

11-12-09

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Electronic Version v1.1
 Stylesheet Version v1.1

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SUBMISSION TYPE:	CORRECTIVE <i>CHANGE OF NAME</i>
NATURE OF CONVEYANCE:	Corrective <i>by Declaration</i> to correct <i>incorrectly</i> the entire assignment, including name, address, country and postal code previously recorded on Reel 003119 Frame 0454. Assignor(s) hereby confirms the <i>Change of Name</i>

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Nero AG		02/28/2005	JOINT STOCK COMPANY: GERMANY

RECEIVING PARTY DATA

Name:	Igor Anatolevich Daniloff
Street Address:	Industrialny Prospekt Nr. 38 Korp. 2, App. 103
City:	St. Petersburg
State/Country:	RUSSIAN FEDERATION
Postal Code:	195288
Entity Type:	INDIVIDUAL: RUSSIAN FEDERATION

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	<i>78/332,654</i>	

CORRESPONDENCE DATA

Fax Number: (505)286-3524
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 505 286-3511
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ATTORNEY DOCKET NUMBER:	00228M0020US
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DOMESTIC REPRESENTATIVE

Name: Robert W. Becker & Associates
Address Line 1: 707 State Highway 333, Suite B
Address Line 4: Tijeras, NEW MEXICO 87059-7382

NAME OF SUBMITTER: Kathy Duffett

Signature: /Kathy Duffett/

Date: 11/12/2009

Total Attachments: 8

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RECEIPT INFORMATION

ETAS ID: TM157217
Receipt Date: 11/12/2009
Fee Amount: \$40

- Our client is Nero AG, formerly Ahead Software AG.
- Igor Anatolevich Daniloff is an unrelated person – not affiliated with our client Nero AG/Ahead Software AG.
- Registration Number 2,901,042, mark DR. WEB, is owned by Igor Daniloff and is not owned by our client Nero AG/Ahead Software AG.
- 2/4/05 – Attorney Robert Becker (Nero’s former trademark attorney) filed a Change of Name, changing the name from Ahead Software AG to Nero AG, for multiple marks owned by Nero. This list of marks also, erroneously, included Reg. No. 2,901,042 “DR. WEB”, which is/was owned by Igor Daniloff.
- 2/28/05 – Attorney Becker filed a Request for Correction of Name Change, asking the USPTO to correct only the change affecting Reg. No. 2,901,042; and leave all other marks as correctly filed in the name change, to show the name change from Ahead Software AG to Nero AG.
- 11/12/09 – Attorney Becker filed Corrective Change of Name Assignment to correct the name change. The request for correction incorrectly states that the correction is for the “entire assignment” on Reel 003119 Frame 0454, but goes on to state that the Assignor confirms the wrong registration number (#2,901,042) which was mistakenly entered on the original recordation form. We believe, this is the document that caused all of the Nero marks listed on the original assignment, and the DR. WEB (Reg. No. 2,901, 042) mark, to have the owner name changed from Nero AG to Igor Daniloff.
- 12/17/09 – USPTO Notice of Recordation of Assignment Document. This is a Corrective Assignment to change the owner name for DR. WEB (Reg No. 2,901,042) from Nero AG/Ahead Software back to the correct owner, Igor Daniloff.
- 12/18/09 – USPTO Notice of Recordation of Assignment Document. This is a Corrective Assignment for all of the marks listed on the original Change of Name document. **See below for items that did not get corrected, as per the 12/18/09 Notice of Recordation.**

Items that did not get corrected, as per the 12/18/09 Notice of Recordation.

- Reg No. 2990824/mark “MAXIMUS” – the Corrective Assignment is not reflected in TARR.
- Reg No. 3075557/mark “NERO IMAGEDRIVE” – TARR reflects the Corrective Assignment, but TARR still

reflects the owner as Igor Daniloff and it should be Nero AG.

- Reg No. 2969784/mark "SIPPS" – TARR reflects the Corrective Assignment, but incorrectly lists the current owner as Ahead Software AG. The Corrective Assignment should have changed the name to Nero AG (pursuant to the Change of Name filed on 2/4/05).
- Reg No. 3003601/mark "SMARTDETECT" – TARR reflects the Corrective Assignment, but incorrectly lists the current owner as Ahead Software AG. The Corrective Assignment should have changed the name to Nero AG (pursuant to the Change of Name filed on 2/4/05).
- Reg No. 2606416/mark "INCD" – the Corrective Assignment is not reflected in TARR.
- Reg No. 2178869/mark "NERO" – the Corrective Assignment is not reflected in TARR.

The last item I'd like to mention concerns the confusion that is created by the listing of this Corrective Assignment in the assignment history for the Nero marks. According to what you told me, this Corrective Assignment will remain and must remain because it is part of the assignment history for the Nero marks. I'd like to point out that Igor Daniloff's mark, Reg. No. 2,901,042 "DR. WEB", does not reflect any assignment history in TARR, and, as you can see from above, some of the Nero marks also do not reflect the assignment correction in the assignment history. Due to these inconsistencies, it appears that this Corrective Assignment does not have to be listed in the history on the Nero marks.

It is our position that this Corrective Assignment, listing Igor Daniloff's name under the owner section, creates significant confusion about the ownership of the Nero marks. Mr. Daniloff, as you know, is unrelated to our client and its marks. Our concern is that this will become an issue should Nero AG ever intend to sell the company or its assets. These records in the assignment history will cause confusion and cost the client significant fees related to diligence and explanations thereof.

Therefore, due to the confusion over the correct ownership of the Nero marks that one can get when looking at the assignment history of those marks that include the Corrective Assignment, we respectfully request that the Corrective Assignment be removed from the Nero marks.