, UPS, Toyota, Volvo, Xerox, Lucent, Nike, Adidas, Cargill, Stora Enso, Avaya, Bayer, Nycomed, Schering-Plough, Procter and Gamble, Nestle, Coca-Cola, Colgate-Palmolive, Schwarzkopf & Henkel, Samsung, Kodak, and many others.

Below you can read some Lingvo users' feedback:

"An electronic dictionary is an indispensable tool in an modern office, especially in an office like ours, since we are a branch of an overseas company. Our staff comes from many different countries and we have partners all over the world. We talk and write to each other in several languages, and an electronic dictionary is a must. In our Moscow office, we were looking for a dictionary that was comprehensive, had network capabilities, and was easy to use. We decided on ABBYY Lingvo, since it is the best dictionary currently available on the market. This is an excellent office tool which helps us do our job better".

Aleksey Goncharenko,
Systems Analyst,
Nestle, Russia

"We have offices in the USA, Russia, Switzerland, the UK and some other countries, and real understanding between people of different cultures is impossible without a good dictionary. ABBYY Lingvo has taken dialogue between our offices to a whole new level. Lingvo is a comprehensive and easy-to-use dictionary tailored to corporate environments. This is an ideal language reference tool for any office. What's more, if you need thousands of licenses for your employees price becomes an important factor, and the price of ABBYY Lingvo was a pleasant surprise. As well as the dictionary's other features".

Georgiy Soustin,
PR Specialist,
Procter & Gamble

Contact your [local office](#) for further questions.

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EXHIBIT B

**ARBITRATION COURT OF MOSCOW
In the name of the Russian Federation
DECISION**

Moscow
June 13, 2006

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

Substantive part of the decision was announced on June 1, 2006.
Full text of the decision was prepared on June 13, 2006.

Arbitration Court comprising:

judge G. V. Cherenkova

with the minutes of the court hearing kept by G. V. Cherenkova
examined in court hearing the case brought by ABBYY Solutions Limited
ABBYY Software Limited

against the defendants Ectaco-RD, LLC

A. V. Epifanov,

third party – ANO RSIC

seeking to protect rights to trademarks and recover 2,500,000 rubles in compensation.

Present for the court hearing:

for the plaintiff – E. I. Murashova, under power of attorney,

for the defendants – G. D. Lubianitskiy, under power of attorney,

K. A. Yakovlev, under power of attorney dated March 10, 2006,

for the third party - A. P. Grinkevich, under power of attorney.

The Court

HAS ESTABLISHED:

Company NLS Technologies Limited (Cyprus) filed a lawsuit with the Arbitration Court against ANO RosNIIRos and Ectaco-RD, LLC to protect its rights to trademarks No. 280687 and No. 224996, namely:

- to prohibit Ectaco-RD, LLC from using the Lingvo trademark in the domain name Lingvobit.ru;
- to obligate Ectaco-RD, LLC and ANO RosNIIRos to transfer (re-delegate) the Lingvobit.ru domain to the plaintiff;
- to obligate Ectaco-RD, LLC to remove the Lingvo trademark from the product – electronic dictionary LingvoSoft;
- to recover damages of 2,500,000 rubles for illegal use of the trademark by Ectaco-RD, LLC.

While the case was being examined, the court changed the defendant ANO RosNIIRos to ANO RSIC – the new domain registrar; the court accepted abandonment of claim against ANO RSIC and stopped case proceedings against this defendant, bringing ANO RSIC into the proceedings as a third party without independent claims on the subject of dispute.

With its determination dated March 14, 2006, the court:

- changed the plaintiff – company NLS Technologies Ltd (Cyprus) to ABBYY Solutions Limited due to the change in the plaintiff's name.
- brought into the proceedings as a second defendant A. V. Epifanov in connection with the assignment by the first defendant – Ectaco-RD, LLC of the rights to administer the Lingvobit.ru

domain to A. V. Epifanov. .

With its determination dated May 29, 2006, the court rejected the motion of company ABBYY Software Limited to join the proceedings as a third party with independent claims on the subject of litigation.

