

Request for Reconsideration after Final Action

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LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86743504/large
LITERAL ELEMENT	SOUND MEDICINE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
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DESCRIPTION OF EVIDENCE FILE	printouts of websites and third party trademark certificates of registration
SIGNATURE SECTION	
RESPONSE SIGNATURE	/JLT/
SIGNATORY'S NAME	Jennifer Lee Taylor
SIGNATORY'S POSITION	Attorney of record, California bar member
SIGNATORY'S PHONE NUMBER	415-268-6538
DATE SIGNED	07/29/2016

AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jul 29 18:50:11 EDT 2016
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Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86743504** SOUND MEDICINE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86743504/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of printouts of websites and third party trademark certificates of registration has been attached.

Original PDF file:

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Converted PDF file(s) (8 pages)

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[Evidence-1](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /JLT/ Date: 07/29/2016

Signatory's Name: Jennifer Lee Taylor

Signatory's Position: Attorney of record, California bar member

Signatory's Phone Number: 415-268-6538

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86743504

Internet Transmission Date: Fri Jul 29 18:50:11 EDT 2016

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Sound Medicine LLC

Mark: SOUND MEDICINE

Serial No.: 86/743,504

Filing Date: September 1, 2015

Trademark Atty: William Breckenfeld

Law Office: 116

REQUEST FOR RECONSIDERATION

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

Dear Commissioner:

This communication is being filed in response to the final office action mailed March 22, 2016. Pursuant to T.M.E.P. § 715.03 and 37 C.F.R. § 2.64(b), Applicant respectfully submits this communication both as a Response to Office Action and as a Request for Reconsideration of the Office Action. Applicant is also filing a Notice of Appeal concurrently with this Response to Office Action and Request for Reconsideration.

APPLICANT'S MARK IS NOT MERELY DESCRIPTIVE

The Examining Attorney has maintained that SOUND MEDICINE should be refused registration as merely descriptive of Applicant's services. Applicant respectfully disagrees on the basis that SOUND MEDICINE is a suggestive double entendre.

I. Legal Background

A. Merely descriptive marks are refused registration.

A mark is merely descriptive and properly refused registration if it “conveys an immediate idea of the ingredients, qualities or characteristics of the goods.” *In re Abcor Dev. Corp.*, 588 F.2d 811, 814 (C.C.P.A. 1978). In contrast, a mark that is suggestive and registrable “requires imagination, thought and perception to reach a conclusion as to the nature of the goods.” *Id.*; see also 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 11:67 (4th ed.) (“If the mental leap between the word and the product’s attributes is not almost instantaneous, this strongly indicates suggestiveness, not direct descriptiveness.”). The inquiry is not whether someone could guess from the mark alone what the corresponding goods or services are, but rather “whether someone who knows what the goods and services are will understand the mark to convey information about them.” *In re Tower Tech, Inc.*, 64 U.S.P.Q.2d 1314, 1316-17 (T.T.A.B 2002).

In *DuoProSS v. Inviro Medical Devices, Ltd.*, the Federal Circuit held that a mark was merely descriptive because it conveyed the prominent functional feature of the good. 695 F.3d 1247, 1254-55 (Fed. Cir. 2012). The product at issue was a syringe designed to prevent accidental needle sticks by allowing the user to “snap” off the plunger, thus sealing the sharp tip inside the syringe body. *Id.* at 1249. The court then found the mark SNAP! with a broken exclamation point to be merely descriptive because “viewed in the context of [the product], [the mark] does nothing other than depict the snapping of a syringe plunger: the prominent functional feature of [the product].” *Id.* at 1254.

In contrast, in *In re De-Raef Corp.*, the Trademark Trial and Appeal Board overturned a refusal to register a mark as merely descriptive when the mark only described one of multiple

components in the product. *In re De-Raef Corp.*, 120 U.S.P.Q. 318 (T.T.A.B. 1959). The Board held that the mark CULTURED, for pancake mix having cultured milk powder as one of many ingredients, was not merely descriptive because the mark did not directly describe the product. *Id.* at 318 (“Applicant, however, does not sell milk, or powdered cultured milk. It sells pancake mix, and the pancake mix has been neither exposed to nor treated by any bacillus culture of any kind.”). The Board reasoned that though some customers may relate CULTURED to the use of cultured milk, “a substantial segment of the average purchasers” would not derive that same significance from the mark. *Id.*

B. Double entendre marks may not be merely descriptive.

A mark that is capable of more than one interpretation as applied to goods or services is a “double entendre” that will not be refused registration so long as one of its meanings is not merely descriptive. T.M.E.P. § 1213.05(C); *see also In re Computer Business Sys. Group*, 229 U.S.P.Q. 859, 860 (T.T.A.B. 1985) (“When a term or phrase, as applied to the goods or services in question, possesses double meaning; suggests something more than a characteristic of the goods; and functions as more than a mere description of the goods; it is not merely descriptive of the goods and may be registered under the Trademark Act”). However, in order to qualify as a double entendre, the mark’s alternative connotation must be readily apparent. *Compare DuoProSS* at 1251 (finding insufficient evidence that SNAP connotes both the snapping of a breakable syringe and the products’ ease of use (“snap to use”)), *and In re Risesmart, Inc.*, 104 U.S.P.Q.2d 1931, 1934 (T.T.A.B. 2012) (holding that TALENT ASSURANCE referring to both the quality of services and quality of candidates (supplying “the talent”) is not readily apparent), *with Application of Colonial Stores, Inc.*, 394 F.2d 549, 552-53 (C.C.P.A. 1968) (holding that SUGAR & SPICE used with baked goods connotes both the ingredients of the goods and an

association with “everything nice,” pursuant to the well-known nursery rhyme), and *In re National Tea Co.*, 144 U.S.P.Q. 286 (T.T.A.B. 1965) (finding that NO BONES ABOUT IT is a double entendre for fresh, pre-cooked, boneless ham).

