

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Digital Harmonic, LLC  
Serial Number: 88/230371  
Filing Date: December 14, 2018  
Mark: **DIGITAL HARMONIC**  
Examining Atty: Jeffrey S. DeFord  
Law Office: 115

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**DECLARATION**

1. I, Graham Hankey, a Senior Proposal Manager at SAIC, being warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of this application or any resulting registration, declare that all statements made herein of my own knowledge are true; and all statements made herein on information and belief are believed to be true.

2. Digital Harmonic, LLC. ("Digital Harmonic") is the owner of the **DIGITAL HARMONIC** trademark for scientific research equipment and software for waveform and image analysis and characterization; sonar; radar apparatus; waveform and image analysis and characterization equipment, namely, waveform and image analyzers, for use in military, law enforcement, civil, scientific, and industrial applications; waveform and image analysis and characterization software for use in military, law enforcement, civil, scientific, and industrial applications, in **Class 9**; and medical diagnostic equipment, namely, waveform and image analyzers, for waveform and image analysis and characterization in **Class 10**.

3. I have encountered the DIGITAL HARMONIC trademark and become aware of the products over multiple years. I believe that my professional background and experiences, detailed below, indicate that I am well-positioned to state that the DIGITAL HARMONIC

trademark does not immediately describe a feature, function, use, purpose, or characteristic of the above-listed goods. Instead, to me, DIGITAL HARMONIC is a proprietary brand name owned by Digital Harmonic, LLC.

4. Currently, I am a Senior Proposal Manager for SAIC, where I have been employed for approximately 22 years. My position is one that, described broadly, allows me to manage SAIC's business development efforts and oversee proposals by/for at least the following U.S. agencies:

- Department of Defense, including the Air Force, Army, Navy
- Department of Transportation
- Federal Aviation Administration

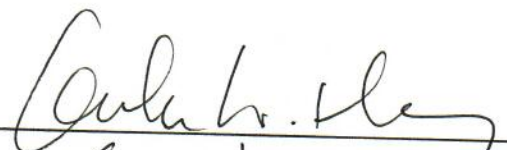
5. I am unaware of any significance of the term DIGITAL HARMONIC in my profession, in the Air Force, Navy, Army and/or any other defense agency, or in relation to a particular feature, characteristic, function, or purpose of Digital Harmonic's products.

6. I do not believe, nor do I think that my peers in my industry, or likely consumers of Digital Harmonic's products, would believe, that the term DIGITAL HARMONIC immediately conveys direct information about the exact nature of the software products or equipment, i.e., a feature, characteristic, purpose, or use. That is, I believe that even my peers, as well as experts working in the federal agencies with whom we work – often experts in highly specialized software or equipment used in their particular industries, upon encountering the DIGITAL HARMONIC trademark, would not immediately understand the purpose or use of the applied-for products. There are so many possible uses of the underlying technology that it would be careless for someone to make an assumption as to its specific function or purpose.

7. In my 22 years at SAIC, including my time as a proposal manager and line manager, I have never run into the term DIGITAL HARMONIC other than as coined and used by Digital Harmonic.

8. There is no such "thing" as a "digital harmonic." It is suggestive of a technological concept.

9. To the best of my knowledge and belief, no other individual, firm, corporation, or association is using the term DIGITAL HARMONIC to describe their products/services. To the best of my knowledge and belief, the DIGITAL HARMONIC trademark is not merely descriptive of the applied-for goods.

By:   
Name: GRAHAM WILLIAM HANKEY  
Title: SENIOR PROPOSAL MANAGER - STIC  
Date: OCT 23, 2019