Under Article 48 of the Arbitration Procedural Code of the Russian Federation, with its determination dated June 1, 2006, the court changed the plaintiff ABBYY Solutions Limited by order of procedural succession to Abbyy Software Limited (Cyprus) with respect to claims of intangible nature, that is, with respect to all claims with the exception of the claim seeking to recover monetary damages.

As a result of the court's procedural actions to change the composition of parties participating in the proceedings and satisfy the plaintiff's motion to change the subject of the lawsuit, the plaintiff's claims are as follows:

- the plaintiff ABBYY Solutions Limited seeks to recover 2,500,000 rubles from Ectaco-RD, LLC in damages for infringement on its trademark rights.
- the plaintiff ABBYY Software Limited seeks to prohibit A. V. Epifanov from using the "Lingvo" trademark in the Lingvobit.ru domain and obligate A. V. Epifanov to transfer the Lingvobit.ru domain to ABBYY Software Limited.

The defendants contested the lawsuit, alleging that registration of trademarks No. 280687 and No. 224996 was performed in violation of Articles 6, 7 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin", and submitted to the Patent Disputes Chamber objections against registration of the trademarks.

Additionally, the defendants believe that upon the renaming of NLS Technologies Limited to ABBYY Solutions Limited, Rospatent did not perform re-registration of trademarks to ABBYY Solutions Limited, which contravenes Article 27 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin", in which connection the plaintiffs are not rightholders.

After studying the case materials and evaluating the evidence presented, the court has come to the conclusion that the defendants infringed on the exclusive trademark rights of ABBYY Software Limited and such rights are subject to protection.

Verbal trademark No. 280687 "Lingvo" was registered by Rospatent in the name of NLS Technologies Limited, Cyprus, on December 24, 2004, with a priority date of October 16, 2003, including with respect to products of class 09 under the International Classification of Goods and Services – electronic translators, electronic pocket translators, computer software.

The verbal trademark No. 224996 "Lingvo" was registered to company ABBYY Software House (Russia) on October 17, 2002, with the priority date of August 23, 2000, including with regard to services of class 42 under the International Classification of Goods and Services – translation service, and products and services of class 09 under the International Classification of Goods and Services – electronic translators, electronic pocket translators, computer software.

Trademark No. 224946 was assigned on October 10, 2003, to NLS Technologies Ltd, (Cyprus).

According to the name change certificate No. NE 131582 issued on August 22, 2005, by the Republic of Cyprus, company NLS Technologies Ltd was renamed to ABBYY Solutions Limited:

- under the agreement for assignment of rights No. 03.01.N2.05 dated January 3, 2005, registered by Rospatent on March 28, 2006, under No. RD 0007692, NLS Technologies Limited assigned rights to trademarks Nos. 224996 and 280687 to company ABBYY Software Limited.

The defendants' objections concerning illegitimate registration of the contested trademarks and the agreement for assignment of rights to the trademark are not legally substantiated because under Article 2 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin" legal protection of a trademark in the Russian Federation is provided on the basis of its state registration which has not been contested in accordance with the procedure prescribed by the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin".

The cause of action is protection of the rights of holders of trademarks No. 280687 "Lingvo" and No. 224996 "Lingvo", which have been used by the defendants without the rightholders' permission in the domain name Lingvobit.ru on the Internet.

Pursuant to Article 4 of the Russian Federation Law "On Trademarks, Service Marks and Appellations of Origin", an infringement on a rightholder's exclusive rights 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 on the Internet, and in particular in a domain name.

The fact that the contested trademarks have been used by Ectaco-RD, LLC without the rightholder's permission is confirmed by the following evidence:

- letter of RosNIIROS No. ROS-03/125 dated September 7, 2005, to the effect that the administrator of the Lingvobit.ru domain is Ectaco-RD, LLC
- notarized minutes of inspection of evidence dated August 29, 2005, prepared in the process of securing evidence under Article 102 of the Fundamentals of Russian Legislation on Notary Practice.

