

International Legal Counsels PLLC

A PROFESSIONAL LIMITED LIABILITY COMPANY

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writer's e-mail: @.com

June 9, 2004

By FedEx

Google Inc.
Attn: Customer Support, DMCA Complaints
Parkway
Mountain View, CA 94043

Dear Sir/Madam:

Our firm represents QSX Software Group ("**Q**SX"), the owner of the trademark "Ovulation Calendar™" (see <http://www.ovulation-calendar.com>) used in connection with the sale, marketing and licensing of software and services titled "Ovulation Calendar" and related copyrighted materials (collectively, the "**P**roduct") that is widely advertised throughout search engines, including Google™. The Ovulation Calendar™ software developed, marketed and sold by QSX assists individuals in identifying the dates of ovulation.

Q**S**X has used the mark Ovulation Calendar™ to identify and distinguish Q**S**X's business, services and products from all other goods and services of the same class and in the same market niche, and Q**S**X has acquired substantial goodwill through the use of its Ovulation Calendar™ mark. Q**S**X and its affiliates have registered the domain name <http://www.ovulation-calendar.com>, corresponding to its trademark and trade name.

In addition, Q**S**X is the copyright owner of all content, texts, descriptions, interfaces, images and computer codes relating to Ovulation Calendar and protectable under the copyright laws and international treaties. This includes text and images found on the website <http://www.ovulation-calendar.com>.

The main purpose of this letter is to request that you review the following materials and well-founded allegations of a violation of the Digital Millennium Copyright Act, and that you cease and desist from (i) providing links to www.amicutilities.com and all of the infringing materials contained therein, including the infringing product titled Ovulation Calendar Pro, (ii) assisting in continued infringement by www.amicutilities.com in any way, and (iii) downloading any sites for Ovulation Calendar Pro, and take all reasonable steps to assure that these sites are not made available to users of the Google search engine.

*International Legal Counsels PLLC*JUNE 9, 2004
PAGE 2 OF 5**Section 1. Identity of copyrighted material that has been infringed.**

We recently became aware of the fact that, upon information and belief, the Google search engine provides a link and description for a product named Ovulation Calendar Pro (the "*Infringing Product*") at the following website: <http://www.amicutilities.com/ovulation-calendar>. This product is marketed by AmicUtilities, a company based in Romania.

AmicUtilities has infringed on the right in copyrighted material owned by QSX in two respects. First, the copyrighted text found on the QSX website, <http://www.ovulation-calendar.com>, consisting of the product description for Ovulation Calendar™, and associated marketing materials. Secondly, by copying, virtually in its entirety, the screen presentation and screenshots for Ovulation Calendar™ software, using the same for the Infringing Product, and posting the infringing screenshots and screen presentation in its marketing campaign.

The copyrighted material owned by QSX may be found on the QSX website, <http://www.ovulation-calendar.com>. The material is filed on record at The Internet Archive. This is an archive of the entire Internet dating back to 1996, maintained by an independent public nonprofit organization. The archive can be found at <http://www.archive.org>. The QSX website content has been listed at The Internet Archive since June 03, 2002 in its current form, while the infringing site is not listed there at all. This fact shows that our site has been online 22 months earlier than the infringing website. The QSX record may be found at http://web.archive.org/web/*/http://www.ovulation-calendar.com. A search in the Internet Archive for the infringing website yields no results for AmicUtilities: See http://web.archive.org/web/*/http://www.amicutilities.com.

Exhibit A is a side-by-side comparison of the QSX website content, on the left, with that on <http://www.amicutilities.com/ovulation-calendar>. Identical text is marked in red. Even a cursory review leads to the conclusion that, with the exception of unnecessary modifiers, minor fillers, minor redundant explanatory text, and the addition of the word "Pro" to the software program name, the website content is identical. Exhibit B is two screenshots of each site, with the infringed material highlighted in yellow. Exhibit C is a comparison of the User Interface screens of the QSX product, Ovulation Calendar, and the Infringing Product marketed by AmicUtilities.

Prior to taking the action of contacting Google, QSX contacted AmicUtilities, via email at [\[REDACTED\]@ \[REDACTED\].com](mailto: [REDACTED]@ [REDACTED].com) and [\[REDACTED\]@ \[REDACTED\].com](mailto: [REDACTED]@ [REDACTED].com) on May 24, 2004, demanding that it cease and desist infringing the copyrights owned and prosecuted by QSX. In return, AmicUtilities essentially admitted its culpability, and signaled its intent to continue its violations with impunity. In pertinent part, AmicUtilities stated the following:

The sales of our program Ovulation Calendar Pro are not big, in fact are very small, and our overall sales are quite small. Our company is from Romania (East Europe) and here a salary (sic) about the same as in Russia; if you sue us we will do everything we can to win; and if we lose you will not be able to recouper (sic)

International Legal Counsels PLLC

JUNE 9, 2004

PAGE 3 OF 5

your expenses (sic) (which are very high in USA or Western Europe). Also, we have not made this program ourselves (sic), but we purchased it from a programmer on the base of an agreement; so in papers we can throw the infringement (sic) responsibilities (sic) to him, so we will not even go to jail; the only harm which can be done to us if we lose the process is to have the company closed down; but a new one can always be opened in the future.

Therefore please think well before investing money in this, as I can guarantee you will not be able to recouper (sic) them even if you win and take over all our products and site.

Also please keep in mind that normal emails have don't count in court (only the digitally signed ones).

Best regards,

Amic Utilities
www.amicutilities.com

Upon information and belief, QSX states that AmicUtilities has committed several violations of the Digital Millennium Copyright Act, 17 U.S.C. § 512 (c). The content, texts, descriptions, user interfaces, and images plagiarized and copied by AmicUtilities, are copyrighted materials of QSX and are protected by US copyright laws and international agreements. It is difficult to identify any aspect of the AmicUtilities web page site description or software that does not violate QSX's copyrights. The bulk of all substantive text, product description and promotional material on the AmicUtilities website is plagiarized from previously copyrighted material developed by my client, QSX. The screenshots generated by the software program marketed by AmicUtilities are so similar in form and content as to be virtually undistinguishable from the copyrighted software owned and marketed by QSX.

Section 2. Material that is infringing QSX copyrighted work listed in Section 1, above.

Web links were identified using two search criteria on Google. The first search query run on June 4, 2004, was: Ovulation Calendar Pro, without specifying an exact phrase. A total of 8,200 hits were returned. Exhibit D is a list of web pages, that provide direct links to the infringing material found at <http://www.amicutilities.com/ovulation-calendar>. The links reflected in Exhibit D are derived from the first 250 hits from this search.

The second search on Google was run on June 6, 2004, specifying the exact phrase "Ovulation Calendar Pro." A total of 1,720 hits were returned. Exhibit E is a list of web pages providing product descriptions for the Infringing Product, which include some portion of copyrighted material owned by QSX. In addition, many include screenshots of the software program, which are virtually indistinguishable from the QSX software program "Ovulation Calendar."

International Legal Counsels PLLC

JUNE 9, 2004
PAGE 4 OF 5

Section 3. Contact information for QSX.

Should you have any questions, please address any communications regarding this matter to us as follows:

██████████, Esq.
International Legal Counsels PLLC
██████████ Street, N.W., Suite ██████████
Washington, DC 20006
e-mail: ██████████@██████████.com
facsimile: ██████████

Section 4. Contact information for AmicUtilities.

To the best of my knowledge, Amic Utilities may be contacted through the following methods:

██████████, bl ██████████, sc ██████████, ap ██████████

Cod 330182 Romania

Phone: +██████████

Alternatively, ██████████ at ██████████@██████████.com or ██████████@██████████.com

Section 5. Statement of good faith basis for claim.

I have made a good faith evaluation of the materials published on the alleged infringing pages of www.amicutilities.com and hereby state, pursuant to the Digital Millennium Copyright Act, on behalf of the copyright owner and under penalty of perjury, that such materials are infringing on the copyright owner's rights and have not been authorized by the copyright owner, its agent or by the law.

