

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

In Re: Application No.: **97074252**

Applicant: **The American Radio Relay League, Inc.**

Mark: **THE NATIONAL ASSOCIATION FOR AMATEUR RADIO**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

**DECLARATION of ROBERT B. FAMIGLIO**

I, Robert B. Famiglio, Esquire, in support of The American Radio Relay League, Inc.'s response to the Trademark Office Action issued August 02, 2022 in the above registration, in support of the amendments made therein state as follows:

1. I am the Director of the Atlantic Division of The American Radio Relay League, Inc. (hereinafter "the ARRL"), a volunteer position with this nationally respected non-profit corporation. I am also currently responsible as a volunteer for assisting in and overseeing the rehabilitation and maintenance of the ARRL's trademark portfolio including the present application above referenced.
2. As Director of the Atlantic Division, I hold such elected office representing FCC-licensed radio amateurs who are members of the ARRL in the following sections: Northern New York, Western New York, Western Pennsylvania, Eastern Pennsylvania, Southern New Jersey, Maryland, District of Columbia, and Delaware. As a member of the board of directors, I am also familiar with the national proceedings and undertakings by the ARRL in the entire United States.
3. I am a registered attorney before the United States Patent and Trademark Office (USPTO Reg. No. 29,305) and also admitted to the bars of, and

maintain licenses to practice law in, the states of PA, NJ, FL and the District of Columbia as well as numerous Federal courts. I currently and regularly practice before the U.S. Trademark Office including the Trademark Trial and Appeal Board, all beginning 1979.

4. As an elected representative of the ARRL, now a member of its board of directors, a 56-year member of the ARRL and licensed by the FCC as a radio amateur continuously for such time, I can state with certainty the following assertions and facts in this Declaration.
5. The ARRL was founded on or about the year 1914 as a non-profit organization representing the interest of amateur radio operators in the United States, has operated continuously since that time and is by far and without question the largest membership association of FCC-licensed amateur radio operators and enthusiasts in the United States and in indeed, the world, having approximately 160,000 members.
6. The ARRL is the primary representative organization of amateur radio operators to the Federal government and its agencies such as FEMA, state and local governments and agencies and disaster response non-government organizations, such as the Red Cross and others. The ARRL is well known and respected among such agencies, particularly with respect to providing volunteer emergency communications as is amateur radio's mandate under 47 C.F.R. § 97.1 and participation in government proceedings for rule making affecting all amateur radio operators in the US.
7. The ARRL has applied for registration of its long-time mark THE NATIONAL ASSOCIATION FOR AMATEUR RADIO and the application is currently pending.
8. I have reviewed the pending Trademark Office action in which the examiner has refused registration of the mark under Section 2(e)1 as being merely descriptive.
9. In my opinion and in view of my 56 years of significant experience as a licensed radio amateur, THE NATIONAL ASSOCIATION FOR AMATEUR RADIO is a distinctive mark which, over the many years of use and because of the stature of the ARRL, is a mark which uniquely identifies the Applicant and is not purely a descriptor of the function of the ARRL.

- 10.** In my opinion, having 56 years of direct experience in the amateur radio community and activities as an FCC licensed radio amateur, being an ARRL member for such time as well and being a formally elected representative of members of the ARRL since at least as early as 2012, (being then the Eastern PA section manager of the Applicant and previously appointed to positions of management for many previous years), the only entity known and recognized as The National Association for Amateur Radio is the ARRL and only the ARRL, the Applicant in the present pending trademark application.
- 11.** Many of the various publications of the ARRL for at least the last twenty years or so have referenced the ARRL as “The National Association for Amateur Radio” in a non-generic manner. I have also personally observed this firsthand over the years by way of banners at formal and informal amateur radio gatherings in which the ARRL was invited to display their portfolio as The National Association for Amateur Radio and presented their credentials as such at national and local presentations and shows through printed publications, banners and brochures as well as the ARRL internet web sites.
- 12.** There has been no individual, legal entity or other organization known to me that has used or is referred to as The National Association for Amateur Radio in the United States, or to my knowledge, anywhere in the world.
- 13.** In my substantial experience, when someone references or mentions “The National Association for Amateur Radio,” it is clear from the context they invariably mean the ARRL and are not using the term generically or descriptively.
- 14.** I am also a long-time member of the Association of Public-Safety Communications Officials (APCO), the Institute of Electrical and Electronic Engineers (IEEE) and am also professionally engaged (separate and apart from my volunteer radio activities as an ARRL Official) in working with radio communications vendors and companies which I can attest all would respond if asked that “The National Association for Amateur Radio” is the ARRL as it is so well known as such.
- 15.** When any licensed amateur radio operator or government or non-government organization involved in communications is questioned about

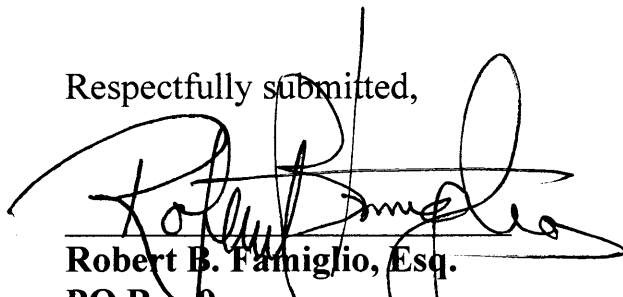
what is The National Association for Amateur Radio, invariably the answer is the ARRL, not some other group or entity. The secondary meaning of the Mark is strong and only points to the Applicant above.

**16.** I have undertaken research and consultation with the publication records and historical archives of the ARRL in concert with ARRL employees tasked with storing, researching, and archiving such books and records of the ARRL to obtain and document specific examples of the use of NATIONAL TRAFFIC SYSTEM in the manner and fashion presented in this Declaration.

**17.** I have collected illustrative documents, images and records as Exhibits from the archives of the ARRL to present in support of this Declaration and present it separately for clarity with a separate Declaration appended to that listing of such Exhibits to be included for the examiner's consideration in the response to which this Declaration is appended.

I provide this Declaration in good faith, from my own direct observations of the facts and knowledge of the details set forth above and after investigating the matter with a sincere belief that I am in command of the facts asserted herein and they are true and correct. I hereby acknowledge that any willful false statements made in this Declaration is punishable under 18 U.S.C. §1001 by fine or imprisonment, or both.

Respectfully submitted,



**Robert B. Famiglio, Esq.**  
**PO Box 9**  
**Media, PA 19063-0009**

*As Director of the Atlantic Division of  
The American Radio Relay League, Inc.*

**Dated: January 30, 2023**