The fact of use of the contested trademarks online by A. V. Epifanov is confirmed by RosNIIROS letter dated February 2, 2006, No. ROS-03/03, according to which the Lingvobit.ru domain was assigned to A. V. Epifanov by Ectaco-RD, LLC on October 24, 2005. Moreover, issue No. 3 of the 2006 PC+Mobile magazine contains an advertisement of an electronic dictionary with a link to A. V. Epifanov's website www.Lingvobit.ru.

The Lingvobit.ru domain name is similar to the Lingvo trademark to the point of confusion because it contains the verbal trademark "Lingvo" typed using Latin script and identically sounding trademark "Lingvo" as it is pronounced in Russian when spelled using the Cyrillic script, which convey the core meaning. The defendants do not contest the similarity.

The defendants have used the domain name with respect to similar products and services: electronic dictionaries, electronic software, translation services, because according to notarized minutes of inspection of evidence dated August 29, 2005, the website belonging to Ectaco-RD, LLC offered for sale: "everything for language study", electronic dictionaries "LingvoSoft", electronic software. According to the advertisement in Issue No. 3 of the 2006 PC+Mobile magazine, the administrator of the Lingvobit.ru domain (A. V. Epifanov since October 24, 2005) offered for sale electronic dictionaries "LingvoSoft 1.2.16".

Pursuant to Article 46 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin", judicial protection of exclusive rights of a trademark holder is provided, among other things, by way of obligating the violator to stop using the trademark, recovering damages in the amount of 1,000 to 50,000 minimum wages as determined by the court.

Because the law protects only claims of the holder of exclusive rights to the trademark, which is ABBYY Software Limited, on the date of the court's decision, the court satisfies the plaintiff's claims against the defendants whereby the plaintiff seeks to prohibit A. V. Epifanov from using the Lingvo trademark in Lingvobit.ru domain through its administration and prohibit Ectaco-

RD, LLC from selling and otherwise circulating electronic dictionaries LingvoSoft on Russian territory.

The court does not satisfy the claims of ABBYY Software Limited whereby it seeks to obligate A. V. Epifanov to transfer the Lingvobit.ru domain to the rightholder, because this form of protection is not envisioned by Article 46 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin". Now that the court has prohibited A. V. Epifanov from administering the domain, the trademark holder has no obstacles to using its trademark on the Internet, including by registering a domain name identical to that mentioned herein.

The court does not satisfy the claim of ABBYY Solutions Limited whereby it seeks to recover damages from the defendants, because liability in the form of compensation of damages caused – unlike general civil liability stipulated in Article 15 of the Civil Code of the Russian Federation for infringement on legitimate rights – is a special type of liability envisioned only for protection of the rights of the holder of exclusive rights to a trademark, which ABBYY Solutions Limited is not since March 28, 2006, and as of the date of this decision. In this connection, ABBYY Solutions Limited as a rightholder until March 28, 2006, has the right to recover damages caused under Article 15 of the Civil Code of the Russian Federation.

Additionally, unlike Article 49 of the Russian Federation Law "On Copyright and Neighboring Rights", in which the legislator has directly stipulated the right to recover compensation regardless of whether losses have been caused or not, the norm of Article 46 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin" does not contain such a provision, but, on the contrary, stipulates that compensation can be recovered for actual losses caused.

Under such circumstances, ABBYY Solutions Limited is mistakenly citing the uniformity of judicial practice:

- Informational letter of the Presidium of the Supreme Arbitration Court of the Russian Federation dated September 28, 1999, No. 47, which provides an overview of the practice of examining disputes associated with the application of the Law "On Copyright and Neighboring Rights", and not the overview of the practice of application of the Law "On Trademarks, Service Marks, and Appellations of Origin".

The plaintiff also failed to prove the fact of losses caused in the form of loss of profit from license fees, which would otherwise give the plaintiff the right to recover compensation.