II. Applicant’s services go beyond sound-based elements.

The Examining Attorney has rejected the mark SOUND MEDICINE as merely descriptive because “[A]pplicant’s services are medicinal in nature and employ sound.” SOUND MEDICINE Final Refusal (Mar. 22, 2016). Applicant respectfully disagrees on the basis that the Examining Attorney has oversimplified Applicant’s services, which go beyond sound-based elements. Applicant employs practitioners in the field of somatic psychology, which combines discussion-based counseling with touch and movement. *See* printout from California Institute of Integral Studies, *available* at <http://www.ciis.edu/academics/graduate-programs/somatic-psychology>, attached as Exhibit A. Specifically, Applicant’s “in-person energy healing services” synchronize music, noise, vibrations, counseling, guided imagery, and biofeedback to create integrated multi-sensory experiences. *See* printout from Applicant’s website, *available* at <http://www.sound-medicine.com/the-medicine/what-is-sound-medicine>, attached as Exhibit B. In comparison, the most colloquial meaning of SOUND, “the sensation perceived by the sense of hearing,” can only relate to the audible components of Applicant’s treatment (music and noise). *See* printout of *Merriam-Webster* dictionary definition of “sound,” *available* at <http://unabridged.merriam-webster.com/unabridged/sound>, attached as Exhibit C. Consumers of Applicant’s services may also perceive SOUND more generally as “longitudinal pressure waves in air,” thus including the frequencies sensed as vibrations that exist outside the audible zone. *See id.* However, SOUND in any variation does not point to the use of music, noise, and vibrations in conjunction with counseling, images, and biofeedback. Rather, analogous to the

use of CULTURED in *In re De-Raef* to describe pancake mix made with cultured milk, SOUND MEDICINE only relates to a portion of the ingredients that make up the total product. *See In re De-Raef Corp.* at 318. Thus, like CULTURED, SOUND MEDICINE does not directly describe the product or services and is not merely descriptive. *See id.*

Likewise, the prominent functional feature of Applicant's services is not immediately discernable from SOUND MEDICINE. *See DuoProSS*, 695 F.3d at 1245-55. Unlike in *DuoProSS* where the Federal Circuit found the mark SNAP!, with a bent exclamation point, to be merely descriptive of breakable syringes, SOUND MEDICINE is not wholly representative of Applicant's treatment. *See DuoProSS*, 695 F.3d at 1245-55. While the distinguishing feature of a SNAP! syringe was its breakable plunger, sound-based sensations are only a fraction of the concurrent stimuli that make up Applicant's services. Consequently, each individual stimulus is secondary to the services' primary function as a multi-sensory treatment. Thus, SOUND MEDICINE is not merely descriptive, but requires a leap of imagination to evoke Applicant's cohesion of sound, counseling, imagery, and biofeedback. *See SOUND MEDICINE Final Refusal* (Mar. 22, 2016).

III. Applicant's mark connotes services distinguished from quackery.

The phrase SOUND MEDICINE acts as a double entendre because it not only suggests that Applicant's multi-sensory treatment incorporates sound waves, but also brings to mind an alternative definition of SOUND—"based on truth or right: free from error or fallacy." *See* printout of *Merriam-Webster* dictionary definition of "sound," available at <http://unabridged.merriam-webster.com/unabridged/sound>, attached as Exhibit D. Examples of registered trademarks that likewise employ SOUND as a double entendre include, among others:

- SOUNDBRAKE (Reg. No. 4,984,088), attached as Exhibit E;

- SOUND PILLOW (Reg. No. 4,771,186), attached as Exhibit F;
- SOUND MANAGEMENT (Reg. No. 4,980,104), attached as Exhibit G;
- SOUND DIPLOMACY (Reg. No. 4,972,123), attached as Exhibit H;
- SOUND SHINE (Reg. No. 4,959,481), attached as Exhibit I;
- SOUND SHIFT (Reg. No. 4,943,007), attached as Exhibit J;
- SOUND SHAKER (Reg. No. 4,903,151), attached as Exhibit K; and
- SOUND GUARD (Reg. No. 4,887,804), attached as Exhibit L.

In the context of medical care, SOUND is often used to indicate the reliability of treatment. *See* registered mark SOUND PHYSICIANS (Reg. No. 4,576,164) and website, attached as Exhibit M. Specifically, the use of SOUND in conjunction with MEDICINE suggests that Applicant’s services are distinguished from “quackery,” or the practices of a medical charlatan. *See* printout of *Merriam-Webster* dictionary definition of “quack,” available at <http://unabridged.merriam-webster.com/unabridged/quack>, attached as Exhibit N; *see also* print out of *Quack Watch* definition of “quack,” available at <http://www.quackwatch.com/01QuackeryRelatedTopics/quackdef.html>, attached as Exhibit O (“Dictionaries define quack as ‘a pretender to medical skill; a charlatan’ and ‘one who talks pretentiously without sound knowledge of the subject discussed.’”). These existing uses of SOUND in its alternative definition, as well as in contrast with “quackery,” indicate that the second connotation of SOUND MEDICINE is readily apparent from the mark. *See DuoProSS* at 1251; *In re Risesmart* at 1934; *Application of Colonial Stores* at 552-53; *In re National Tea* at 286. Thus, SOUND MEDICINE acts as a double entendre that broadly suggests a dependable medical practice.

As a double entendre, SOUND MEDICINE does not immediately convey the nature of Applicant's services. *See* SOUND MEDICINE Final Refusal (Mar. 22, 2016). Regardless of whether the first meaning of the mark is merely descriptive of "services that are medicinal in nature and employ sound," the mark may still warrant registration as the Examining Attorney did not consider the alternative definition of SOUND MEDICINE. *See id.* Under the alternative connotation, which suggests that Applicant's services are a reliable method of medical care, there is no basis for a consumer to relate SOUND MEDICINE to sound waves, let alone Applicant's multi-sensory treatment. Thus, the mark's alternative meaning cannot be merely descriptive of Applicant's services.

IV. Conclusion

Applicant respectfully disagrees with the Examining Attorney's finding that SOUND MEDICINE is merely descriptive of Applicant's services on the basis that the mark is a suggestive double entendre. The first connotation of SOUND MEDICINE, which relates to the use of sound waves, is not merely descriptive as it does not describe the cohesion of sound, counseling, images, and biofeedback that is the primary function of Applicant's services. Alternatively, the second connotation of SOUND MEDICINE, which relates to the reliability of Applicant's services as contrasted with medical "quackery," is not merely descriptive as it does not address any specific elements of Applicant's treatment. Furthermore, the second meaning of the mark was not considered by the Examining Attorney in making his final refusal. Therefore, SOUND MEDICINE is not merely descriptive and should be granted registration as a suggestive mark.

Somatic Psychology

 www.ciis.edu/academics/graduate-programs/somatic-psychology

The Somatic Psychology concentration at California Institute of Integral Studies is one of three accredited academic programs in the United States that prepares students to use both conventional and body-oriented approaches to psychotherapy.

Students participate in a vibrant academic community where learning includes both didactic and experiential practices leading to the ability to work with clients holistically and effectively.

After completing the program and other [Board of Behavioral Sciences](#) (BBS) requirements for licensure, graduates are prepared to do counseling psychology in both private practice and agency settings.

Since its inception in 1980, the Somatic Psychology program has developed a unique learning environment that combines experiential work, rigorous academics, research, and a deep commitment to community.

Students in the Somatic Psychology program at CIIS learn a counseling approach that combines traditional practice and understanding with attention to the crucial role of the body in the structure and process of the psyche.

The program teaches a developmental sociocultural perspective that explores how embodied affect, expression, identity, and interaction are formed both in families and in communities of participation outside of the family of origin.

