

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 UNDER SECTION 2(f)

1. I, Jonathan B. Coulter, 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 I am authorized to make this declaration on behalf of Applicant; 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** mark 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 first encountered the DIGITAL HARMONIC mark in 2016 when I started working with Digital Harmonic, LLC on a project, and I have become more familiar with their products over the years.

4. For the past five years, I have been a Postdoctoral Research Fellow in the Department of Radiation Oncology and Molecular Radiation Sciences of Johns Hopkins School of Medicine and Sidney Kimmel Comprehensive Cancer Center in Baltimore, Maryland. Starting in January of next year, I will be an Assistant Professor of Urology at The Brady Urological Institute, Johns Hopkins School of Medicine and Sidney Kimmel Comprehensive Cancer Center, Baltimore, Maryland.

5. I have been working in the science industry for 15 years. Additionally, I have been working and interacting regularly with medical professionals at Johns Hopkins School of Medicine for at least five years.

6. In my professional environment over the years, I have encountered scientific or medical equipment that could, very broadly, be described as having general image analysis or characterization functions. Based on this and my exposure to Digital Harmonic's DIGITAL HARMONIC signal analysis and image analysis and characterization software and equipment, I am, at least generally, familiar with how it functions and/or the purposes for which it is used.

7. Because of my professional background and experiences, and general understanding of the products covered by the DIGITAL HARMONIC mark, I believe I am well-positioned to state that the DIGITAL HARMONIC mark does not immediately describe a feature, function, use, purpose, or characteristic of the above-listed goods.

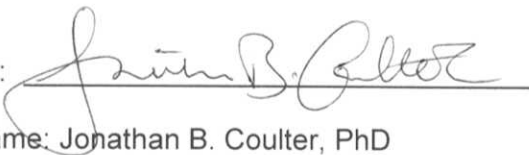
8. I am unaware of any significance of the term/mark DIGITAL HARMONIC in my profession, in the medical or scientific fields, or in relation to a particular feature, characteristic, function or purpose of Digital Harmonic's products.

9. I do not believe, nor do I think that peers in my industry, or likely consumers of Digital Harmonic's products, would believe the trademark DIGITAL HARMONIC immediately

conveys direct information about the exact nature of the software products or equipment, i.e., a feature, characteristic, purpose, or use.

10. There is no such "thing" as a "digital harmonic."

11. I recognize DIGITAL HARMONIC as a trademark that has been coined by Digital Harmonic. 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: Jonathan B. Coulter, PhD

Title: Postdoctoral Research Fellow
Department of Radiation Oncology and
Molecular Radiation Sciences
Johns Hopkins School of Medicine and Sidney
Kimmel Comprehensive Cancer Center

Date: November 13, 2019