Pursuant to Article 393 of the Civil Code of the Russian Federation, in determining the amount of profit lost one should take into account the measures undertaken by the creditor to receive it and preparations made to this end. Meanwhile, the case materials contain no evidence to the effect that the plaintiff had forwarded to the defendants a draft license agreement for the use of the contested trademarks, whereas License Agreement No. 03.01.N1.05 dated January 3, 2005, with a different party presented by the plaintiff to substantiate possible losses does not constitute proper evidence because the case materials do not contain documents confirming registration of this agreement with Rospatent under Article 27 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin". Moreover, the said agreement contains provisions on the assignment of exclusive rights to a trademark, that is, this is in fact an agreement of assignment of trademarks resulting in the change of the rightholder. At the same time, the cost of assignment of the trademark is much higher than payments under the license agreement, which makes substantiation of the declared amount of compensation untrustworthy.

Therefore, ABBYY Solutions Limited has failed to provide documentary confirmation of the fact that Ectaco-RD, LLC has caused it losses by using the contested trademarks in which connection it seeks compensation in the amount of 2,500,000 rubles.

Because the state duty associated with the lawsuit was paid by the representative acting on behalf of ABBYY Solutions Limited, in satisfying the intangible claims of company ABBYY Software Limited as its legal successor, the court orders the defendants to compensate the state duty costs incurred by ABBYY Solutions Limited.

Pursuant to Article 46 of the Russian Federation Law "On Trademarks, Service Marks, and Appellations of Origin" and Articles 110, 167-170 of the Arbitration Procedural Code of the Russian Federation, the Court

HAS DECIDED:

To prohibit Anton Valeryevich Epifanov from using the "Lingvo" trademark in the "Lingvobit.ru" domain through its administration.

To prohibit Ectaco-RD, LLC from selling and otherwise circulating the electronic dictionary "LingvoSoft" on the territory of the Russian Federation.

To reject the remaining claims of the plaintiff.

To order Anton Valeryevich Epifanov to compensate 2,000 rubles in state duty costs to ABBYY Solutions Limited.

To order Ectaco-RD, LLC to compensate 2,000 rubles in state duty costs to ABBYY Solutions Limited.

This decision may be contested with an arbitration court of appeal within one month from its date.

Judge

G. V. Cherenkova

/Stamp/: ARBITRATION COURT OF MOSCOW

True copy

Judge Cherenkova G. V.

Signature /illegible/

/Seal/: ARBITRATION COURT OF MOSCOW

/State Emblem the Russian Federation/

05-67-403
АББ
ТМ

*/Перевод с русского языка на английский язык/
/Translation from Russian language into English language/*

**NINTH ARBITRATION COURT OF APPEAL
115998, Moscow, 68/70 Sadovnicheskaya ul., building 1**

R U L I N G

**Moscow
September 25, 2006**

No. 09 AP - 9802/2006-GK

**Substantive part of the ruling was announced on September 18, 2006
Reasoned ruling was prepared on September 25, 2006**

The Ninth Arbitration Court of Appeal comprised of:
presiding judge V. V. Popov
judges A. P. Tikhonov and A. A. Solopova
minutes of the court hearing kept by secretary E. G. Sampayeva.

After examining in court the appeals of ABBYY Solutions Limited, Ectaco-RD, LLC, A. V. Epifanov, against the decision of the Arbitration Court of Moscow dated June 13, 2006, in case No. A40-62691/05-67-403, made by judge G. V. Chernenkova

in the case brought by ABBYY Solutions Limited and Abby Software Limited against Ectaco-RD, LLC, A. V. Epifanov
third party: ANO RSIC (Regional Network Information Center),
seeking to protect trademark rights and recover compensation of 2,500,000 rubles,
with the participation of:

for the plaintiffs:

2006; ABBYY Solutions Limited – E. N. Murashova under power of attorney dated January 27,

Abby Software Limited – E. N. Murashova under power of attorney dated January 27, 2006;
for the defendants: no-show, duly notified;

third parties: A. P. Grinkevich, under power of attorney dated December 30, 2005, No. 24.