What is Somatic Psychotherapy?

Somatic Psychotherapies combine traditional approaches to counseling, including dream work, talk, interpretation, and reflection, with experiential explorations. The underlying insight in somatic psychotherapies is that we enact self-feeling, identity, and connection with others through bodily means. We reach out or pull away, are warm or cold to people, are emotional or restricted in our feelings.

Through our development in families and communities, we construct embodied patterns of feeling, sensation, expression, movement, and emotion through which we know ourselves and make relationships in the world.

Work, play, and other engagements with the world are also enacted through the development of varying muscular states, emotional and feeling capabilities, and ranges of movement.

Somatic psychotherapists are trained to help clients explore the bodily means by which they conduct their daily lives. Through the use of breath work; movement exercises; touch; and explorations of feeling, sensation, posture, gesture, and expression, clients experience how they shape particular identities and interact with others.

For Somatic psychotherapists these explorations of clients' patterns of bodily comportment and the explorations of new means of enactment are useful tools in the development of self-awareness and satisfaction in living.

Somatic psychotherapies have been found to be particularly effective means of working with trauma, post-traumatic stress disorder (PTSD), dissociation, identity issues, and affect regulation. They are effective in both group and individual settings, and are especially useful as aids to self-reflection and the development of new ranges of affect, expression, and self-comportment.

Students in the Somatic Psychology program at CIIS learn how to work with somatic approaches as well as learning traditional counseling practices. They become part of a community of scholar/practitioners engaged in developing new approaches to somatic psychotherapy and counseling. These new approaches include work with embodied cognition, understandings of complexity and diversity, and work within a variety of communities.

Learning Environment

In preparing students for practice, the Somatic Psychology program at CIIS stresses the importance of self-knowledge and self-development. We believe that practitioners need to have knowledge of their own responses, reactions, and senses of meaning as they work with others.

This emphasis on personal exploration requires students to enter deeply into their own bodily experience, exploring experientially the capacity for empathy, feeling, and expression. They are also asked to examine the familial, social, and cultural roots of their experience. In this way, students work with the personal material they will bring to the therapeutic engagement.

There is a strong emphasis on community in the Somatic Psychology program, and the experiential explorations of the program occur within a context of mutual self-inquiry. Attention is paid to group process and group learning. A program retreat begins the academic year, and there are semi-weekly community meetings in which students, faculty, and staff participate.

The program also offers an environment of rigorous intellectual inquiry. Students are asked to develop a reflective approach to counseling psychology that includes skills in collaborative learning, knowledge of evidence-based approaches to psychotherapy, and a broad understanding of individual and family systems approaches to psychotherapy.

Throughout the program, students write papers and present projects to hone their thinking, writing, and presentation skills. Faculty and students make presentations at national and international conferences concerned with body-oriented psychotherapy, the social sciences, and various aspects of somatics theory and practice.

Under the leadership of Professor Don Hanlon Johnson, the program has undertaken a publishing program that has to date produced three books in the field in collaboration with North Atlantic Books: *Bone, Breath and Gesture*; *Groundworks: Narratives of Embodiment*; and *The Body in Psychotherapy: Inquiries in Somatic Psychology*.

In the program's Center for the Study of the Body in Psychotherapy, Somatic Psychology program faculty and students have conducted research regarding sexual identities and enactments, multicultural understandings of identity and interaction, and early childhood approaches using somatic interventions with infants and parents.

Students in the program have completed practicum training in a variety of settings including city government, homeless outreach programs, work in prisons, and work participation in various agencies dealing specifically with children's and women's issues and addictions.

Western and Non-Western Traditions

Reflecting the founding vision of CIIS, the Somatic Psychology program is defined by its unique integration of various Western and non-Western philosophic and spiritual traditions.

This integral approach challenges the separation of body, mind, and spirit that has dominated Western psychotherapy.

Course offerings explore the relation between bodily processes and states of consciousness, and foster a dialogue between spiritual approaches such as yoga, meditation, and chi gong, psychological approaches, and contemporary scientific understandings of the body.

The Somatic Psychology program offers the following:

- Excellent training in psychotherapy that combines scholarship, best practices in counseling psychology, and experiential approaches to learning

- Learning counseling practices that include verbal and nonverbal work with body, mind, and spirit
- Grounding in psychodynamic, systems, developmental, and sociocultural approaches to psychotherapy
- Attention to diversity and opportunities to work in practicum with a wide range of populations
- A community of learning fostered by student retreats and community meetings
- A wide variety of practicum opportunities, including training at the program's Center for Somatic Psychotherapy

What is Sound Medicine?

 www.sound-medicine.com/the-medicine/what-is-sound-medicine

What can I use Sound Healing for?

If you have a demanding career or family life and you're feeling run down by stress, trauma or exhaustion, I can help you.

Sound Medicine | Ease Your Journey

Sound healing is a new and expanding field of complementary and alternative medicine that is also as old as time.

It is Energy Medicine.

It is the Energy Medicine of vibration.

It is designed to work with your subtle energy body. It is believed to access all of your cells because it is vibration, we are all made of vibration and vibration goes everywhere. Subtle energy sessions are considered the least invasive and gentlest on the body.

The body is an orchestra. Come in for a tune up.

Bio Sound Therapy

This therapy integrates Biofeedback, Sound Frequency Healing, Music Therapy and Guided Imagery. The system consists of a vibrational platform constructed with memory foam and integrated with an audio/visual delivery system. The system uses precisely choreographed music that is synchronized with low [frequency](#) sine tones and [binaural beats](#).

The combination of the music, vibrations and binaural beats is designed to induce a theta level meditative state which most people experience in about 15 minutes.

Both the audio and video systems contain [guided imagery](#) sessions with positive affirmations and messaging. These affirmations can stimulate the mind, and are believed to be an extremely effective means of motivating and empowering the client to become aware and mindful to the present moment.

The system also integrates [Heartmath™](#) - a practical and entertaining biofeedback program based on decades of scientific research on the psychophysiology of stress, emotions and interactions between the heart and brain. The program is a user friendly interface that measures heart rate variability (HRV) with a finger pulse sensor. It helps you get and stay "in the zone".



Contact Elizabeth to see how sound can work for you!

