

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM395788

SUBMISSION TYPE:	RESUBMISSION
NATURE OF CONVEYANCE:	Correction by Declaration for Reel/Frame#5282/0745
RESUBMIT DOCUMENT ID:	900374960

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Brain Balance Music, Inc.		08/19/2016	Corporation:

RECEIVING PARTY DATA

Name:	Brain Balance Music, Inc.
Street Address:	114 Pershing Rd.
City:	Asheville
State/Country:	NORTH CAROLINA
Postal Code:	28805
Entity Type:	Corporation: NEW YORK

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Serial Number:	76459671	BRAIN BALANCE MUSIC

CORRESPONDENCE DATA**Fax Number:**

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: 828-505-8582
Email: lisa@brainbalancemusic.com
Correspondent Name: Lisa Erhard
Address Line 1: 114 Pershing Rd.
Address Line 4: Asheville, NORTH CAROLINA 28805

NAME OF SUBMITTER:	Lisa Erhard
SIGNATURE:	/LisaErhard/
DATE SIGNED:	08/19/2016

Total Attachments: 4

source=Brain Balance Music affidavit for trademark office #page1.tif
source=Brain Balance Music affidavit for trademark office #page2.tif
source=Brain Balance Music affidavit for trademark office #page3.tif
source=Brain Balance Music affidavit for trademark office #page4.tif

August 16, 2016

To the United States Patent and Trademark Office

From: Lisa Erhard

email: lisa@brainbalancemusic.com

Declaration / Affidavit

re: Correction by Declaration

of incorrect recording

for Trademark "Brain Balance Music"

Registration #2794125

**Request to assign full interest of the Brain Balance Music trademark
to Brain Balance Music, Inc.**

Assignment: 1

Reel/Frame

3484/0233

Assignment: 2

Reel/Frame

3930/0364

Assignment: 3

Reel/Frame

5268/0230

Assignment: 4

Reel/Frame

5268/0230

Assignment: 5

Reel/Frame

5282/0745

Recorded: 05/19/2014

Hello Trademark Office,

**I am referencing 5 recorded assignments and one that does not show up on
your assignment page regarding a change of ownership recorded on June
28.2014 for the above referenced registration.**

**Originally my business partner Dr. Melillo and I formed the corporate entity i-
Wave, Inc. in 2002, which we both shared ownership in as 50-50 parters. In
2003 we received the trademark registration 2794125 "Brain Balance
Music" .**

**TRADEMARK
REEL: 005859 FRAME: 0196**

In 2007 -Reel and Frame#3484/0233 my business partner, without my knowledge or consent took the trademark out of our corporation and assigned full interest to his corporate entity Brain Balance, Inc.

In 2008 I learned about is doing this and hired an attorney to write a letter to demand he return the mark back to i-Wave, Inc. He refused to do so but said he was willing to transfer only 50% back.

This led me to form my own corporation SoundArts, Inc., strictly for the purpose of protecting the 50% he was willing to transfer to me instead of his transferring it to the corporation we shared, since I no longer trusted at that point he wouldn't attempt to transfer that 50% back to his corporate entity Brain Balance Inc. at some point.

This leads us to Assignment #2:

Reel/Frame:

3930/0364

Recorded: 01/23/2009

In 2009 we ended up forming the corporation Brain Balance Music, Inc. and shared that as 50-50 partners in place of i-Wave, Inc.

In 2014 my business partner only pretended to agree to transfer his 50% interest of the mark from Brain Balance Inc. to Brain Balance Music, Inc., and I agreed in turn to transfer my 50% interest of the mark from SoundArts Inc. to Brain Balance Music, Inc.

Assignment # 4 details his fraudulent bogus assignment. As you can see it says that the assignor and the assignee are the same company Brain Balance Music, Inc. If he had done this correctly he would have stated the assignor as Brain Balance, Inc (his company that held the 50% of the mark).

Reel/Frame:

5268/0230

Recorded: 04/25/2014

Conveyance:

THE SIGNER ASSIGNS 50% INTEREST

Assignor:

BRAIN BALANCE MUSIC INC.

When you look further into the documents submitted with assignment #4 you'll see a bogus statement that doesn't have his actual signature (only a typed signature) and doesn't state that he's assigning the mark from Brain Balance, Inc. This allowed him to keep his 50% in Brain Balance, Inc.

Unfortunately I took him at his word when he said he completed the assignment of his 50% from Brain Balance Inc. to Brain Balance Music, Inc. and I didn't read the assignment page correctly to see what he actually pulled off. And as well I was never alerted about this bogus assignment.

Assignment 5 shows my assignment of my 50% of the mark over to Brain Balance Music, Inc. from my company SoundArts, Inc. As you can see my filing was done properly and truthfully:

Assignment: 5

Reel/Frame:

5282/0745

Recorded: 05/19/2014

Conveyance:

THE SIGNER ASSIGNS 50% INTEREST

Assignor:

SOUND ARTS, INC.

In June 2014 my business partner renewed the registration of "Brain Balance Music" and at the same time transferred out the 50% interest in the mark that I had put in (assignment 5) and listed SoundArts, Inc. and Brain Balance Inc. as the owners, although no assignment record on your site shows that. That would be Assignment #6, which doesn't exist at this time. So he never filed the assignment. He just was able to, during the registration renewal process change the ownership and thereby take the mark completely out of Brain Balance Music, Inc.

Again, I had no knowledge of his doing this and never consented to it or signed anything agreeing to the change in ownership. In addition to this my address for contact purposes was now substituted with his lawyer's address, thereby taking away my ability to be contacted or informed about the trademark. This allowed him to manipulate the ownership of the trademark in a way that he expected I would never find out about.

In July 2016 Melillo dissolved his corporation Brain Balance Inc., which only leads me to believe that the interest he took out is really sitting in Brain Balance Holdings, Inc. The address that he listed on the form for change of owners is not his address for Brain Balance Inc. Instead it is the California address for another company Brain Balance Holdings, Inc. So his filing of his information with your office does not show his company Brain Balance, Inc.'s correct address.

What I am asking you to do now is to return the mark fully to Brain Balance Music, Inc., where it belongs and should never have been taken out of .

Please correct the current assignment of "Brain Balance Music" to reflect 100% assignment back over to Brain Balance Music, Inc. As the the sole owner of SoundArts, Inc., I give my full permission for you to transfer the 50% of the "Brain Balance Music" trademark that's now assigned (by Melillo) to my corporation back over to Brain Balance Music, Inc.

Please send any email responses to me at lisa@brainbalancemusic.com and any other communications concerning this mark.

Thank you for your anticipated and timely cooperation.



Lisa Erhard/ Signature

LISA ERHARD

Lisa Erhard/ Printed

Buncombe County, North Carolina

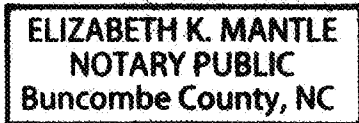
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

LISA Erhard

Name(s) of principal(s)

Date: 8/16/2016

(Official Seal)



Elizabeth K Mantle

Official Signature of Notary

Elizabeth K. Mantle, Notary Public

Notary's printed or typed name

My commission expires: 02/27/2021

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