HAS ESTABLISHED:

Company NLS Technologies Ltd (Cyprus) filed a lawsuit with the Arbitration Court of Moscow against ANO RosNIIros and Ectaco-RD, LLC, seeking to protect its rights to trademarks No. 280687 and No. 224996, namely: to prohibit Ectaco-RD, LLC from using the Lingvo trademark in the domain name Lingvobit.ru; to obligate ANO RosNIIros and Ectaco-RD, LLC to transfer (re-delegate) the domain Lingvobit.ru to the plaintiff; to obligate Ectaco-RD, LLC to remove the Lingvo trademark from the product – electronic dictionary LingvoSoft; to recover from Ectaco-RD, LLC compensation of 2,500,000 rubles for illegal use of the trademark.

While the case was being examined by the court of original jurisdiction, 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 has been brought into the proceedings as a third party without independent claims in connection with the subject of dispute.

Company NLS Technologies Ltd (Cyprus) was changed to ABBYY Solutions Limited due to the change in the plaintiff's name. A. V. Epifanov has been brought into the proceedings as a second defendant in connection with the assignment of the administration rights to Lingvobit.ru domain to A. V. Epifanov.

Under Article 48 of the Arbitration Procedural Code of Russia, the Arbitration Court of Moscow has changed the plaintiff ABBYY Solutions Limited by order of procedural succession to Abby Software Limited with respect to claims of intangible nature.

As a result of actions performed by the court of original jurisdiction:

ABBYY Solutions Limited seeks to recover 2,500,000 rubles in compensation from Ectaco-RD, LLC for trademark infringement; Abby Software Limited seeks to prohibit A. V. Epifanov from

using the Lingvo trademark in the Lingvobit.ru domain through its administration and obligate A. V. Epifanov to transfer the Lingvobit.ru domain to the plaintiff, and prohibit Ectaco-RD, LLC from selling or otherwise publicly circulating the electronic dictionary LingvoSoft on Russian territory.

With its decision dated June 13, 2006, the Arbitration Court of Moscow satisfied the plaintiff's claims partially: to prohibit A. V. Epifanov from using the Lingvo trademark in Lingvobit.ru domain through its administration and prohibit Ectaco-RD, LLC from selling and otherwise circulating the electronic dictionary LingvoSoft on Russian territory. The court rejected the remaining claims of the plaintiff.

Disagreeing with this decision, ABBYY Solutions Limited lodged an appeal, seeking to change the ruling of the Arbitration Court of Moscow as regards its refusal to order payment of compensation, and seeking compensation in the amount of 2,500,000 rubles on the grounds stipulated in the appeal.

Disagreeing with this decision, A. V. Epifanov lodged an appeal, seeking to overturn the decision of the Arbitration Court of Moscow and reject the claim on the grounds stipulated in the appeal.

Disagreeing with this decision, Ectaco-RD, LLC lodged an appeal, seeking to overturn the decision of the Arbitration Court of Moscow and reject the claim on the grounds stipulated in the appeal.

During court proceedings, the representative of ABBYY Solutions Limited supported the arguments of the plaintiff's appeal and objected against the arguments of the defendants' appeals, presenting a written response to them.

During court proceedings, the representative of the third party objected against the arguments contained in the plaintiff's appeal and supported the arguments contained in the defendants' appeals, presenting a written response to the appeals.

Representatives of the defendants did not show up for the court hearing despite being duly notified, did not submit written responses to the plaintiff's appeal.

A. V. Epifanov sent a telegram requesting an adjournment of the hearing. The telegram was received by the Ninth Arbitration Court of Appeal after the court hearing, which is why it was not accepted for purposes of the case.

After studying the case materials, examining available evidence, verifying the arguments of the appeal and objections against it, hearing out the representatives of plaintiffs and the third party, the arbitration court of appeal believes that the appeals may not be satisfied for the following reasons.