PrintEmail

³ sound *noun, often attributive* \ˈsaʊnd\

plural -s

1 a : the sensation perceived by the sense of hearing

<the pattern of nerve impulses arriving in the brain is associated with and subjectively experienced as *sound* — Otto Stuhlman>

b : an auditory impression : [NOISE](#), [TONE](#)

<the *sound* of thunder>

<*sounds* of laughter>

<the *sound* of girls' voices — Pearl Buck>

<from the passageway ... the *sound* of footsteps — Kenneth Roberts>

c : mechanical radiant energy that is transmitted by longitudinal pressure waves in air or other material medium and is the objective cause of the sensation of hearing

<the velocity of *sound* in air at 32° F is about 1087 feet per second>

2 a : a speech sound

<a peculiar *r-sound*>

<an \ó\-*sound*>

b : value in terms of a single speech sound or a succession of speech [sounds](#)

<Polish *prz* has pretty much the *sound* of *bsch* in German *hübsch* —\psh\>

3 *archaic* : [RUMOR](#), [TIDINGS](#)

<the preachers ... spread the glorious *sound* — William Cowper>

4 a : noise without meaning : mere noise

<full of *sound* and fury, signifying nothing — Shakespeare>

<systems which ... deal in *sounds* instead of sense — Jeremy Bentham>

b *obsolete* : underlying meaning : [SIGNIFICANCE](#)

<the word has no *sound*, as I may say, to me — Daniel Defoe>

c : the mental impression conveyed by a particular sound or expression : an accompanying implication : [IMPORT](#), [PORTENT](#)

<that confession has a suspicious *sound* to me>

5 : distance within which a particular noise may be heard : [EARSHOT](#), [HEARING](#)

<within *sound* of his voice>

<the lad was out of sight and out of *sound* — S. H. Holbrook>

6 : recorded auditory material (as on phonograph discs or motion-picture film)

<stereophonic *sound*>

<with *sound* there came ... the need of good writing — Irving Pichel>

7 : a particular musical style characteristic of an individual, a group, or an area

<the Nashville *sound*>

Origin of SOUND

Middle English *soun*, from Old French *son*, from Latin *sonus*; akin to Old English *swinn* melody, Old Irish *senim* sounds, playing, Old Latin *sonere* to sound, Sanskrit *svanati* it sounds, resounds

First Known Use: 13th century (sense 1b)

Pronunciation Symbols

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¹ sound *adjective* \ˈsaʊnd\

inflected form(s): -erl-est

1 a : free from injury or disease : [ROBUST](#), [WHOLESOME](#)

<a young man ... of good parentage, *sound* in wind and limb — Henry Miller>

<every tooth in her head was *sound* — W. M. Thackeray>

<a *sound* mind in a *sound* body>

b : free from disease, abnormality, or defect impairing or likely to impair usefulness — used of a domestic animal and especially of a horse — compare [UNSOUND](#)

c : free from flaw, defect, or decay : [UNIMPAIRED](#), [UNBLEMISHED](#)

<*sound* timber>

<a *sound* wine>

<a *sound* wall>

<*sound* fruit>

<the masonry ... is still *sound* — *American Guide Series: North Carolina*>

2 a : marked by solidity, firmness, or stability

<a building of *sound* construction>

<established a *sound* foundation for future progress>

b : stable and resistant to volume change when used in construction work — used of hydraulic cements including portland, hydrated lime, quicklime, and aggregates for concrete

c : solidly or securely based : [RELIABLE](#)

<a *sound* economy>

<a *sound* society>

<*sound* relationships>

d : financially secure : [SAFE](#)

<a *sound* investment>

3

- a** : based on truth or right : free from error or fallacy
 <*sound* advice>
 <a *sound* argument>
 <*sound* reasoning>
 <*sound* criticism>
- b** : based on adequate knowledge or experience : [CORRECT](#)
 <*sound* estimate of the military situation — Carl Bridenbaugh>
- c** : showing a high level of accuracy or polish : [PRECISE](#)
 <*sound* scholarship>
 <paved the way for ... *sound* and fruitful knowledge of antiquity — G. C. Sellery>
 <a *sound* paragraph — L. B. Nicolson>
- d chess** : admitting of no variation advantageous to the opponent — used of a problem or combination
- e** : founded in law : not defective : [LEGAL](#), [VALID](#)
 <a *sound* title to land>
- f** : agreeing with accepted views : [ORTHODOX](#)
 <*sound* in the faith>
 <preached *sound* doctrine>
- 4 a** : [COMPLETE](#), [THOROUGH](#)
 <a *sound* revenge>
 <a *sound* recovery>
- b** : deep and undisturbed — used of sleep
 <a *sound* sleep>
- c** : [HARD](#), [SEVERE](#)
 <a *sound* whipping>
- 5 a** : marked by loyalty and dependability : [TRUSTWORTHY](#)
 <a *sound* friend>
 <his shipmates pronounced him *sound* to the kelson — Herman Melville>
- b** : showing high morale : not disaffected
 <a robust and *sound* people — Matthew Arnold>

c : showing good judgment : [LEVEL-HEADED](#)

<a *sound* man to have on a governing board>

Origin of SOUND

Middle English *sound*, *sund*, from Old English *gesund*; akin to Old Saxon *gisund* sound, Old Frisian *sund* fresh, unharmed, healthy, Old High German *gisunt* healthy, Gothic *swinths* strong, healthy and probably to Lithuanian *sumdyti*, *siumdyti* to rouse, incite

First Known Use: 13th century (sense 1a)

Related to SOUND

Synonyms: analytic (*or* analytical), coherent, consequent, good, rational, reasonable, sensible, logical, valid, well-founded, well-grounded

Antonyms: illegitimate, illogical, incoherent, inconsequent, inconsequential, invalid, irrational, unreasonable, unsound, weak

Related Words: a posteriori, a priori, syllogistic; cognitive, empirical (*also* empiric); defensible, defensible, justifiable, maintainable, supportable, sustainable, tenable

Near Antonyms: casuistic (*or* casuistical), eristic (*also* eristical), fallacious, misleading, sophistic (*or* sophistical), specious; unarticulated; unscientific; absurd, cockeyed, crazy, daffy, fatuous, half-baked, half-witted, harebrained, insane, loony (*also* looney), mad, nonsensical, nutty, preposterous, simpleminded, stupid, weak-minded, witless; senseless, thoughtless; unconvincing, unconvincing

See Synonym Discussion at healthy, valid

Pronunciation Symbols

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United States Patent and Trademark Office

SOUNDBRAKE

Reg. No. 4,984,088

Registered June 21, 2016

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SHARI ESKENAS (UNITED STATES INDIVIDUAL)
507 ESPLANADE, APT. L
REDONDO BEACH, CA 90277

FOR: ELECTRONIC DEVICES, NAMELY, ELECTRONIC CONTROLLERS FOR SELECTIVELY MUTING SOUND TRANSMITTED THROUGH AUDIO HEADPHONES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-12-2015; IN COMMERCE 4-29-2016.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-408,182, FILED 9-28-2014.