Section 6. Statement under penalty of perjury.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

This letter is written for the purpose of bringing to an end the illegal activities described above and with a view of potential settlement of our client's claims and may not be used by you for any other purpose whatsoever without our written consent. Our client reserves all rights granted to it by law and specifically reserves the right to withdraw any offers before they are accepted or before any payments are made and to avail itself of any enforcement, legal action or relief available to him in law or equity. Additionally, this letter is without prejudice to all further rights our client or its publishers, licensors or licensees may have, including, without limitation, rights to injunctive relief, profits, damages, statutory damages, royalties and attorney's fees.

International Legal Counsels PLLC

JUNE 9, 2004
PAGE 5 OF 5

As noted above, should you have any questions, please address any communications regarding this matter to [REDACTED], Esq., at the address listed above in Section 3.

Thank you for your time and prompt attention to this matter.

Very truly yours, [REDACTED]

[REDACTED]
[REDACTED], Esq.

Encl: Exhibits A through E

cc: [REDACTED] (QXX)

Appendix A – Comparison of Web sites and software screenshots

Similarity of Text

Qsx text	Infringing text (marked with red)
<p>What is Ovulation Calendar?</p> <p>Ovulation Calendar is an effective software aid for any woman who either desires a pregnancy or wishes to prevent one. It can help you specify the gender of your baby and her zodiac sign.</p> <p>Designed by a woman in consultation with women physicians, Ovulation Calendar is a program that calculates the time of ovulation and generates your personal fertility calendar. Simply enter the length of your menstrual cycle and the date of your last period, and Ovulation Calendar will calculate your fertile days. The results are presented as a color-coded calendar showing your fertile and non-fertile periods.</p> <p>Ovulation Calendar helps you become pregnant</p> <p>You are most fertile when you are ovulating, so knowing your time of ovulation will help you determine the best days to conceive. Ovulation Calendar calculates the probability of conception based on your ovulation time and other factors such as lifespan of the egg and sperm; and shows you the days that are most promising for conception</p> <p>Ovulation Calendar allows you to choose the gender of your baby</p> <p>You can increase your chances of having a boy or a girl by choosing the right time for intercourse. Sperm carrying X-chromosomes lives longer and swims slower than male Y-carrying sperm. Therefore, if you have intercourse about 3 days prior to ovulation, you have a better chance of conceiving a girl; and the closer to ovulation you have sex, the better the chances are of having a boy. Ovulation Calendar helps you calculate the perfect time for conception, increasing your chances of conceiving a boy or a girl.</p> <p>Ovulation Calendar helps you avoid pregnancy</p> <p>The natural way to avoid unwanted pregnancy is to abstain from unprotected intercourse during your fertile days. The most fertile time is the day of ovulation. Ovulation Calendar calculates the unsafe days taking into account possible variations in your menstrual cycle, helping you avoid an unwanted pregnancy.</p> <p>Ovulation Calendar always keeps you informed of your fertility</p> <p>The program sits in the Windows tray, near the clock, and reminds you of important changes in your</p>	<p>Ovulation Calendar Pro</p> <p>A handy software utility designed to predict the days that you are most likely to be fertile so that you can achieve pregnancy or prevent it. Several key dates about your menstrual cycle are displayed including a range of fertile dates, ovulation, end of menstrual cycle, and possible due dates. It can also help you specify the gender of your baby and her zodiac sign.</p> <p>Designed in consultation with women physicians, Ovulation Calendar Pro is a software that calculates the time of ovulation and generates your personal fertility calendar. Simply enter the length of your menstrual cycle and the date of your last period, and Ovulation Calendar Pro will calculate your fertile days.</p> <p>Ovulation Calendar Pro helps you become pregnant</p> <p>You are most fertile when you are ovulating, so knowing your time of ovulation will help you to determine the best days to conceive. Ovulation Calendar Pro calculates the probability of conception based on your ovulation time and other factors such as lifespan of the egg and sperm; and shows you the days that are most promising for conception.</p> <p>Ovulation Calendar Pro allows you to choose the gender of your baby</p> <p>If you choose to specify a gender preference, the Ovulation Calendar Pro will provide you with tips to help you time intercourse to maximize your chances of conceiving a boy or a girl. If you have intercourse about 3 days prior to ovulation, you have a better chance of conceiving a girl; and the closer to ovulation you have sex, the better the chances are of having a boy.</p> <p>Ovulation Calendar Pro helps you avoid pregnancy</p> <p>The natural way to avoid unwanted pregnancy is to abstain from unprotected intercourse during your fertile days. The most fertile time is the day of ovulation. Ovulation Calendar Pro calculates the unsafe days taking into account possible variations in your menstrual cycle, helping you avoid an unwanted pregnancy.</p> <p>Note: Having intercourse in the non-fertile days is not a suitable means of preventing pregnancy. Ovulation Calendar Pro is most useful if your menstrual cycles are fairly regular.</p>

<p>fertility. For example, you can configure Ovulation Calendar to show pop-up reminders on the days that are optimal for conceiving a baby boy.</p> <p>Ovulation Calendar is very easy to use</p> <p>You don't have to know anything about corpus luteum, progesterone levels, or LH surges - Ovulation Calendar does all this work for you. All you need to know to get started is the length of your menstrual cycle and the date of your last period. Simply enter these data and Ovulation Calendar will do the rest!</p>	<p>Ovulation Calendar Pro always keeps you informed of your fertility</p> <p>The program sits in the system tray, and reminds you of important changes in your fertility. For example, you can configure Ovulation Calendar Pro to show pop-up reminders on the days that are optimal for conceiving a baby boy.</p> <p>Ovulation Calendar Pro is asy to use</p> <p>You don't have to know anything about corpus luteum, progesterone levels, or LH surges - Ovulation Calendar Pro does all this work for you. All you need to know to get started is the length of your menstrual cycle and the date of your last period. Simply enter these data and Ovulation Calendar Pro will do the rest!</p>
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Here are the screenshots of the content of our site. The infringed material is marked with yellow.

Microsoft Internet Explorer

Address: <http://www.ovulation-calendar.com/index.html>

Google

Merriam-Webster

MW Online Dictionary

MW Online Thesaurus

Word of the Day

Ovulation Calendar

Ovulation Calendar is a program that calculates the time of ovulation and generates your personal fertility calendar.

You are here: Ovulation Calendar

Download Ovulation Calendar:
ovulation-calendar.exe (841 KB)

Buy the Full Version - \$29
Click Here to Buy Now!

Product Information
Ovulation Calendar Home
How It Works

Ordering
Buy Now - \$29
Money Back Guarantee
Volume Discounts
Link to Us & Get a Free Copy

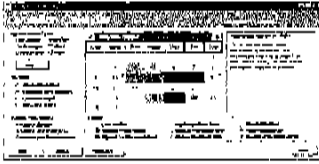
Medical Information
Ovulation Basics
Ovulation and Pregnancy
Ovulation and Contraception
Irregular Menstrual Cycle
Luteal Phase

Support
Online Help
Contact Us

Resources
Related Sites
Ovulation FAQ

What is Ovulation Calendar?

Ovulation Calendar is an effective software aid for any woman who either desires a pregnancy or wishes to prevent one. It can help you specify the gender of your baby and her zodiac sign.



Ovulation Calendar features:

- Get your personal fertility chart
- Improve your chances of getting pregnant
- Avoid an unwanted pregnancy
- Predict the baby's zodiac sign
- Calculate your baby's estimated due date
- Choose the gender of your baby

Click to download Ovulation Calendar:
[Download Now \(841 KB\)](#)

Designed by a woman in consultation with women physicians, Ovulation Calendar is a program that calculates the time of ovulation and generates your personal fertility calendar. Simply enter the length of your menstrual cycle and the date of your last period, and Ovulation Calendar will calculate your fertile days. The results are presented as a color-coded calendar showing your fertile and non-fertile periods.

Ovulation Calendar helps you become pregnant

You are most fertile when you are ovulating, so knowing your time of ovulation will help you determine the best days to conceive. Ovulation Calendar calculates the probability of conception based on your ovulation time and other factors such as lifespan of the egg and sperm, and shows you the days that are most promising for conception.

Microsoft Internet Explorer

Address: <http://www.ovulation-calendar.com/index.html>

Google

Merriam-Webster

MW Online Dictionary

MW Online Thesaurus

Word of the Day

sperm, and shows you the days that are most promising for conception.

