

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF MARK STRASSMAN

1. I am Vice President, Marketing, of Autodesk, Inc. ("Applicant"), owner of the above-cited trademark application. Among my responsibilities are supervision of marketing and promotion of Applicant's products, including those under the DWG mark. I make this declaration to demonstrate acquired distinctiveness of the mark consistent with the requirements of 15 U.S.C. § 1052(f).

Summary

2. DWG is Applicant's name for the proprietary file format and technology underlying many of its computer-aided design ("CAD") software products. DWG has become distinctive of Applicant's products through decades of continuous use in connection with Applicant's industry-leading software. DWG is now recognized throughout the United States as a reference to the CAD products of Applicant, the world's leading design software and services provider for the building, manufacturing, infrastructure, and media and entertainment industries.

Applicant's Business

3. Beginning in the early 1980s, Applicant has developed and distributed software allowing architects, engineers, manufacturers, and other design professionals to build two-dimensional and three-dimensional virtual models of their buildings, consumer products, and other physical objects. Applicant's software is the CAD program of choice for world-renowned architects to design skyscrapers, bridges, aqueducts, and myriad other complex, large-scale projects. Industry leaders in manufacturing also use Applicant's software for factory and equipment design. Premier

Hollywood animators use Applicant's products to create blockbuster motion pictures such as the 2006 film *The Da Vinci Code*.

4. One hundred percent of the Fortune 100 companies use Applicant's products. Applicant itself is a Fortune 1000 company, providing goods and services to over 7 million registered users in all 50 states and worldwide.

AutoCAD®

5. AutoCAD® is Applicant's most successful and best known product. AutoCAD® is CAD software program for design and drafting. Applicant launched AutoCAD® – its first product – in December 1982 and has been developing and distributing the product since then. Over more than two decades, AutoCAD® has become the most popular and most recognized CAD software product in the marketplace.

6. Design professionals use AutoCAD® to create, edit, and view models or drawings of physical objects such as buildings and consumer products. The software enables designers to lay out and develop their work on screen, print it out, and save it for future editing. Illustrative computer screenshots showing AutoCAD® software at work are attached hereto as Exhibit 1.

7. Historically, there have been more than 10 million registered users of AutoCAD®. At the current time, there are more than 7 million registered users of AutoCAD®.

8. Applicant's sales have totaled over \$11 billion, and a substantial portion of that revenue is derived from AutoCAD®, Applicant's best-selling product.

9. For the reasons below, users of AutoCAD®, in particular, have come to closely associate DWG with Applicant.

Applicant's Use of DWG

10. DWG is Applicant's name for the file format and technology underlying AutoCAD[®] and other of Applicant's CAD software products. The DWG file format is Applicant's proprietary file format, and it is subject to copyright and other intellectual property protection.

11. For nearly 25 years, computer files that AutoCAD[®] users have created, edited, or viewed – the number of these files likely totals in the billions – have incorporated the distinctive suffix DWG. The computer screenshot in Exhibit 1 shows an example of a DWG file.

12. Since 1985, Applicant has realized approximately \$10 billion in revenue from software featuring the DWG file format.

13. Applicant has promoted the mark DWG in connection with sales of its CAD software. Attached hereto as Exhibit 2, for example, is a copy of the packaging for one of Applicant's 1997 software products (AutoCAD[®] LT) featuring the stylized logo "100% Pure AutoCAD DWG."

14. As of March 2006, the software packaging for AutoCAD[®] and approximately 30 others of Applicant's products have featured Applicant's distinctive DWG icon. An image of the DWG icon on Applicant's software packaging is attached hereto as Exhibit 3.

15. Applicant has also distributed software featuring other DWG-related trademarks such as REALDWG, DWG TRUEVIEW and DWG TRUECONVERT. Attached hereto as Exhibit 4 are specimens of such marks.

16. Applicant's website (www.autodesk.com) has prominently featured Applicant's DWG icon. The website promotes "DWG from Autodesk" on the home page. *See* Exhibit 5. The website also includes a specific page dedicated to the promotion of DWG products and technology. *See* Exhibit 6. In addition, the website features other trademarks incorporating DWG, including REALDWG, TRUSTEDDWG, DWG TRUEVIEW, and DWG TRUECONVERT. *See* Exhibit 7.

On a typical business day this website gets approximately 775,000 page views and 115,000 unique visitors. In the last fiscal year, the website had approximately 215 million page views and 25.8 million unique visitors.

17. Applicant has released a program – REALDWG – to allow Applicant’s licensees to create and advertise software which is compatible with Applicant’s AutoCAD® products and DWG files.

18. Other CAD software companies have reverse-engineered Applicant’s DWG file format and claim that their software products are compatible with Applicant’s DWG technology, but only Applicant and its legitimate licensees are authorized to use DWG as a trademark.

Press Coverage of Applicant and DWG

19. Applicant has received extensive press coverage in connection with its use of DWG. A search of news sources in the Lexis-Nexis news database revealed over 2,200 articles referring to DWG and also referencing AutoCAD® or Applicant. A summary of the search methodology and results is attached hereto as Exhibit 8. A search of news sources in the Westlaw database revealed over 1,800 articles referring to DWG and also referencing AutoCAD® or Applicant. A summary of the search methodologies and results is attached hereto as Exhibit 9. I believe that virtually all articles mentioning DWG in the CAD context did so in reference – direct or indirect – to Applicant’s products.

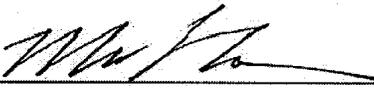
20. In addition, the substance of the articles cited above confirms the widespread recognition that DWG commonly refers to Applicant and its software products.

Conclusion

21. In sum, because DWG is the name of the proprietary computer file format associated so closely with Applicant's software, and because of Applicant's efforts to promote DWG over time, consumers of CAD software are highly familiar with the name DWG and link it with Applicant. This connection between DWG, on the one hand, and Applicant, on the other, began with and has persisted since the launch of Applicant's initial AutoCAD[®] product in the early 1980s.

I declare, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, that the facts set forth in this declaration are true; that all statements made on personal knowledge are true; and that all statements made on information and belief are believed to be true.

Dated: March 12, 2007


By: Mark Strassman
Vice President, Marketing
Autodesk, Inc.