DAVID YONTEF, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
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SOUNDBRAKE

Word Mark **SOUNDBRAKE**

Goods and Services IC 009. US 021 023 026 036 038. G & S: Electronic devices, namely, electronic controllers for selectively muting sound transmitted through audio headphones. FIRST USE: 20150512. FIRST USE IN COMMERCE: 20160429

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86408182

Filing Date September 28, 2014

Current Basis 1A

Original Filing Basis 1B

Published for Opposition September 22, 2015

Registration Number 4984088

Registration Date June 21, 2016

Owner (REGISTRANT) Shari Eskenas INDIVIDUAL UNITED STATES 507 Esplanade, Apt. L Redondo Beach CALIFORNIA 90277

Type of Mark TRADEMARK

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United States of America
United States Patent and Trademark Office

SOUND PILLOW

Reg. No. 4,771,186

Registered July 14, 2015

Int. Cls.: 9 and 10

TRADEMARK

PRINCIPAL REGISTER

ARMBRUSTER ENTERPRISES, INC. (TEXAS CORPORATION)
1123 PATRICIA
SAN ANTONIO, TX 78213

FOR: PORTABLE DIGITAL AUDIO PLAYERS; PORTABLE DIGITAL AUDIO PLAYERS WITH DIGITAL AUDIO CONTENT FILES FEATURING TINNITUS-MASKING SOUNDS AND MUSIC, AND SLEEP, RELAXATION AND MEDITATION RELATED SOUNDS AND MUSIC; DIGITAL AUDIO FILES FEATURING TINNITUS-MASKING SOUNDS AND MUSIC, AND SLEEP, RELAXATION AND MEDITATION RELATED SOUNDS AND MUSIC; DOWNLOADABLE AUDIO CONTENT FILES FEATURING TINNITUS-MASKING SOUNDS AND MUSIC, AND SLEEP, RELAXATION AND MEDITATION RELATED SOUNDS AND MUSIC, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-31-2010; IN COMMERCE 10-31-2010.

FOR: MEDICAL AND THERAPEUTICAL APPARATUS, NAMELY, SYSTEMS FOR FACILITATING TINNITUS RELIEF AND INDUCING SLEEP, RELAXATION AND MEDITATION, COMPRISED OF BED PILLOWS AND AUDIO SPEAKERS INTEGRATED THEREIN, DIGITAL AUDIO PLAYERS, AND DIGITAL AUDIO CONTENT FILES FEATURING TINNITUS-MASKING SOUNDS AND MUSIC, AND SLEEP, RELAXATION AND MEDITATION RELATED SOUNDS AND MUSIC, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-31-2010; IN COMMERCE 10-31-2010.

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PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 011742178, FILED 4-16-2013.

OWNER OF U.S. REG. NO. 3,057,193.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PILLOW", APART FROM THE MARK AS SHOWN.

SEC. 2(F).



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Reg. No. 4,771,186 SER. NO. 86-092,690, FILED 10-16-2013.

LEE-ANNE BERNS, EXAMINING ATTORNEY

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See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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SOUND PILLOW

Word Mark **SOUND PILLOW**

Goods and Services IC 009. US 021 023 026 036 038. G & S: Portable digital audio players; portable digital audio players with digital audio content files featuring tinnitus-masking sounds and music, and sleep, relaxation and meditation related sounds and music; digital audio files featuring tinnitus-masking sounds and music, and sleep, relaxation and meditation related sounds and music; downloadable audio content files featuring tinnitus-masking sounds and music, and sleep, relaxation and meditation related sounds and music. FIRST USE: 20101031. FIRST USE IN COMMERCE: 20101031

IC 010. US 026 039 044. G & S: Medical and therapeutical apparatus, namely, systems for facilitating tinnitus relief and inducing sleep, relaxation and meditation, comprised of bed pillows and audio speakers integrated therein, digital audio players, and digital audio content files featuring tinnitus-masking sounds and music, and sleep, relaxation and meditation related sounds and music. FIRST USE: 20101031. FIRST USE IN COMMERCE: 20101031

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86092690

Filing Date October 16, 2013

Current Basis 1A

Original Filing Basis 1B;44D

Published for April 28, 2015

Opposition

Registration Number 4771186

Registration Date July 14, 2015

Owner (REGISTRANT) Armbruster Enterprises, Inc. CORPORATION TEXAS 1123 Patricia San Antonio TEXAS 78213

Attorney of Record Alexander G. Vodovozov

Priority Date April 16, 2013

Prior Registrations 3057193

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PILLOW" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

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United States of America

United States Patent and Trademark Office

SOUND MANAGEMENT

Reg. No. 4,980,104

Registered June 14, 2016

Int. Cl.: 38

SERVICE MARK

SUPPLEMENTAL REGISTER

ARTISTIC MEDIA PARTNERS, INC. (INDIANA CORPORATION)
5520 E. 75TH STREET
INDIANAPOLIS, IN 46250

FOR: RADIO BROADCASTING; RADIO BROADCASTING OF INFORMATION AND OTHER PROGRAMS; RADIO COMMUNICATIONS; RADIO PROGRAM BROADCASTING , IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-1-2015; IN COMMERCE 1-1-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-690,921, FILED PR. 7-13-2015; AM. S.R. 4-14-2016.

KERI CANTONE, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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SOUND MANAGEMENT

Word Mark **SOUND MANAGEMENT**

Goods and Services IC 038. US 100 101 104. G & S: Radio broadcasting; Radio broadcasting of information and other programs; Radio communications; Radio program broadcasting. FIRST USE: 20150101. FIRST USE IN COMMERCE: 20150101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86690921

Filing Date July 13, 2015

Current Basis 1A

Original Filing Basis 1A

Date Amended to Current Register April 14, 2016

Registration Number 4980104

Registration Date June 14, 2016

Owner (REGISTRANT) Artistic Media Partners, Inc. CORPORATION INDIANA 5520 E. 75th Street Indianapolis INDIANA 46250

Attorney of Record Alastair J. Warr

Type of Mark SERVICE MARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office



