

**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, Mark Schofield, 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. I am currently employed as a U.S. Navy Civilian at the Pentagon in the Operational Support Branch, as Head of the Resources and Technology Assessment Section. I am a management and program analyst. As a program analyst, I make recommendations through the chain of command on resources and technology to support the program. I have been employed here for approximately 7.5 years.

I was on active duty with the U.S. Navy for 25 years and am a retired Cryptologic Technician Master Chief.

3. At the unclassified level, I have over 35 years in the electronic warfare and information technology fields.

4. 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**.

5. As part of my job as a program analyst, I am often looking for ways to improve technology. Navy Research and Development suggested that I look into the **DIGITAL HARMONIC** products to use in connection with the agency's investigative process. Therefore, I am familiar with the signal analysis, image analysis, and characterization software, and understand how it functions and is intended to be used.

6. I am unaware of any significance of the term **DIGITAL HARMONIC** in my profession, in the U.S. Navy and/or any other defense agency, or in relation to a particular feature, characteristic, function, or purpose of Digital Harmonic's products. I only know **DIGITAL HARMONIC** as the brand name for Digital Harmonic's products and services.

7. 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.

8. Digital Harmonic's software does not record or capture harmonics. Moreover, it would be extremely difficult, if not impossible, to literally capture harmonics given the way harmonics work, i.e., they double and double again over a frequency spectrum.

9. In my 35 years in the electronic warfare and information technology fields, I have never run into the term DIGITAL HARMONIC other than as coined and used by Digital Harmonic.

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

11. 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 mark is not merely descriptive of the applied-for goods.

By: \_\_\_\_\_

Name: Mark Schofield

Title: \_\_\_\_\_

Date: 11/21/19