It follows from the case materials that the verbal trademark No. 280687 "Lingvo" was registered to company NLS Technologies Ltd (Cyprus) on December 24, 2004, with priority date of October 16, 2003, including with regard to products and services of class 42 under the International Classification of Goods and Services – translation service, and products and services of class 09 under the International Classification of Goods and Services – electronic translators, electronic pocket translators, computer software.

The verbal trademark No. 224996 "Lingvo" was registered to company ABBYY Software House (Russia) on October 17, 2002, with priority date of August 23, 2000, including with regard to products and services of class 42 under the International Classification of Goods and Services – translation service, and products and services of class 09 under the International Classification of Goods and Services – electronic translators, electronic pocket translators, computer software.

On October 10, 2003, the trademark No. 224996 "Lingvo" was assigned to company NLS Technologies Ltd (Cyprus).

According to the name change certificate No. NE 131582 dated August 22, 2005, issued by the Republic of Cyprus, company NLS Technologies Ltd has been renamed ABBYY Solutions Limited.

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 No. 280687 and No. 224996 to company Abby Software Limited.

The grounds for the lawsuit is the defendants' use without the rightholder's consent in the domain name Lingvobit.ru on the Internet of a name that is similar to the point of confusion with trademarks No. 224996 "Lingvo" and No. 280687 "Lingvo".

Under Article 4 of the Russian Federation Law "On Trademarks, Service Marks and Appellations of Origin", an infringement on a rightholder's exclusive rights 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 on the Internet, and in particular in a domain name.

As established by the Arbitration Court of Moscow, the fact of use of the contested trademarks is confirmed by notarized minutes of the inspection of evidence dated August 29, 2005, letters from RosNIIRos dated September 7, 2005, and February 2, 2006, publication in Issue No. 3 of "PC+Mobile" magazine, 2006, which contains an advertisement of the electronic dictionary with a link to the Lingvobit.ru website.

The defendants' argument in the appeal to the effect that as of October 24, 2005, the domain Lingvobit.ru did not contain any information does not mean cessation of the infringement on the rightholder's rights, because technical specifics of the Internet make it possible to change the content of websites at the discretion of administrators at any time and any number of times.

The court has also rejected the argument to the effect that Abbyy Software Limited has not acquired rights to demand cessation of an infringement that occurred before the assignment of the rights to the trademark. Pursuant to Articles 382, 384 of the Civil Code of Russia, assignment of rights to a trademark means assignment of rights in the volume and on the conditions that existed for the original rightholder by the moment of assignment of the right.

The defendants' argument to the effect that the method of protection chosen by the plaintiffs does not meet the requirements of the Russian Federation Law "On Trademarks, Service Marks and Appellations of Origin" is not substantiated.

Article 46 of the Russian Federation Law "On Trademarks, Service Marks and Appellations of Origin" envisions the possibility of presenting a demand to stop the infringement in the form of using a trademark or a name that is similar to the point of confusion. This demand may be presented in the form of a prohibition to sell or otherwise circulate the product identified by the trademark or a name similar to the point of confusion.

The appeal of ABBYY Solutions Limited is not subject to satisfaction either, because at the moment of the ruling of the court of original jurisdiction the appellant was not the holder of the trademark, which is why the claims of ABBYY Solutions Limited seeking compensation are not subject to satisfaction. In its determination dated June 1, 2006, the Arbitration Court of Moscow refused to change ABBYY Solutions Limited to Abbyy Software Limited for purposes of proceedings, but this determination was not duly contested, nor is it contested in the appeal of ABBYY Solutions Limited in the current proceedings. For this reason, ABBYY Solutions Limited is not a rightholder and its claims to recover compensation are not subject to satisfaction.

Under such circumstances the Ninth Arbitration Court of Appeal believes that the appeals lodged by ABBYY Solutions Limited, Ectaco-RD, LLC, and A. V. Epifanov are not subject to satisfaction.

Under Article 110 of the Arbitration Procedural Code of Russia, the cost of state duties associated with lodging the appeal shall be covered by the appellants.