Reg. No. 4,972,123

Registered June 7, 2016

Int. Cls.: 35 and 41

SERVICE MARK

PRINCIPAL REGISTER

SOUND DIPLOMACY LTD. (UNITED KINGDOM LIMITED COMPANY (LTD.))
45-46 CHARLOTTE ROAD
LONDON EC2A 3PD, UNITED KINGDOM

FOR: ORGANIZATION OF EXHIBITIONS AND EVENTS FOR COMMERCIAL OR ADVERTISING PURPOSES IN THE FIELD OF MUSIC; BUSINESS CONSULTING, BUSINESS MANAGEMENT; PROVIDING BUSINESS INFORMATION IN THE FIELD OF MUSIC; BUSINESS ADVISORY AND CONSULTANCY SERVICES RELATING TO EXPORT, EXPORT SERVICES, EXPORT PROMOTION INFORMATION AND SERVICES IN THE FIELD OF MUSIC; MARKET RESEARCH SERVICES; ANALYSIS OF MARKET RESEARCH DATA AND STATISTICS; PROVIDING BUSINESS ADVICE AND INFORMATION IN THE FIELD OF MUSIC; PUBLIC RELATIONS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: ORGANIZATION OF EXHIBITIONS FOR MUSICAL ENTERTAINMENT; ENTERTAINMENT SERVICES IN THE FIELD OF MUSIC, NAMELY, CONDUCTING LIVE PERFORMANCES FEATURING MUSIC; ORGANIZATION OF CULTURAL SHOWS; CONDUCTING ENTERTAINMENT EXHIBITIONS IN THE NATURE OF MUSIC FESTIVALS, MUSIC CONVENTIONS, CONFERENCES, LECTURES, AND PRESENTATIONS IN THE FIELD OF MUSIC; PROVIDING EDUCATIONAL DEMONSTRATIONS IN THE FIELD OF MUSIC; ORGANIZING MUSIC FESTIVALS FOR CULTURAL OR ENTERTAINMENT PURPOSES; EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, CONFERENCES, WORKSHOPS IN THE FIELD OF MUSIC; ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL PERFORMANCES; ENTERTAINMENT SERVICES IN THE NATURE OF RECORDING, PRODUCTION AND POST-PRODUCTION SERVICES IN THE FIELD OF MUSIC; MUSIC PRODUCTION SERVICES; PUBLICATION OF MUSICAL TEXTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).



OWNER OF ERPN CMNTY TM OFC REG. NO. 012502548, DATED 5-23-2014, EXPIRES 1-15-2024.

THE COLOR(S) LIGHT BLUE AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

Michelle K. Lee

Director of the United States
Patent and Trademark Office

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUND", APART FROM THE MARK AS SHOWN.

Reg. No. 4,972,123 THE MARK CONSISTS OF THE WORDING "SOUND DIPLOMACY" IN WHITE ON A LIGHT BLUE CIRCULAR BACKGROUND.

SER. NO. 86-702,234, FILED 7-23-2015.

ROBERT C. CLARK JR., EXAMINING ATTORNEY

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Requirements in Successive Ten-Year Periods*

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Word Mark SOUND DIPLOMACY

Goods and Services IC 035. US 100 101 102. G & S: Organization of exhibitions and events for commercial or advertising purposes in the field of music; Business consulting, business management; providing business information in the field of music; Business advisory and consultancy services relating to export, export services, export promotion information and services in the field of music; Market research services; Analysis of market research data and statistics; Providing business advice and information in the field of music; Public relations

IC 041. US 100 101 107. G & S: Organization of exhibitions for musical entertainment; Entertainment services in the field of music, namely, conducting live performances featuring music; Organization of cultural shows; Conducting entertainment exhibitions in the nature of music festivals, music conventions, conferences, lectures, and presentations in the field of music; Providing educational demonstrations in the field of music; Organizing music festivals for cultural or entertainment purposes; Educational services, namely, conducting classes, seminars, conferences, workshops in the field of music; Entertainment services in the nature of live musical performances; Entertainment services in the nature of recording, production and post-production services in the field of music; Music production services; Publication of musical texts

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.01.21 - Circles that are totally or partially shaded.

Serial Number 86702234

Filing Date July 23, 2015

Current Basis 44E

Original Filing Basis 44E

Published for March 22, 2016

Opposition Registration 4972123

Number

Registration Date June 7, 2016

Owner (REGISTRANT) Sound Diplomacy Ltd. limited company (Ltd.) UNITED KINGDOM 45-46 Charlotte Road London EC2A 3PD UNITED KINGDOM

Attorney of Record Lawrence E. Abelman

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUND" APART FROM THE MARK AS SHOWN

Description of Mark The color(s) light blue and white is/are claimed as a feature of the mark. The mark consists of the wording "SOUND DIPLOMACY" in white on a light blue circular background.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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United States of America
United States Patent and Trademark Office

Sound Shine

Reg. No. 4,959,481

Registered May 17, 2016

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

INMUSIC BRANDS, INC. (RHODE ISLAND CORPORATION)
200 SCENIC VIEW DRIVE
CUMBERLAND, RI 02864

FOR: COMPUTER SOFTWARE FOR CONTROLLING THE OPERATION AND DIMMING OF LIGHT BULBS; ELECTRIC AUDIO PLAYBACK UNITS WITH LIGHTS AND SPEAKERS; LOUD SPEAKERS AND WIRELESS INDOOR AND OUTDOOR SPEAKERS, THE FOREGOING ALSO INCORPORATING LED LIGHT BULBS OR LIGHT BULBS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-6-2015; IN COMMERCE 3-31-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUND", APART FROM THE MARK AS SHOWN.

SER. NO. 86-741,151, FILED 8-28-2015.

KATHLEEN M. VANSTON, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

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See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

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Sound Shine

Word Mark SOUND SHINE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software for controlling the operation and dimming of light bulbs; Electric audio playback units with lights and speakers; Loud speakers and wireless indoor and outdoor speakers, the foregoing also incorporating LED light bulbs or light bulbs. FIRST USE: 20150106. FIRST USE IN COMMERCE: 20150331

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86741151

Filing Date August 28, 2015

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 1, 2016

Registration Number 4959481

Registration Date May 17, 2016

Owner (REGISTRANT) inMusic Brands, Inc. CORPORATION RHODE ISLAND 200 Scenic View Drive Cumberland RHODE ISLAND 02864

Attorney of

Record Byron L McMasters

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUND" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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United States of America
United States Patent and Trademark Office

SOUNDSHIFT

Reg. No. 4,943,007

Registered Apr. 19, 2016

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED (DELAWARE CORPORATION)
8500 BALBOA BLVD.
NORTHRIDGE, CA 91329

FOR: COMPUTER HARDWARE AND SOFTWARE WHICH ALLOWS PRIORITIZATION OF
AUDIO SOURCES BETWEEN MULTIPLE DEVICES BEING USED SIMULTANEOUSLY ,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-1-2015; IN COMMERCE 10-1-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-747,469, FILED 9-3-2015.

JAMES GRIFFIN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

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See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

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SOUNDSHIFT

Word Mark **SOUNDSHIFT**

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer hardware and software which allows prioritization of audio sources between multiple devices being used simultaneously. FIRST USE: 20151001. FIRST USE IN COMMERCE: 20151001

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86747469

Filing Date September 3, 2015

Current Basis 1A

Original Filing Basis 1B

Published for Opposition December 1, 2015

Registration Number 4943007

Registration Date April 19, 2016

Owner (REGISTRANT) Harman International Industries, Incorporated CORPORATION DELAWARE 8500 Balboa Blvd. Northridge CALIFORNIA 91329

Attorney of Record Beverly Shin, Attorney of Record

Type of Mark TRADEMARK

Register PRINCIPAL
Live/Dead Indicator LIVE

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United States of America
United States Patent and Trademark Office

SoundShaker

Reg. No. 4,903,151

Registered Feb. 16, 2016

Int. Cl.: 9

TRADEMARK

SUPPLEMENTAL REGISTER

EUROTEC SEATING, INC. (CALIFORNIA CORPORATION)
1000 SOUTH EUCLID STREET
LA HABRA, CA 90631

FOR: AUDIO SIGNAL PROCESSORS FOR PROCESSING A LOW FREQUENCY BASS RECEIVER OUTPUT INTO A SIGNAL SUITABLE FOR DRIVING A MOTION TRANSDUCER TO BE USED IN CONJUNCTION WITH HOME THEATER SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-2-2015; IN COMMERCE 4-2-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-695,475, FILED PR. 7-16-2015; AM. S.R. 11-3-2015.

