

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

Applicant: 4medica, Inc. )  
Mark: 4MEDICA BIG DATA MPI )  
App. No.: 88/336715 )  
App. Date: March 12, 2019 )

**AFFIDAVIT**

I, Gregg Church, being duly sworn, declare:

1. I am the President of 4medica, Inc. (the “Applicant”), and I am authorized to execute this Affidavit on behalf of the Applicant.
2. As President, I have had and continue to have access to the books and records maintained by the Applicant in the ordinary course of business, and I am knowledgeable regarding the use of the mark 4MEDICA BIG DATA MPI by Applicant.
3. Applicant currently uses the mark 4MEDICA BIG DATA MPI in connection with the services listed in Application Serial No. 88/336715 (the “Services”).
4. Applicant’s use of the mark 4MEDICA BIG DATA MPI in connection with the Services has been substantially exclusive and continuous since March 2013.
5. The BIG DATA MPI portion of Applicant’s mark 4MEDICA BIG DATA MPI has become distinctive of Applicant’s Services through the Applicant’s substantially exclusive and continuous use of its mark in commerce since March 2013.
6. Applicant has extensively and continuously advertised and promoted the 4MEDICA BIG DATA MPI mark and the Services since March 2013; and Applicant continues to extensively advertise and promote the 4MEDICA BIG DATA MPI mark and the Services.
7. Applicant has used a number of different methods to advertise the 4MEDICA BIG DATA MPI mark and the Services offered thereunder. These methods include, but are not limited to, press releases, brochures, data sheets, trade show materials, websites, presentations, vehicle wraps and videos.
8. Sample press releases are attached hereto as **Exhibit A**; sample brochures, data sheets and trade show materials are attached hereto as **Exhibit B**.
9. Photographs of a motor coach featuring a branded vehicle wrap are attached hereto as **Exhibit C**. This motor coach was used at the Healthcare Information and Management Systems Society, Inc. (HIMMS) Global Health Conference & Exhibition in 2017.

10. Applicant's videos, which feature the 4MEDICA BIG DATA MPI mark and discuss Applicant's Services, are available on its website, its YouTube channel and Vimeo, and they have also been displayed to potential customers in presentations and at conferences. Screenshots from these videos are attached hereto as **Exhibit D**.

11. The Services offered under the 4MEDICA BIG DATA MPI mark have been advertised on Applicant's website at [www.4medica.com](http://www.4medica.com) since March 2013. Sample pages from the current version of Applicant's website are attached hereto as **Exhibit E**.

12. In the last year alone, Applicant's website at [www.4medica.com](http://www.4medica.com) has had an average of over 8,000 visitors each month.

13. Applicant has participated and continues to participate in the following trade shows and conferences during which Applicant promotes, in part, the Services offered under the mark 4MEDICA BIG DATA MPI:

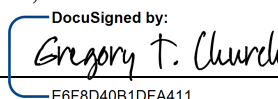
- Healthcare Information and Management Systems Society, Inc. (HIMMS) Global Health Conference & Exhibition
- Strategic Health Information Exchange Collaborative (SHIEC) Conference
- American Health Information Management Association (AHIMA) Conference
- Healthcare IT Connect Summit

14. Through its various advertising activities, Applicant has spent hundreds of thousands of dollars advertising Applicant's Services under the 4MEDICA BIG DATA MPI mark. More specifically, Applicant has spent in excess of \$100,000 *each year* on advertising since 2013.

15. I am not currently aware of any use of the phrase BIG DATA MPI as a trademark by any other individual or entity in connection with the Services.

The signatory being 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 and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her knowledge are true and all statements made on information and belief are believed to be true.

4MEDICA, INC.

By:  \_\_\_\_\_  
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Name: Gregg Church

Title: President

Date: 5/26/2020