Ovulation Calendar allows you to choose the gender of your baby

You can increase your chances of having a boy or a girl by choosing the right time for intercourse. Sperm carrying X-chromosomes live longer and swim slower than male Y-carrying sperm. Therefore, if you have intercourse about 3 days prior to ovulation, you have a better chance of conceiving a girl, and the closer to ovulation you have sex, the better the chance of having a boy. Ovulation Calendar helps you calculate the perfect time for conception, increasing your chances of conceiving a boy or a girl.

Ovulation Calendar helps you avoid pregnancy

The natural way to avoid unwanted pregnancy is to abstain from unprotected intercourse during your fertile days. The most fertile time is the day of ovulation. Ovulation Calendar calculates the unsafe days taking into account possible variations in your menstrual cycle, helping you avoid an unwanted pregnancy.

Ovulation Calendar always keeps you informed of your fertility

The program sits in the Windows tray, near the clock, and reminds you of important changes in your fertility. For example, you can configure Ovulation Calendar to show pop-up reminders on the days that are optimal for conceiving a baby boy.

Ovulation Calendar is very easy to use

You don't have to know anything about corpus luteum, progesterone levels, or LH surges - Ovulation Calendar does all this work for you. All you need to know to get started is the length of your menstrual cycle and the date of your last period. Simply enter these data and Ovulation Calendar will do the rest!

Download the Free 45-Day Trial Version!
ovulation-calendar.exe (841 KB)

Here are the screenshots of <http://www.amicutilities.com/ovulation-calendar>. The infringing material is marked with yellow.

Evolution Calendar Pro - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites Media Print View Source

Address http://www.amicutilities.com/ovulation-calendar/#download

Google -

Merriam-Webster - M-W Online Dictionary M-W Online Thesaurus Word of the Day

AMIC UTILITIES

Home Ovulation Calendar Pro About Us Contact Us

English

Ovulation Calendar Pro

A handy software utility designed to predict the days that you are most likely to be fertile so that you can achieve pregnancy or prevent it. Several key dates about your menstrual cycle are displayed including a range of fertile dates, ovulation, end of menstrual cycle, and possible due dates. It can also help you specify the gender of your baby and her zodiac sign.

Designed in consultation with women physicians, Ovulation Calendar Pro is a software that calculates the time of ovulation and generates your personal fertility calendar. Simply enter the length of your menstrual cycle and the date of your last period, and Ovulation Calendar Pro will calculate your fertile days.

Quick Links:

- Description
- Download Free Trial
- Order Full Version
- Screen Shots
- Technical Support
- Contact Us

Ovulation Calendar

Order Now!

Price: 29.95 Euro
Delivery: - Download
- CD-Rom

Screen Shots

Ovulation Calendar Pro helps you become pregnant:

You are most fertile when you are ovulating, so knowing your time of ovulation will help you to determine the best days to conceive. Ovulation Calendar Pro calculates the probability of conception based on your ovulation time and other factors such as lifespan of the egg and sperm; and shows you the days that are most promising for conception.

Ovulation Calendar Pro allows you to choose the gender of your baby:

If you choose to specify a gender preference, the Ovulation Calendar Pro will provide you with tips to help you time intercourse to maximize your chances of conceiving a boy or a girl. If you have intercourse about 3 days prior to ovulation, you have a better chance of conceiving a girl; and the closer to ovulation you have sex, the better the chances are of having a boy.

Ovulation Calendar Pro helps you avoid pregnancy

The natural way to avoid unwanted pregnancy is to abstain from unprotected intercourse during your fertile days. The most fertile time is the day of ovulation. Ovulation Calendar Pro calculates the unsafe days taking into account possible variations in your menstrual cycle, helping you avoid an unwanted pregnancy.

Note: Having intercourse in the non-fertile days is not a suitable means of preventing pregnancy. Ovulation Calendar Pro is most useful if your menstrual cycles are fairly regular.

Ovulation Calendar Pro always keeps you informed of your fertility

The program sits in the system tray, and reminds you of important changes in your fertility. For example, you can configure Ovulation Calendar Pro to show pop-up reminders on the days that are optimal for conceiving a baby boy.

Ovulation Calendar Pro is easy to use

You don't have to know anything about corpus luteum, progesterone levels, or LH surges. Ovulation Calendar Pro does all this work for you. All you need to know to get started is the length of your menstrual cycle and the date of your last period. Simply enter these data and Ovulation Calendar Pro will do the rest!

Download Ovulation Calendar Pro

You can download the Free Fully Functional 45-Day Trial Version of Ovulation Calendar Pro v1.2 (1.3 Mb) by clicking on the link below. Download time: 3.40 min at a 56Kb Dial-Up connection.

Like O. Calendar?

Email your friends

Ovulation Calendar

Download Now!

Internet

Similarity of User Interface

Here are the screenshots of the copyrighted software (Ovulation Calendar) and the infringing software (Ovulation Calendar Pro), which are almost identical.

Ovulation Calendar (Unregistered)

Ovulation Calendar

My Menstrual Cycle
 Last period: 28/01/2004
 Cycle length: 28 days
 Luteal phase: 14 days
[Edit...](#)

My Goal
☐ Avoid pregnancy
☒ Conceive (any gender)
☐ Conceive a girl
☐ Conceive a boy

Popular Help Topics
 Ovulation Basics
 Ovulation and Pregnancy
 Ovulation and Contraception

Legend
☐ Low fertility ☐ Light menstrual flow ☐ Non-fertile days
☒ Medium / high fertility ☐ Medium menstrual flow ☒ Have intercourse
☒ Highest fertility (ovulation) ☒ Heavy menstrual flow ☐ Abstain from intercourse

March 2004

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7				11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March 30, 2004
 You are not fertile today. Your chances of becoming pregnant are very low.
 ① Time to update your data!
 The information describing your menstrual cycle is now outdated (62 days since the last recorded period). Please update it to ensure that your calendar is accurate. Click here to update...
 ① Register Ovulation Calendar!

[Help...](#) [About...](#) [Configure...](#) [Register Now!](#) [Hide](#)

Ovulation Calendar Pro

Ovulation Calendar Pro

My menstrual cycle
 Last period :28/01/2004
 Cycle length :28
 Luteal phase :14
[Edit](#)

My goal
☐ Avoid pregnancy
☒ Conceive (any gender)
☐ Conceive a girl
☐ Conceive a boy

Popular help topics
 Ovulation basics
 Ovulation and pregnancy
 Ovulation and contraception

Legend
☐ Low fertility ☐ Light menstrual flow ☐ Non-fertile days
☒ Medium / high fertility ☐ Medium menstrual flow ☒ Have intercourse
☒ Highest fertility (ovulation) ☒ Heavy menstrual flow ☐ Abstain from intercourse

March 2004

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7				11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March 30, 2004
☐ You are not fertile today. Your chances of becoming pregnant are very low.
 ① Register Ovulation Calendar Pro and receive the ability to:
 - choose your baby's gender
 - know her due date and zodiac sign
 - remove the 45 days limit

[Help...](#) [About...](#) [Configure...](#) [Register now](#) [Hide](#)

Ovulation Calendar (Unregistered)

Ovulation Calendar

My Menstrual Cycle
 Last period: 30/01/2004
 Cycle length: 26 days
 Luteal phase: 14 days
[Edit...](#)

My Goal
☐ Avoid pregnancy
☒ Conceive (any gender)
☐ Conceive a girl
☐ Conceive a boy

Popular Help Topics
 Ovulation Basics
 Ovulation and Pregnancy
 Ovulation and Contraception

Legend
☐ Low fertility
☒ Medium / high fertility
☒ Highest fertility (ovulation)
☐ Light menstrual flow
☐ Medium menstrual flow
☒ Heavy menstrual flow
☐ Non-fertile days
☒ Have intercourse
☒ Abstain from intercourse

March, 2004

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	
		9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March 8, 2004
☒ You are ovulating and are most fertile today.
 ♥ Your chances of becoming pregnant are good.
 Ⓡ Register Ovulation Calendar!
 - Choose your baby's gender
 - Know her due date and zodiac sign
 - Remove the 45-day time limit
 Yes! I want to register now!