ALISON KEELEY, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
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Grace Period Filings*

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SoundShaker

Word Mark **SOUNDSHAKER**

Goods and Services IC 009. US 021 023 026 036 038. G & S: Audio signal processors for processing a low frequency bass receiver output into a signal suitable for driving a motion transducer to be used in conjunction with home theater systems. FIRST USE: 20150402. FIRST USE IN COMMERCE: 20150402

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86695475

Filing Date July 16, 2015

Current Basis 1A

Original Filing Basis 1A

Date Amended to Current Register November 3, 2015

Registration Number 4903151

Registration Date February 16, 2016

Owner (REGISTRANT) Eurotec Seating, Inc. CORPORATION CALIFORNIA 1000 South Euclid Street La Habra CALIFORNIA 90631

Attorney of Record Kenneth L. Green

Type of Mark TRADEMARK

Register SUPPLEMENTAL

**Live/Dead
Indicator** LIVE

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United States of America
United States Patent and Trademark Office

SOUND GUARD

Reg. No. 4,887,804

Registered Jan. 19, 2016

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

ACCESS: SUPPORTS FOR LIVING INC. (NEW YORK CORPORATION)
15 FORTUNE ROAD WEST
MIDDLETOWN, NY 10941

FOR: EAR PLUGS FOR MEDICAL PURPOSES; EAR PLUGS FOR NONMEDICAL PURPOSES,
NAMELY, EAR PLUGS FOR NOISE REDUCTION, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-30-1998; IN COMMERCE 10-30-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUND", APART FROM THE
MARK AS SHOWN.

SER. NO. 86-445,501, FILED 11-5-2014.

DAVID TAYLOR, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
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**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
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Requirements in the First Ten Years*
What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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SOUND GUARD

Word Mark **SOUND GUARD**

Goods and Services IC 010. US 026 039 044. G & S: EAR PLUGS FOR MEDICAL PURPOSES; EAR PLUGS FOR NON MEDICAL PURPOSES, NAMELY, EAR PLUGS FOR NOISE REDUCTION. FIRST USE: 19981030. FIRST USE IN COMMERCE: 19981030

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86445501

Filing Date November 5, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition November 3, 2015

Registration Number 4887804

Registration Date January 19, 2016

Owner (REGISTRANT) ACCESS: SUPPORTS FOR LIVING INC. CORPORATION NEW YORK 15 FORTUNE ROAD WEST MIDDLETOWN NEW YORK 10941

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Meaghan E Doyle

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUND" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office



Reg. No. 4,576,164

Registered July 29, 2014

Int. Cls.: 35, 41, 42, and 44

SERVICE MARK

PRINCIPAL REGISTER

SOUND INPATIENT PHYSICIANS, INC. (DELAWARE CORPORATION)
1123 PACIFIC AVENUE
TACOMA, WA 98402

FOR: MEDICAL PRACTICE MANAGEMENT AND ADMINISTRATION, NAMELY, BUSINESS ADMINISTRATION AND MANAGEMENT FOR MEDICAL PRACTICES; ADVERTISING AND MARKETING SERVICES; CONSUMER AND EMPLOYEE SURVEY SERVICES; HUMAN RESOURCES MANAGEMENT; OPERATION OF TELEPHONE CALL CENTER FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-17-2009; IN COMMERCE 11-17-2009.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, WORKSHOPS IN THE FIELDS OF MEDICAL PRACTICE MANAGEMENT AND ADMINISTRATION AND IN-PATIENT MEDICINE AND DISTRIBUTION OF COURSE MATERIAL IN CONNECTION THEREWITH, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-17-2009; IN COMMERCE 11-17-2009.

FOR: PROVIDING TEMPORARY USE OF ONLINE, NON-DOWNLOADABLE SOFTWARE FOR MEDICAL PRACTICE MANAGEMENT AND ADMINISTRATION; PROVIDING TEMPORARY USE OF ONLINE, NON-DOWNLOADABLE SOFTWARE FOR COLLECTING, ORGANIZING, AND ANALYZING INFORMATION IN THE FIELD OF MEDICAL SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-17-2009; IN COMMERCE 11-17-2009.

FOR: MEDICAL SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 11-17-2009; IN COMMERCE 11-17-2009.

OWNER OF U.S. REG. NOS. 3,523,270 AND 3,523,272.



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PHYSICIANS", APART FROM THE MARK AS SHOWN.

Reg. No. 4,576,164 THE MARK CONSISTS OF THE DESIGN OF THE SUN OVER THE WORDS "SOUND
PHYSICIANS".

SN 85-170,723, FILED 11-5-2010.

VERNA BETH RIRIE, EXAMINING ATTORNEY

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Requirements in the First Ten Years*

What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

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NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



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Word Mark SOUND PHYSICIANS

Goods and Services IC 035. US 100 101 102. G & S: Medical practice management and administration, namely, business administration and management for medical practices; advertising and marketing services; consumer and employee survey services; human resources management; operation of telephone call center for others. FIRST USE: 20091117. FIRST USE IN COMMERCE: 20091117

IC 041. US 100 101 107. G & S: Educational services, namely, conducting classes, seminars, workshops in the fields of medical practice management and administration and in-patient medicine and distribution of course material in connection therewith. FIRST USE: 20091117. FIRST USE IN COMMERCE: 20091117

IC 042. US 100 101. G & S: Providing temporary use of online, non-downloadable software for medical practice management and administration; providing temporary use of online, non-downloadable software for collecting, organizing, and analyzing information in the field of medical services. FIRST USE: 20091117. FIRST USE IN COMMERCE: 20091117

IC 044. US 100 101. G & S: Medical services. FIRST USE: 20091117. FIRST USE IN COMMERCE: 20091117

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise

26.11.21 - Rectangles that are completely or partially shaded

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Serial Number 85170723

Filing Date November 5, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition April 5, 2011
Registration Number 4576164
Registration Date July 29, 2014
Owner (REGISTRANT) Sound Inpatient Physicians, Inc. CORPORATION DELAWARE 1123 Pacific Avenue Tacoma WASHINGTON 98402
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Jason S. Howell
Prior Registrations 3523270;3523272
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PHYSICIANS" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the design of the sun over the words "SOUND PHYSICIANS".
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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About Us

Acute episode of care – the way it should be™

We are dedicated to supporting our hospitalist and post-acute physicians in providing the very best quality care by partnering seamlessly with our partners. Physician founded, led, and managed, Sound Physicians has more than 1,800 hospitalist and post-acute physicians providing patient care to more than 180 hospitals and a growing number of post-acute care centers in 35 states across the U.S.

