

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ORAA Group, LLC

Mark: RAPIDS (stylized)

Serial No.: 88523919

Filed: July 18, 2019

**DECLARATION OF WILLIAM DAWKINS SUBMITTED
AS EVIDENCE IN SUPPORT OF APPLICANT'S SERVICE MARK APPLICATION**

I, William Dawkins, being over the age of eighteen (18) and competent to testify to the matters herein, state as follows:

1. I am the President of Applicant. I have personal knowledge of the matters set forth in this Declaration, and I am competent to testify regarding these matters. I have been President of Applicant since April 17, 2017.

2. Ralytics, LLC ("Ralytics") is a wholly owned subsidiary of Applicant. There is an agreement between Applicant and Ralytics that the applied-for mark be owned by Applicant and that the applied-for mark be used by Ralytics. *See* Trademark Manual of Examining Procedure, Section 1201.03(b).

3. The technology solution marketed under the applied-for mark provides medical record retrieval and evaluation services through cloud-hosted software as a service. The RAPIDS technology solution makes use of a variety of cutting-edge technologies to provide payors with an automated solution for evaluating beneficiary risk based on documented medical conditions.

4. The services offered under the applied-for mark utilize the Fast Healthcare Interoperability Resources (FHIR) specification which has been adopted by major Electronic Medical Record (EMR) system vendors to fully automate the search and retrieval of medical records documentation.

5. Users of the RAPIDS technology solution may upload a list of beneficiaries within their health plan, evaluate the records, and then request a report generated in the RAPIDS system. The

technology marketed under the RAPIDS mark would search the EMR servers for beneficiary medical documents and evaluate the documents to create a report containing the analytic results of each condition for each beneficiary.

6. The RAPIDS technology solution is coded currently for use only in the healthcare industry and is used by and marketed to healthcare payors in the government and commercial sectors.

7. Nvidia Corporation (“Nvidia”), the owners of the applications for the RAPIDS (Serial No. 8837847) and NVIDIA RAPIDS (Serial No. 88378485), focuses on hardware-level optimization for computer processors, specifically a graphics processing unit (GPU). Additionally, Nvidia markets and sells specialized software applicable only to computer hardware that is used in the artificial intelligence and gaming industries. Nvidia’s applied-for marks are intended to be used in connection with a general-purpose set of tools to develop artificial intelligence. Nvidia does not market or sell to or in the health care industry. *See Exhibit A*, which is a screenshot of Nvidia Corporation’s website.

8. Purchasers of Applicant’s technology solution for medical record and retrieval evaluation services offered under Applicant’s applied-for mark will not encounter Nvidia’s applied-for mark. Similarly, purchasers of Nvidia’s “Rapids” specialized software that is used in the artificial intelligence and gaming industries would not encounter Applicant’s applied-for mark. There is no likelihood of confusion as to the source of the services.

Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed on this 11 day of February 2020.


William Dawkins