[Help...](#) [About...](#) [Configure...](#) [Register Now!](#) [Hide](#)

Ovulation Calendar Pro

Ovulation Calendar Pro

My menstrual cycle
 Last period :30/01/2004
 Cycle length :26
 Luteal phase :14
[Edit](#)

My goal
☐ Avoid pregnancy
☒ Conceive (any gender)
☐ Conceive a girl
☐ Conceive a boy

Popular help topics
 Ovulation basics
 Ovulation and pregnancy
 Ovulation and contraception

Legend
☐ Low fertility
☒ Medium / high fertility
☒ Highest fertility (ovulation)
☐ Light menstrual flow
☐ Medium menstrual flow
☒ Heavy menstrual flow
☐ Non-fertile days
☒ Have intercourse
☒ Abstain from intercourse

March, 2004

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	
		9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March 8, 2004
☒ You are ovulating and are most fertile today.
 Your chances of becoming pregnant are good.
 Ⓡ Register Ovulation Calendar Pro and receive the ability to:
 - choose your baby's gender
 - know her due date and

[Help...](#) [About...](#) [Configure...](#) [Register now](#) [Hide](#)

Ovulation Calendar (Unreg)

Ovulation Calendar

My Menstrual Cycle
 Last period: 03/01/2002
 Cycle length: 28 days
 Luteal phase: 14 days
[Edit...](#)

My Goal
☐ Avoid pregnancy
☒ Conceive (any gender)
☐ Conceive a girl
☐ Conceive a boy

Popular Help Topics
 Ovulation Basics
 Ovulation and Pregnancy
 Ovulation and Contraception

[Help...](#) [About...](#) [Configure...](#) [Register Now!](#) [Hide](#)

My Menstrual Cycle

The first day of your last menstrual period:
 03/01/2002

How long is your menstrual cycle (in days)?
 28

Luteal Phase

How long is your luteal phase (in days)?
 14

If you are uncertain how long your luteal phase is, just set it to 14 days (the average duration for most women).
 Help: What is Luteal Phase?

☒ Highest fertility (ovulation) ☒ Heavy menstrual flow ☒ Non-fertile days
☐ Have intercourse ☐ Abstain from intercourse

Ovulation Calendar Pro

Ovulation Calendar

My menstrual cycle
 Last period: 03/01/2002
 Cycle length: 28
 Luteal phase: 14
[Edit](#)

My goal
☐ Avoid pregnancy
☒ Conceive (any gender)
☐ Conceive a girl
☐ Conceive a boy

Popular help topics
 Ovulation basics
 Ovulation and pregnancy
 Ovulation and contraception

[Help...](#) [About...](#) [Configure...](#) [Register now!](#) [Hide](#)

My Menstrual Cycle

What was the first day of your last menstrual cycle?
 28/01/2004

How long is your menstrual cycle (in days)?
 28

Luteal Phase

How long is your luteal phase (in days)?
 14

If you are uncertain of how long is your luteal phase just set it to 14 days (average for most women)
 Help: what is the luteal phase

☒ Highest fertility (ovulation) ☒ Heavy menstrual flow ☒ Non-fertile days
☐ Have intercourse ☐ Abstain from intercourse

April 2, 2004

☐ You are not fertile today. Your chances of becoming pregnant are very low.

☒ Register Ovulation Calendar Pro and receive the ability to:

- choose your baby's gender
- know her due date and zodiac sign

EXHIBIT B

Similarity of Text Here are two screenshots the QSX site, followed by two screenshots of the infringing website. The infringed material is marked with yellow.

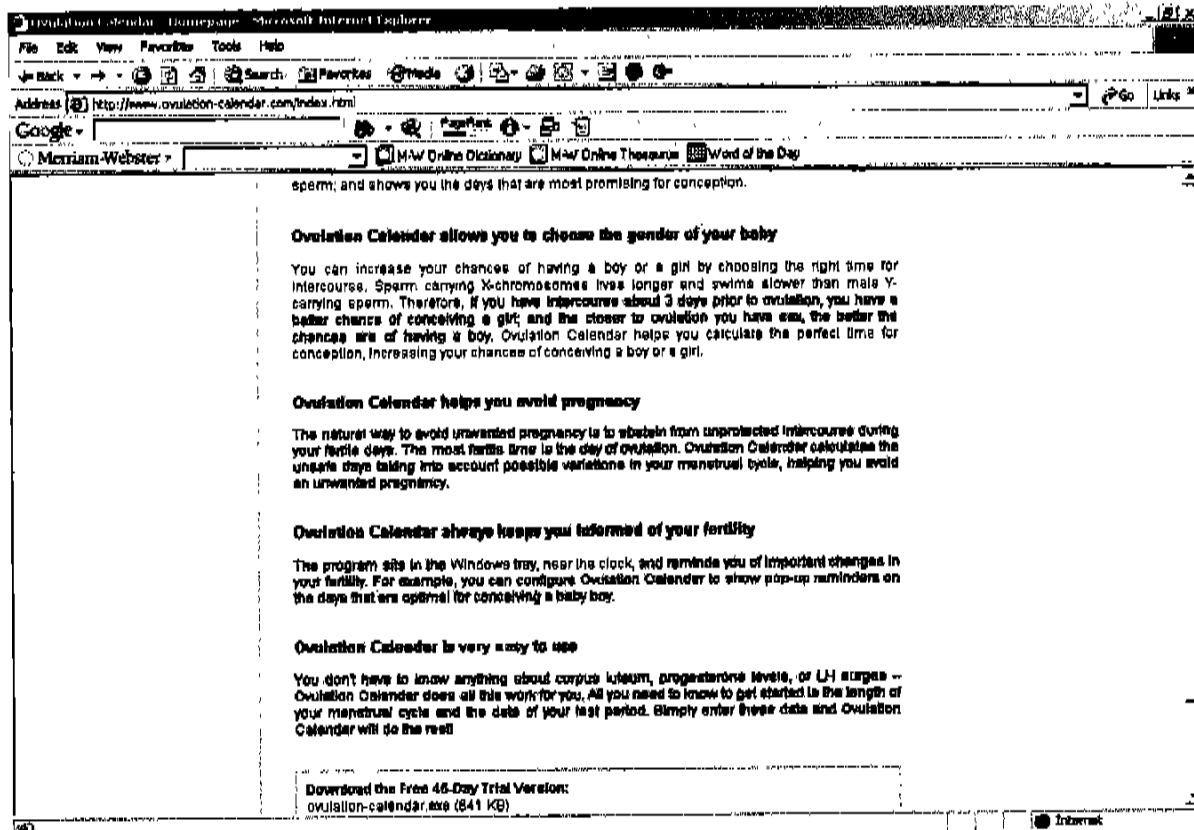
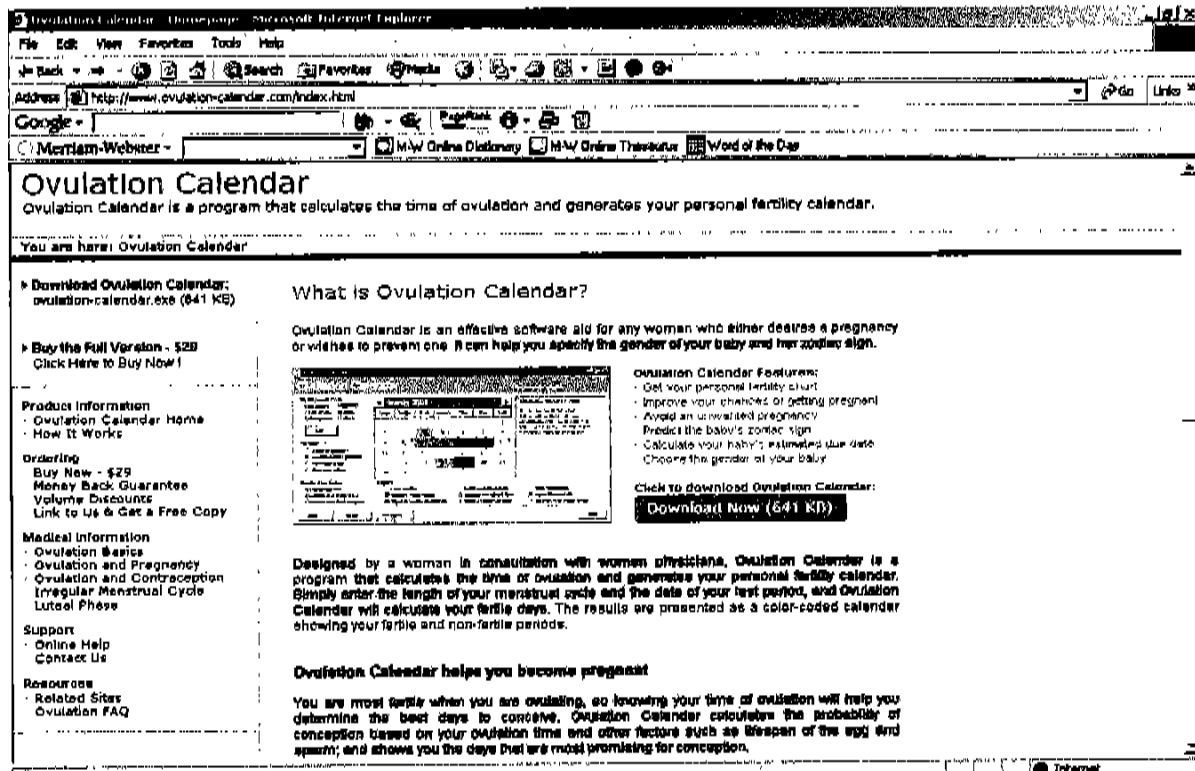


