IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

In re trademark application

Examining Attorney:	Emma Sirignano
Law Office:	113

Application Serial No.:	88/161,426
Mark:	**"TEAM" and Square Design**

Applicant:	Perception Health, Inc.
Filing Date:	October 19, 2018
Attorney Docket No.:	019626

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

DECLARATION OF APPLICANT
IN RESPONSE TO OFFICE ACTION

1.   I am J Tod Fetherling and I am the Chief Executive Officer of Perception Health, Inc., the Applicant in the above-captioned matter. I have personal knowledge of all facts contained herein unless otherwise noted.

2.   The specimen submitted by the Applicant for Class 35 shows the mark in actual use in commerce for the services identified in the Statement of Use as follows:

Class 35:   Predictive analysis and physician referral services, namely, providing a criteria featuring statistical data on the performance of healthcare professionals for the purpose of assisting healthcare networks in making physician selection decisions.

3.   The Examining Attorney stated that the "specimen does not show the provision of referral services" and that the specimen does not appear to provide the consumers with "how advisory services are provided with that data".

4.   However, Applicant's services do not provide a "provision of referral services" and "advisory services" with the data of tracking referrals. The purpose of Applicant's software for tracking referrals is to assist healthcare networks in making their physician selection decisions.

5.   Applicant provides "physician referral services" to healthcare professionals in the field of predictive analysis. Therefore, the specimen submitted for Class 35 repeatedly displays physician referral services as providing "visualize" referral patterns as follows:

Visualize referrals.

With at-a-glance visuals of the industry's most comprehensive and freshest claims data, the TEAM™ platform will help you measure market share, identify growth opportunities, visualize referral patterns, ensure physician alignment, and grow your revenue.

The TEAM™ platform includes the following visualizations of your market activity

6.   Accordingly, Applicant's specimen for Class 35 shows the use of the mark "TEAM" and Design in connection with "Predictive analysis and physician referral services, namely, providing a criteria featuring statistical data on the performance of healthcare professionals for the purpose of assisting healthcare networks in making physician selection decisions".

The undersigned 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 this submission and the registration, declares that that they are properly authorized to execute this document on behalf of the Applicant, and, to the best of their knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made herein have evidentiary support; and, all statements made of their own knowledge are true and all statements made on information and belief are believed to be true.

PERCEPTION HEALTH, INC.

August 25, 2020

Date

Name: J Tod Fetherling

Title: Chief Executive Officer