

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM621925

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	CORRECTION BY DECLARATION FOR REEL/FRAME#5268/0230		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Brain Balance, Inc.		01/22/2021	Corporation: NEW YORK
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Brain Balance Music, Inc.		
<b>Street Address:</b>	958 BOWLING GREEN DRIVE		
<b>City:</b>	WESTBURY		
<b>State/Country:</b>	NEW YORK		
<b>Postal Code:</b>	11590		
<b>Entity Type:</b>	Corporation: NEW YORK		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	2794125	BRAIN BALANCE MUSIC	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	8655234478		
<i>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.</i>			
<b>Phone:</b>	865-546-4305		
<b>Email:</b>	mbradford@luedeka.com		
<b>Correspondent Name:</b>	Michael J Bradford		
<b>Address Line 1:</b>	P.O. Box 1871		
<b>Address Line 4:</b>	Knoxville, TENNESSEE 37901		
<b>ATTORNEY DOCKET NUMBER:</b>	74479.m1		
<b>NAME OF SUBMITTER:</b>	Michael J. Bradford		
<b>SIGNATURE:</b>	s/Michael J. Bradford/		
<b>DATE SIGNED:</b>	01/23/2021		
<b>Total Attachments: 16</b>			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Trademark Serial No.: 76459671  
Filing Date: Oct. 21, 2002  
Mark: BRAIN BALANCE MUSIC

DECLARATION OF LISA ERHARD

Mail Stop Assignment Recordation Branch  
Director of the US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Lisa Erhard, declare:

1. I am over 21 years of age and I am a citizen of the United States. I am Co-President of Brain Balance Music, Inc. I provide this declaration in support of the corrected cover sheet filed herewith with the Assignment Services Division because an earlier assignment of US Trademark Ser. No. 76459671 was improper and corrective action is required.
2. Brain Balance Music, Inc is the correct owner of the entire US Trademark Ser. No. 76459671 composed of the word mark BRAIN BALANCE MUSIC.
3. Following a series of assignments, effective and ineffective, current ownership reflected on the record is: 50% ownership with Brain Balance, Inc, and 50% ownership with Brain Balance Music, Inc.
4. A summary of the intended chain of title of US Trademark Ser. No. 76459671 is as follows: from original registrant (i-Wave, Inc) to Brain Balance, Inc. (Reel/Frame 3484/0233); 50% interest from Brain Balance, Inc. to Sound Arts, Inc. (Reel/Frame 3930/0364); 50% interest from Brain Balance, Inc. to Brain Balance Music, Inc. (Deficient Assignment recorded at Reel/Frame 5268/0230 as Assignment 3 and Assignment 4 on Abstract of Title); 50% interest from Sound Arts, Inc. to Brain Balance Music, Inc. (Reel/Frame 7104/0155).
5. Assignment 3 and Assignment 4 (Reel/Frame 5268/0230) list Brain Balance Music, Inc. as both assignor and assignee. This was in error.
6. Robert J Melillo is listed as the correspondent for Assignment 3 and 4 (Reel/Frame 5268/0230).
7. Robert J Melillo is the Chief Executive Officer and Owner of Brain Balance, Inc., and was at the time of Assignment 3 as shown by attached business data.
8. At the time of Assignment 3 (Reel/Frame 5268/0230), Brain Balance, Inc owned 50% of US Trademark Ser. No. 76459671 (Reflected in Assignment 2, Reel/Frame 3930/0364).

9. As CEO and Owner of Brain Balance, Inc. Robert J Melillo had the authority and power to transfer the interest of Brain Balance in Trademark Ser. No. 76459671 to Brain Balance Music, Inc. 37 C.F.R. §3.73(b)(2)(ii) (pre-AIA); TMEP 502.01.

10. Robert J Melillo did, in fact, transfer any interest he owned (via Brain Balance, Inc.) to Brain Balance Music, Inc. via Assignment 3 (Reel/Frame 5268/0230). The intent of that assignment was to transfer all of Brain Balance, Inc.'s rights in the trademark to Brain Balance Music, Inc. (Evidenced by emails and assignment attachments).

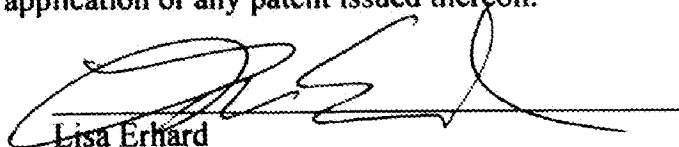
11. The PTO has previously accepted a signature of Robert J. Melillo as sufficient to assign an interest in Trademark Ser. No. 76459671 owned by Brain Balance, Inc. (Reel/Frame 3930/0364 – 3930/0366).

12. I recently requested, through attorneys, for Robert J. Melillo to provide an executed confirmatory assignment to confirm the assignment from Brain Balance, Inc. to Brain Balance Music, Inc. However, he has not complied with the request.

13. Accordingly, it is hereby requested that Assignment 3 and this declaration and supporting exhibits be acknowledged and recorded as an assignment of all of Brain Balance, Inc.'s rights in the BRAIN BALANCE MUSIC mark to Brain Balance Music, Inc.

14. I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: January 22, 2021



Lisa Erhard  
Co-President – Brain Balance Music, Inc.

# Deficient Assignment 3 and 4

**SCHEDULE A**

	<b>MARK</b>
	<b>BRAIN BALANCE MUSIC (U.S. Reg. No. 2794125)</b>