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Evolution Calendar Pro - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Print View Source

Address http://www.amcutilities.com/evolution-calendar/#download

Google "evolution calendar" MAM Online Dictionary MAM Online Thesaurus Word of the Day

Merriam-Webster

AMC UTILITIES

Home Software Utilities Calendar Pregnancy Calendar Evolution Calendar Pro English

Ovulation Calendar Pro

A handy software utility designed to predict the days that you are most likely to be fertile so that you can achieve pregnancy or prevent it. Several key dates about your menstrual cycle are displayed including a range of fertile dates, ovulation, end of menstrual cycle, and possible due dates. It can also help you specify the gender of your baby and her zodiac sign.

Designed in consultation with women physicians, Ovulation Calendar Pro is a software that calculates the time of ovulation and generates your personal fertility calendar. Simply enter the length of your menstrual cycle and the date of your last period, and Ovulation Calendar Pro will calculate your fertile days.

Quick Links:

- Description
- Download Free Trial
- Order Full Version
- Screen Shots
- Technical Support
- Contact Us

Ovulation Calendar
Order Now!

Price: 29.95 Euro
Delivery: - Download
- CD-Rom

Screen Shots:

Ovulation Calendar Pro helps you become pregnant
You are most fertile when you are ovulating, so knowing your time of ovulation will help you to determine the best days to conceive. Ovulation Calendar Pro calculates the probability of conception based on your ovulation time and other factors such as lifespan of the egg and sperm, and shows you the days that are most promising for conception.

Ovulation Calendar Pro allows you to choose the gender of your baby
If you choose to specify a gender preference, the Ovulation Calendar Pro will provide you with tips to help you time intercourse to maximize your chances of conceiving a boy or a girl. If you have intercourse about 3 days prior to ovulation, you have a better chance of conceiving a girl; and the closer to ovulation you have sex, the better the chances are of having a boy.

Ovulation Calendar Pro helps you avoid pregnancy
The natural way to avoid unwanted pregnancy is to abstain from unprotected intercourse during your fertile days. The most fertile time is the day of ovulation. Ovulation Calendar Pro calculates the unsafe days taking into account possible variations in your menstrual cycle, helping you avoid

Internet

EXHIBIT B

Similarity of Text Here are two screenshots the QSX site, followed by two screenshots of the infringing website. The infringed material is marked with yellow.

Ovulation Calendar Pro - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Print Page Setup

Address <http://www.amkutilities.com/ovulation-calendar/?PHPSESSID=b402df1a0c79be18a9ed1fe4f178cbbd> Go Links

Google

Merriam-Webster MW Online Dictionary MW Online Thesaurus Word of the Day

Ovulation Calendar
Order Now!

Price: 29.95 Euro
Delivery: - Download
- CD-Rom

Screen Shots:

System requirements:
Pentium® 133 Mhz
16 MB RAM
2Mb Hdd Space

Like O. Calendar?
Email your friends

Ovulation Calendar Pro

If you choose to specify a gender preference, the Ovulation Calendar Pro will provide you with tips to help you time intercourse to maximize your chances of conceiving a boy or a girl. If you have intercourse about 3 days prior to ovulation, you have a better chance of conceiving a girl; and the closer to ovulation you have sex, the better the chances are of having a boy.

Ovulation Calendar Pro helps you avoid pregnancy

The natural way to avoid unwanted pregnancy is to abstain from unprotected intercourse during your fertile days. The most fertile time is the day of ovulation. Ovulation Calendar Pro calculates the unsafe days taking into account possible variations in your menstrual cycle, helping you avoid an unwanted pregnancy.

Note: Having intercourse in the non-fertile days is not a suitable means of preventing pregnancy. Ovulation Calendar Pro is most useful if your menstrual cycles are fairly regular.

Ovulation Calendar Pro always keeps you informed of your fertility

The program sits in the system tray, and reminds you of important changes in your fertility. For example, you can configure Ovulation Calendar Pro to show pop-up reminders on the days that are optimal for conceiving a baby boy.

Ovulation Calendar Pro is easy to use

You don't have to know anything about corpus luteum, progesterone levels, or LH surges - Ovulation Calendar Pro does all this work for you. All you need to know to get started is the length of your menstrual cycle and the date of your last period. Simply enter these data and Ovulation Calendar Pro will do the rest!

Download Ovulation Calendar Pro

You can download the Free Fully Functional 45-Day Trial Version of Ovulation Calendar Pro v1.2 (1.3 Mb) by clicking on the link below. Download time: 3.40 min at a 56Kb Dial-Up connection.

Ovulation Calendar
Download Now!

Internet

Exhibit C

Similarity of User Interface

Here are the screenshots of the copyrighted software (Ovulation Calendar) and the infringing software (Ovulation Calendar Pro), which are almost identical.