Pursuant to Articles 176, 266-268, paragraph 1 of Article 269, and Article 271 of the Arbitration Procedural Code of Russia, the Arbitration Court of Appeal

HAS RULED:

To leave the decision of the Arbitration Court of Moscow dated June 13, 2006, in case No. A40-62691/05-67-403 unchanged; not to satisfy the appeals of ABBYY Solutions Limited, Ectaco-RD, LLC, and A. V. Epifanov.

This ruling becomes effective from the date when it is handed down and may be contested within two months' time with the Federal Arbitration Court of the Moscow District.

Presiding Judge

/Signature/: V. V. Popov

Judges

/Signature/: A. P. Tikhonov

/Signature/: A. A. Solopova

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 Abby 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 Abby 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 plaintiffs 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 Abby 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 Abby 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 Abby 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:

to leave unchanged 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; and leave unsatisfied the cassation appeals of A. V. Epifanov and Ectaco-RD, LLC

Presiding Judge V. V. Petrova

Judges S. V. Soloviov
 V. K. Tikhonova

/Stamp/: Federal Arbitration Court of Moscow District

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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 4



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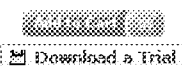
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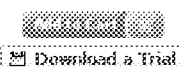
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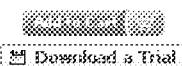
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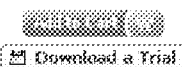
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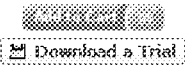
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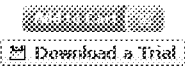
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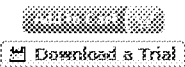
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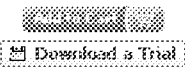


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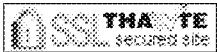
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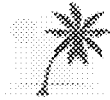
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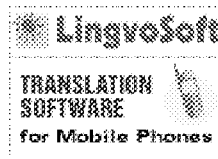
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
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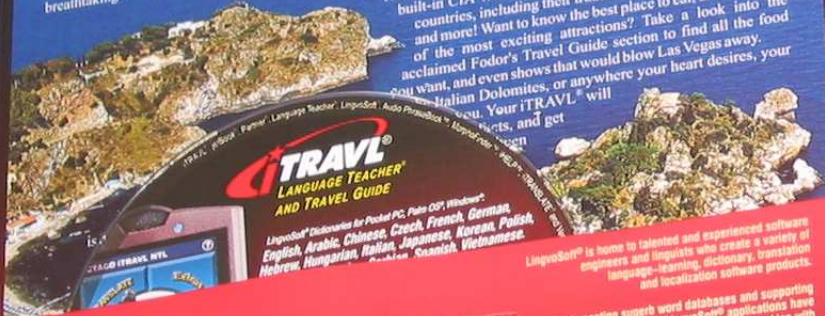
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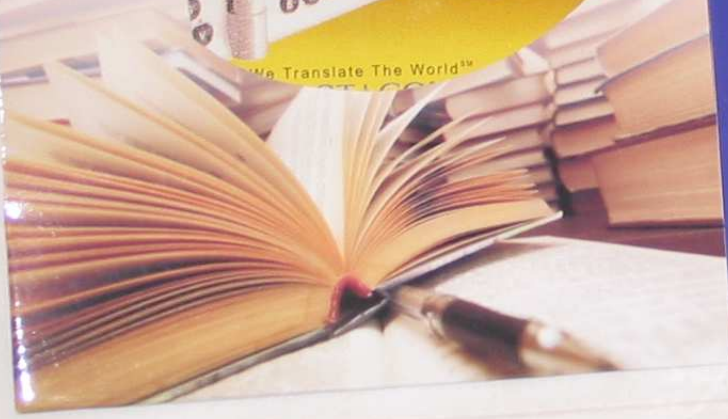
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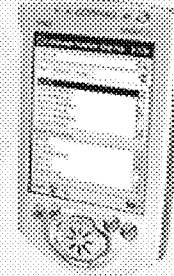
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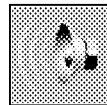
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- Japanese
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