Physicians are at the heart of Sound Physicians' success.

We recruit and retain the best doctors by creating a better career opportunity. Sound Physicians supports our physicians through manageable encounters, flexible schedules, and technology-driven processes that are designed by physicians to work for physicians. Through the *SoundInstitute*, we promote ongoing educational, professional and career development.

Sound Physicians' first priority is improving overall satisfaction.

By integrating Sound Physicians' proprietary core processes into each hospital site, we align with our partners to improve patient care, optimize clinical workflow, measurably increase efficiencies, and drive positive financial results. We use the real-time metrics from our communications and technology platform to continually track and evaluate our performance, report tangible results to our hospital partners, and provide targeted training to improve delivery of our services, all of which results in lower costs per case, shorter hospital stays, reduced readmissions, and better patient outcomes.

Hospital medicine is the fastest growing medical specialty in America with more than 30,000 hospitalist physicians practicing in more than fifty percent of hospitals today. Sound Physicians is committed to changing the face of patient medicine by driving improvements in quality while addressing the clinical, administrative, and fiscal challenges facing our nation's healthcare delivery system in acute-care and skilled nursing facilities.

Our History

Sound Physicians was founded in 2001 by Robert Bessler, M.D. In clinical practice, Dr. Bessler saw first-hand significant unmet needs in reducing inefficiencies that faced the hospital's approach to managing patient care. As a result, Bessler developed various clinical process methodologies, a proprietary physician training program and customized technology solutions, evaluating each in clinical practice. He worked closely with hospital administration and found that the approach provided objective methods to manage patient care that resulted in measurable improvements in quality, efficiency and financial performance. Since Sound Physicians established its first hospital partner relationship the organization grew through referrals from hospital administrators and hospitalist physicians.

Read about [Sound Physicians' leadership team](#).

Quackery: How Should It Be Defined?

 www.quackwatch.com/01QuackeryRelatedTopics/quackdef.html

Stephen Barrett, M.D.

"Quackery" derives from the word *quacksalver* (someone who boasts about his salves). Dictionaries define *quack* as "a pretender to medical skill; a charlatan" and "one who talks pretentiously without sound knowledge of the subject discussed." These definitions suggest that the promotion of quackery involves deliberate deception, but many promoters sincerely believe in what they are doing. The FDA defines health fraud as "the promotion, for profit, of a medical remedy known to be false or unproven." This also can cause confusion because in ordinary usage—and in the courts—the word "fraud" connotes deliberate deception. Quackery's paramount characteristic is promotion ("Quacks quack!") rather than fraud, greed, or misinformation.

Quackery is not a label automatically applied to methods that are labeled "natural," or "alternative," or "nonstandard." Judgments about individual methods should be based on whether or not there is scientific evidence of effectiveness.

Most people think of quackery as promoted by charlatans who deliberately exploit their victims. Actually, most promoters are unwitting victims who share misinformation and personal experiences with others. Distributors who market the health-related products of multilevel companies typically have been persuaded by friends, relatives, and neighbors who believe the products are effective. Pharmacists also profit from the sale of nutrition supplements that few customers need. In most cases, pharmacists do not champion the products but simply profit from the misleading promotions of others. Much quackery is involved in telling people something is bad for them (such as food additives) and selling a substitute (such as "organic" or "natural" food). Quackery is also involved in misleading advertising of dietary supplements, homeopathic products, herbs, and some nonprescription drugs. In many such instances no individual "quack" is involved—just deception by manufacturers and their advertising agencies.

Quackery is not an all-or-nothing phenomenon. A practitioner may be scientific in many respects and only minimally involved in unscientific practices. Also, products and procedures can be useful for some purposes but worthless for others. For example:

- Vitamin B12 shots are lifesaving in cases of pernicious anemia, but giving them frequently to "pep you up" is a sign of poor judgment, greed, or both.
- Spinal manipulation may be effective for relief of appropriately selected cases of low back pain, but manipulation to correct chiropractic's imaginary "[subluxations](#)" is quackery.

Quackery and poor medical care overlap but are not identical. Quackery entails the use of methods that are not scientifically accepted. Malpractice involves failure by a health professional to meet accepted standards of diagnosis and treatment. It includes situations in which the practitioner was negligent while using standard methods of care. Leaving a surgical instrument in a patient's abdomen or operating on the wrong part of the body are examples of malpractice unrelated to quackery.

Quackery can be broadly defined as "anything involving overpromotion in the field of health." This definition would include questionable ideas as well as questionable products and services, regardless of the sincerity of their promoters. In line with this definition, the word "fraud" would be reserved only for situations in which deliberate deception is involved.

Unproven methods are not necessarily quackery. Those consistent with established scientific concepts may be considered experimental. Legitimate researchers and practitioners do not promote unproven procedures in the marketplace but engage in responsible, properly-designed studies. Methods not compatible with established scientific concepts should be classified as nonsensical or disproven rather than experimental. Methods that sound

scientific but are nonsensical can also be classified as pseudoscientific.

Folk medicine, even when known to be erroneous, is not generally considered quackery so long as it is not done for gain. Thus, self-treatment, family home treatment, neighborly medical advice, and the noncommercial activities of folk healers should not be labeled as quackery. However, folk medicine and quackery are closely connected because folk medicine often provides a basis for commercial exploitation. For example, herbs long gathered for personal use have been packaged and promoted by modern entrepreneurs, and practitioners who once served their neighbors voluntarily or for gratuities may market themselves outside their traditional communities.

All things considered, I find it most useful to define quackery as *the promotion of unsubstantiated methods that lack a scientifically plausible rationale*. Promotion usually involves a profit motive. Unsubstantiated means either unproven or disproven. Implausible means that it either clashes with well-established facts or makes so little sense that it is not worth testing.

This article was revised on January 17, 2009.

³quack *noun* \ˈkwak\

plural -s

1 : a pretender to medical skill : medical charlatan : ignorant or dishonest practitioner

<one of the most notorious cancer-cure *quacks* of the day — *Journal of the American Medical Association*>

2 : one who professes skill or knowledge in any matter of which he knows little or nothing :

[CHARLATAN](#)

<a *quack*, both as scientist and as historian — G. W. Johnson>

<to distinguish between the expert and the *quack* — Walter Moberly>

Origin of QUACK

short for *quacksalver*

First Known Use: 1638 (sense 2)

Pronunciation Symbols

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