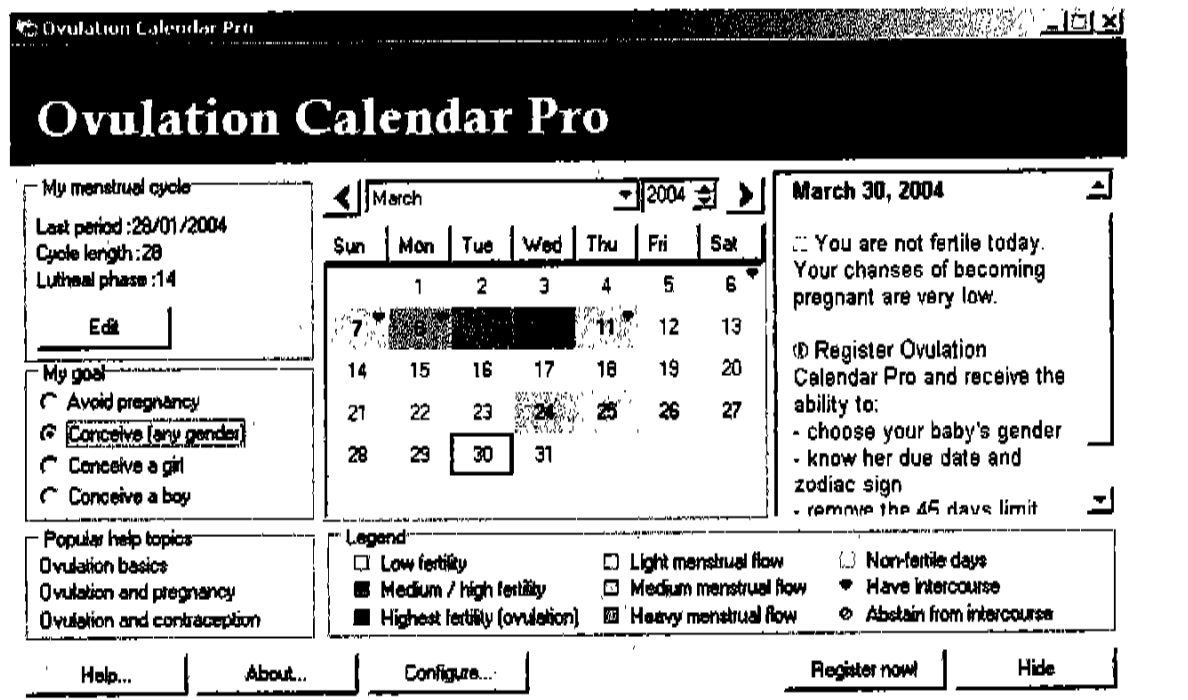
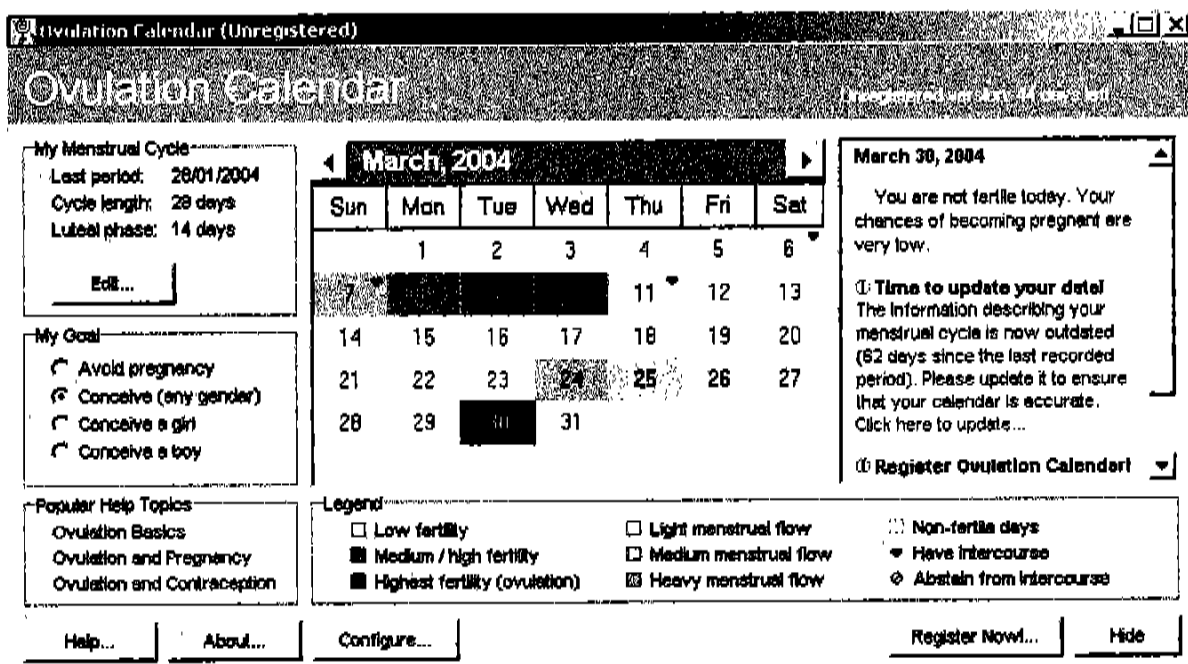


Exhibit C

Similarity of User Interface

Here are the screenshots of the copyrighted software (Ovulation Calendar) and the infringing software (Ovulation Calendar Pro), which are almost identical.

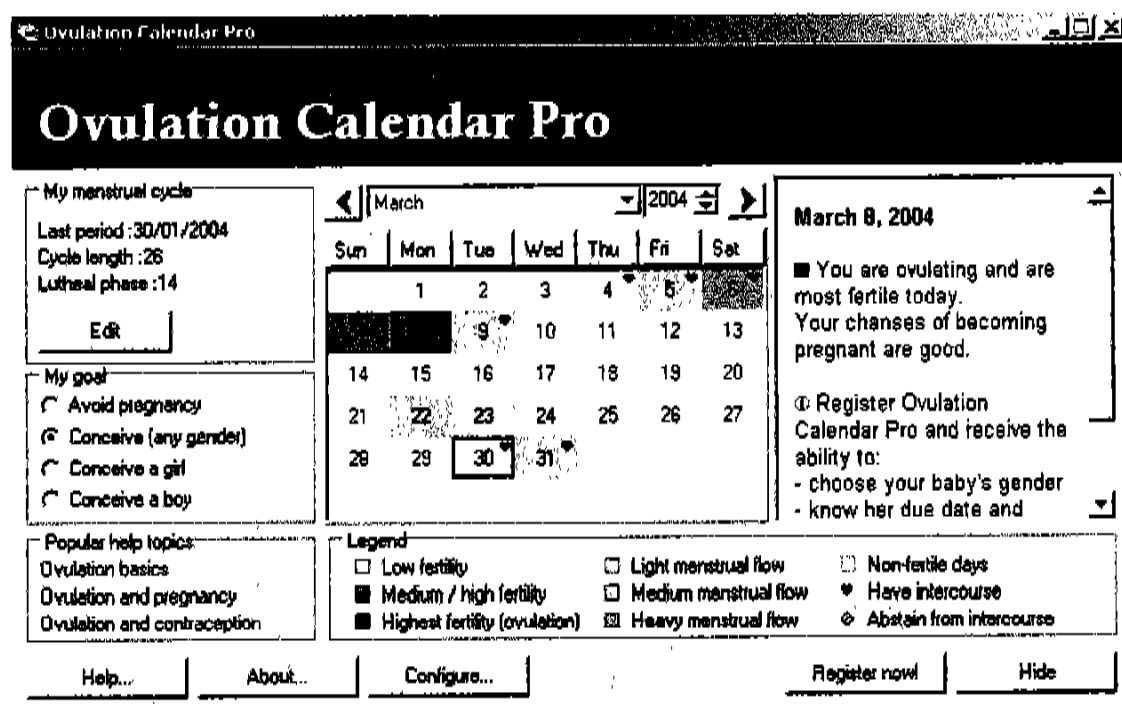
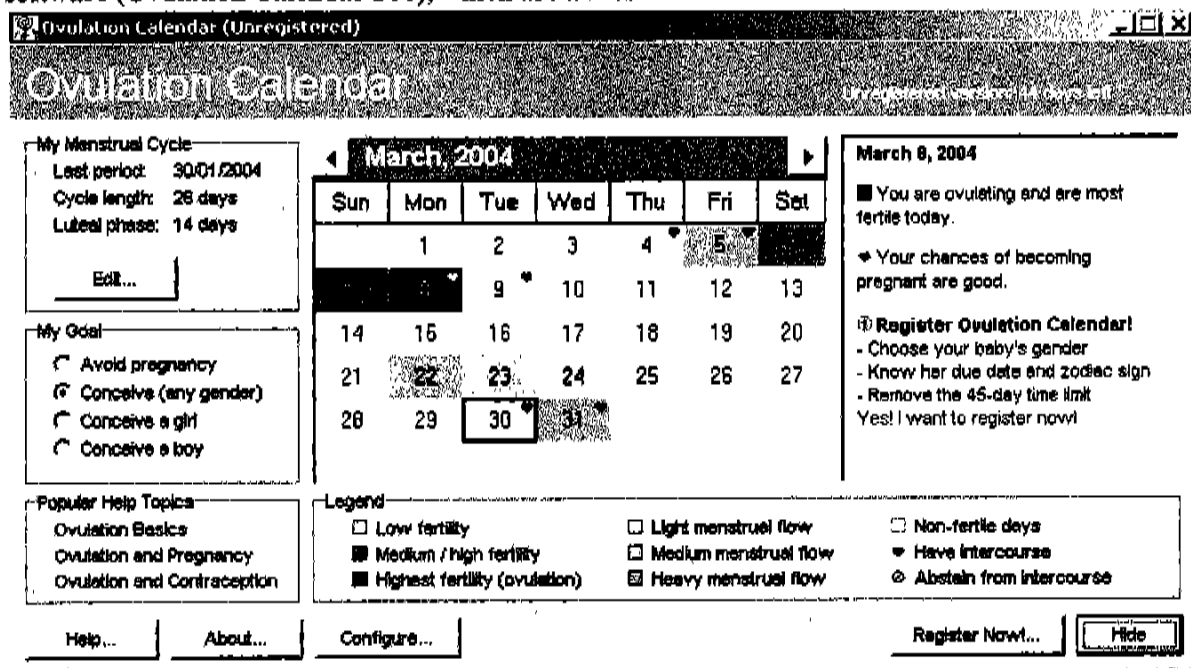


Exhibit C

Similarity of User Interface

Here are the screenshots of the copyrighted software (Ovulation Calendar) and the infringing software (Ovulation Calendar Pro), which are almost identical.

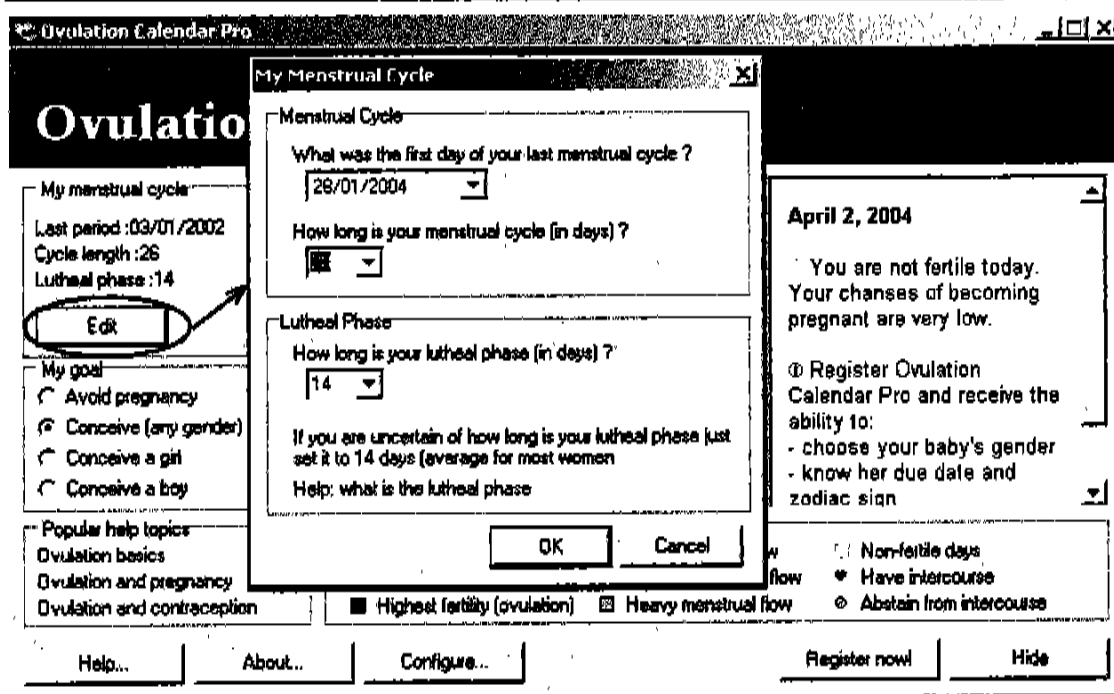
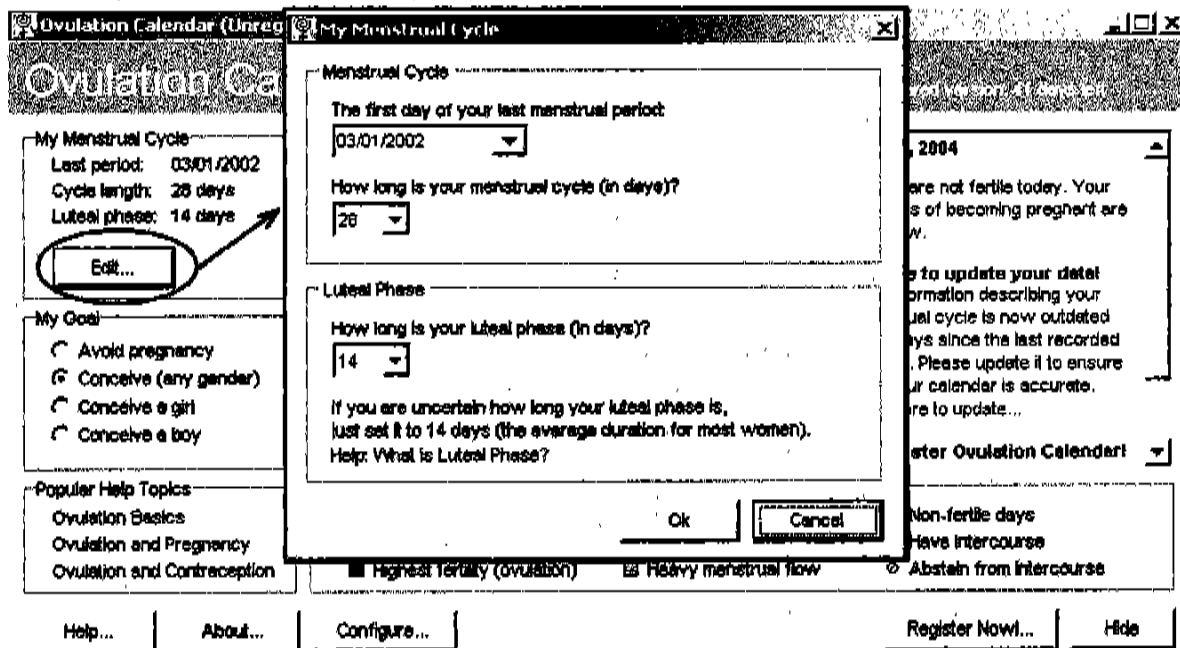


Exhibit C

Similarity of User Interface

Here are the screenshots of the copyrighted software (Ovulation Calendar) and the infringing software (Ovulation Calendar Pro), which are almost identical.

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Exhibit D

Web Pages linking to infringing web site

Results of Google search. Search parameters for the term Ovulation Calendar Pro. 8200 search results returned. Out of the first 250 results, the following URLs are web pages that provide direct links to <http://www.amicutilities.com/ovulation-calendar/>

<http://www.topdownloads.net/software/view.php?id=14759>

<http://www.softonic.com/ie/20973>

http://descargas.terra.es/informacion_extendida.phtml?n_id=20973&plat=1

<http://logitheque.com/fiche.asp?I=15033>

http://www.finaldownload.com/education_others_ovulation_calendar_pro.html

http://www.soft32.com/download-Ovulation_Calendar_Pro-21032-5.html

http://www.girldatingtips.com/Ovulation_Calendar_Pro_L649/

<http://www.momzone.com/detail.php?id=1658>

<http://www.gold-software.com/download3612.html>

<http://www.amicutilities.com/ovulation-calendar/?v=ocporder>

http://www.totalshareware.com/asp/detail_view.asp?application=38764

<http://www.filebasket.com/index.php?url=%2Fproduct.php%3Fid%3D15041%26cid%3D402>

<http://www.skali.com/index.php?ac=507&ch=15&pg=287>

<http://www.files32.com/info17459.htm>

http://www.shareware.de/software/Programm_Ovulation_Calendar_Pro_14758.html

<http://www.downloadpipe.com.au/preview.html?id=73628>

http://www.softpile.com/Education/Science/Review_33431_index.html

<http://www.novarm.com/shareware/showsoft.php?id=5014>

<http://superdownloads.ubbi.com.br/download/i27015.html>

<http://www.programurl.com/ovulation-calendar-pro.htm>

Exhibit D

Web Pages linking to infringing web site

<http://www.sharewarejunction.com/info17515.htm>

http://www.download-by.net/programs/Ovulation_Calendar_Pro

http://www.afreego.com/Categories/Home_and_Education/Health_and_Fitness/019607.php

http://shareware.golddownload.com/home_education/health_nutrition/ovulation_calendar_pro_26772.html

http://www.softviewer.com/download_detail.php?softid=9764

<http://www.filetransit.com/view.php?id=21336>

<http://www.softaward.com/stats3612.html>

<http://www.download4you.com/php/action.php?action=detail&id=009915>

<http://download.e-not.net/education/14061/ovulation-calendar-pro.html>

<http://www.surromomsonline.com/links.htm>

<http://shellcity.net/phpBB/viewtopic.php?forum=2&topic=3342>

<http://www.indiankey.com/shareware/code/listing/ProgramDescription.asp?ProgId=7347>

<http://www.itnetix.com/f/family/f.asp?f=267169&list-Family-Software>

http://soft.necromancers.ru/prog_13585.html

<http://www.fileguru.com/font-tools/119673.html>

<http://www.soft411.com/company/Amic-Utilities/Ovulation-Calendar-Pro.htm>

http://www.welcomebaby.com/Text_links.htm

<http://www.npware.org/MiscellaneousScheduling.html>

<http://home.comcast.net/~prebirthhealth/preconception.htm>

<http://www.mum.org/NetCon.htm>

<http://www.lalogitheque.com/fiche.php?t=1&r=6&l=2220>

http://www.sarahealth.com/sections/healthinfo/pop_links/link_gynecological.html

Exhibit D

Web Pages linking to infringing web site

http://psychcentral.com/resources/Psychology/Products_and_Services/more2.html

<http://www.topbabypages.com/links/new.php?pos=80>

<http://www.toysntreasures.com/links.cfm?step=list&cat=11>

<http://www.gold-software.com/download3612.html>

<http://www.techdaily.ws/modules.php?op=modload&name=News&file=article&sid=2297&mode=thread&order=0&thold=0>

http://www.go2download.com/HomeEducation/CalendarsPlanners/Ovulation_Calendar_Pro05010021.htm

<http://amazingfiles.psunrise.com/showpads.php?search=Uniqueid&match=Direct&string=6164>

http://www.baby chatter.com/cgi-bin/LinksPages/Conception_and_Infertility/

<http://www.momzone.com/detail.php?id=1658>

<http://logitheque.com/fiche.asp?I=15033>

<http://www.sharewareconnection.com/ovulation-calendar-pro.htm>

<http://www.freeshareweb.com/fiche.php?id=6385>

<http://www.npware.org/MiscellaneousScheduling.html>

Exhibit E

Web Pages containing infringing material as part of marketing material for "Ovulation Calendar Pro"

Results of Google search. Search parameters for the term Ovulation Calendar Pro, with exact phrase "Ovulation Calendar Pro." 1,720 search results returned. Out of the first 250 results, the following URLs provide product descriptions for "Ovulation Calendar Pro" which include some portion of copyrighted material owned by QSX. In addition, many include screenshots of the software program which are virtually indistinguishable from the QSX software program "Ovulation Calendar."

<http://www.amicutilities.com/ovulation-calendar/>

<http://www.softpedia.com/public/cat/15/2/15-2-2.shtml>

http://www.brothersoft.com/Home_Education_Health_Nutrition_Ovulation_Calendar_Pro_26772.html

http://www.soft32.com/download_21032.html

http://www.shareup.com/Ovulation_Calendar_Pro-download-15786.html

<http://www.softcities.com/Ovulation-Calendar-Pro/download/12945.htm>

<http://www.voodoofiles.com/15042>

<http://www.topdownloads.net/software/view.php?id=14759>

<http://www.softonic.com/ie/20973>

http://descargas.terra.es/informacion_extendida.phtml?n_id=20973&plat=1

<http://www.anshare.com/fiche.asp?I=15033&Ref=Ovulation+Calendar+Pro>

http://www.finaldownload.com/education_others_ovulation_calendar_pro.html

http://www.soft14.com/Home_and_Education/Home_and_Lifestyle/Ovulation_Calendar_Pro_7193_Review.html

<http://www.gold-software.com/download3612.html>

<http://www.microluck.com/shop/store.php/Ovulation%20Calendar%20Pro/>

http://www.totalshareware.com/asp/detail_view.asp?application=38764

<http://www.iprogramdev.com/soft.php/Ovulation-Calendar-Pro-15786.htm>

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Web Pages containing infringing material as part of marketing material for "Ovulation Calendar Pro"

<http://www.filebasket.com/index.php?url=%2Fproduct.php%3Fid%3D15041%26cid%3D402>

<http://www.skali.com/index.php?ac=507&ch=15&pg=287>

<http://www.superscan.net/f/Ovulation%20Calendar%20Pro.html>

http://www.fileboost.net/directory/education/miscellaneous/review_012586.html

<http://www.files32.com/info17459.htm>

http://www.onekit.com/store/product/ovulation_calendar_pro.html

<http://www.downloadpipe.com.au/preview.html?id=73628>

http://www.shareware.de/software/Programm_Ovulation_Calendar_Pro_14758.html

<http://www.shareware-store.com/Home-Education/Calendars-Planners/Ovulation-Calendar-Pro/Ovulation-Calendar-Pro.htm>

<http://www.file-archive.com/details.asp?id=10851>

<http://www.downlinx.com/proghtml/546/54605.htm>

<http://www.worldssp.net/detailview.asp?proid=13184>

http://www.1000files.com/Home_and_Education/Calendars_and_Planners/Ovulation_Calendar_Pro_11316_Review.html

<http://www.softpedia.com/public/scripts/photohero/15-2-2/>

http://www.softpile.com/Education/Science/Review_33431_index.html

<http://freeshareweb.com/fiche.php?am=3&ap=310&id=6385>

<http://www.novarm.com/shareware/showsoft.php?id=5014>

<http://www.softpicks.net/software/Ovulation-Calendar-Pro-8088.htm>

<http://www.ezgoal.com/channels/family/f.asp?f=267169&Files=Family+Software>

<http://www.topshareware.com/Ovulation-Calendar-Pro-download-12945.htm>

<http://www.sharewarejunction.com/info17515.htm>

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Web Pages containing infringing material as part of marketing material for "Ovulation Calendar Pro"

http://www.softforall.com/HomeEducation/CalendarsPlanners/Ovulation_Calendar_Pro05010021.htm

<http://www.fileheaven.com/Ovulation-Calendar-Pro/download/12945.htm>

<http://www.programurl.com/ovulation-calendar-pro.htm>

<http://www.softaward.com/3612.html>

http://www.download-by.net/programs/Ovulation_Calendar_Pro

<http://www.softcities.com/Ovulation-Calendar-Pro/moreurls/12945.htm>

http://www.afreego.com/Categories/Home_and_Education/Health_and_Fitness/019607.php

<http://www.sharewareconnection.com/ovulation-calendar-pro.htm>

<http://www.downloadsafari.com/download.asp?address=Ovulation%20Calendar%20Pro1.2>

<http://www.downloadfreetrial.com/hobbies/hobb6090.html>

<http://www.download32shop.com/proghtml/546/54605.htm>

<http://www.downloadplanet.net/info17459.htm>

http://www.softviewer.com/download_detail.php?softid=9764

http://shareware.golddownload.com/home_education/health_nutrition/ovulation_calendar_pro_26772.html

<http://www.filetransit.com/view.php?id=21336>

http://freeware.brothersoft.com/home_education/health_nutrition/ovulation_calendar_pro_26772.html

<http://download.e-not.net/education/14061/ovulation-calendar-pro.html>

<http://www.download4you.com/php/action.php?action=detail&id=009915>

<http://shellcity.net/phpBB/viewtopic.php?forum=2&topic=3342>

<http://www.indiankey.com/shareware/code/listing/ProgramDescription.asp?ProgId=7347>

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<http://softonic.com/ie/20973>

<http://www.topshareware.com/Ovulation-Calendar-Pro-moreurls-12945.htm>

<http://www.itnetix.com/f/family/f.asp?f=267169&list-Family-Software>

http://soft.necromancers.ru/prog_13585.html

<http://www.fileguru.com/font-tools/119673.html>

<http://www.freeshareweb.com/fiche.php?id=6385>

<http://www.perfectdownloads.com/home-education/health-nutrition/ovulation-calendar-pro.htm>

<http://superdownloads.ubbi.com.br/download/i27015.html?dl.meauth>

<http://softpicks.net/software/Ovulation-Calendar-Pro-8088.htm>

<http://www.npware.org/MiscellaneousScheduling.html>

<http://www.onekit.com/store/softlist/6.html?order=company&dir=ASC&page=8>

<http://www.downlinx.com/proghtml/546/54605.htm>

<http://www.brightdownloads.com/software/15929.htm>

<http://www.ab-archive.com/English/programmalle/english11333.htm>