**To:** Emerge Clinical Solutions, LLC (wquirk@rpsalaw.com)

Subject: U.S. TRADEMARK APPLICATION NO. 87396555 - CHARTRETRIEVAL - 81528.00036 - Request for

Reconsideration Denied - Return to TTAB

**Sent:** 9/5/2018 10:15:26 AM

Sent As: ECOM112@USPTO.GOV

**Attachments:** Attachment - 1

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# UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 87396555

MARK: \*87396555\*

CORRESPONDENT

ADDRESS: GENERAL TRADEMARK

DANIEL A ROGERS INFORMATION:

ROSENTHAL <a href="http://www.uspto.gov/trademarks/index.jsp">http://www.uspto.gov/trademarks/index.jsp</a>

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SAN ANTONIO, TX

78212

**APPLICANT:** Emerge Clinical Solutions, LLC

CORRESPONDENT'S REFERENCE/DOCKET

NO:

81528.00036

CORRESPONDENT E-MAIL ADDRESS:

wquirk@rpsalaw.com

#### REQUEST FOR RECONSIDERATION DENIED

#### **ISSUE/MAILING DATE: 9/5/2018**

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated January 29, 2018 are maintained and continue to be final: the Section 2(e)(1) refusal based on mere descriptiveness and the requirement for information. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

With respect to the Section 2(e)(1) refusal, the applicant's arguments have been considered and have been found unpersuasive. The applicant has applied for the mark CHARTRETRIEVAL for "Providing temporary use of on-line non-downloadable computer software for use in the field of medical care, for facilitating medical, clinical and diagnostic practices; providing temporary use of on-line non-downloadable computer software for managing and evaluating clinical information and for facilitating and enhancing clinical decision-making processes and patient care in general." A function of the applicant's software is chart retrieval or the retrieval of medical and health chart related to patient care. Terms that describe the function or purpose of a product or service may be merely descriptive. TMEP §1209.03(p); see, e.g., In re Hunter Fan Co., 78 USPQ2d 1474, 1477 (TTAB 2006) (holding ERGONOMIC merely descriptive of ceiling fans); In re Wallyball, Inc., 222 USPQ 87, 89 (TTAB 1984) (holding WALLYBALL merely descriptive of sports clothing and game equipment); In re Orleans Wines, Ltd., 196 USPQ 516, 517 (TTAB 1977) (holding BREADSPRED merely descriptive of jams and jellies). Applicant's software features the ability to retrieve medical charts as well as other medical and health related information. As demonstrated by the attached evidence, consumers are accustomed to chart

retrieval software functionality in medical software. Websites from Sansora Health, Apixio, Care Connect, Moxe, Change Healthcare, Ciox and others all refer to automating the retrieval of health information including patient charts. See attached excerpts from the examining attorney's search on the Internet. The term CHART RETRIEVAL is commonly used in the medical and health care industries. The examining attorney has provided ample evidence of the descriptive nature of the terms CHART and RETRIEVAL individually and taken as a whole. Contrary to the applicant's arguments, there is no ambiguity when the mark CHARTRETRIEVAL is encountered by consumers in relation to medical software. Based on the previously and presently attached evidence, consumers will immediately recognize that the applicant's mark refers to software that automates chart retrieval, specifically the retrieval of patient's electronic stored medical charts.

The few registrations submitted by the applicant are not persuasive, particularly where not one of the registrations presented by the applicant actually bear the term RETRIEVAL. The fact that third-party registrations exist for marks allegedly similar to applicant's mark is not conclusive on the issue of descriptiveness. *See In re Scholastic Testing Serv., Inc.*, 196 USPQ 517, 519 (TTAB 1977); TMEP §1209.03(a). An applied-for mark that is merely descriptive does not become registrable simply because other seemingly similar marks appear on the register. *In re Scholastic Testing Serv., Inc.*, 196 USPQ at 519; TMEP §1209.03(a).

It is well settled that each case must be decided on its own facts and the Trademark Trial and Appeal Board is not bound by prior decisions involving different records. *See In re Nett Designs, Inc.*, 236 F. 3d 1339, 1342, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001); *In re Datapipe, Inc.*, 111 USPQ2d 1330, 1336 (TTAB 2014); TMEP §1209.03(a). The question of whether a mark is merely descriptive is determined based on the evidence of record at the time each registration is sought. *In re theDot Commc'ns Network LLC*, 101 USPQ2d 1062, 1064 (TTAB 2011); TMEP §1209.03(a); *see In re Nett Designs, Inc.*, 236 F.3d at 1342, 57 USPQ2d at 1566.

However, third-party registrations featuring goods and/or services the same as or similar to applicant's goods and/or services are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on acquired distinctiveness, or registered on the Supplemental Register. *E.g., In re Morinaga Nyugyo Kabushiki Kaisha*, 120 USPQ2d 1738, 1745 (TTAB 2016) (quoting *Inst. Nat'l des Appellations D'Origine v. Vintners Int'l Co.*, 958 F.2d 1574, 1581-82, 22 USPQ2d 1190, 1196 (Fed. Cir. 1992)); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006). See previously attached registrations that include disclaimers of the term CHART and RETRIEVAL for similar or highly related goods and services.

Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement suits brought by the trademark or service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own goods and/or services to the public in advertising and marketing materials. *See In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001). Applicant's argument that "applicant's competitors are free to use 'chart' and 'retrieval' to describe their goods' acknowledges the descriptive nature of the wording. Applicant's argument that the combination of the terms creates a non-descriptive mark is unpersuasive in light of all of the evidence to the contrary. Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods and/or services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB (2002)); TMEP §1209.03(d); *see, e.g., Apollo Med. Extrusion Techs., Inc. v. Med. Extrusion Techs., Inc.*, 123 USPQ2d 1844, 1851 (TTAB 2017) (holding MEDICAL EXTRUSION TECHNOLOGIES merely descriptive of medical extrusion goods produced by employing medical extrusion technologies); *In re Cannon Safe, Inc.*, 116 USPQ2d 1348, 1351 (TTAB 2005) (holding THE BREATHABLE MATTRESS merely descriptive of beds, mattresses, box springs, and pillows).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's goods and/or services and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services. Specifically, CHARTRETRIEVAL refers to a computer software function that retrieves medical charts electronically. See *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002) (holding SMARTTOWER merely descriptive of "commercial and industrial cooling towers and accessories therefor, sold as a unit"); *In re Sun Microsystems, Inc.*, 59 USPQ2d 1084, 1087 (TTAB 2001) (holding AGENTBEANS merely descriptive of "computer software for use in the development and deployment of application programs on a global computer network"); *In re Putnam Publ'g Co.*, 39 USPQ2d 2021, 2022 (TTAB 1996) (holding FOOD & BEVERAGE ON-LINE merely descriptive of "a news and information service updated daily for the food processing industry, contained in a database"); *In re Copytele, Inc.*, 31 USPQ2d 1540, 1542 (TTAB 1994) (holding SCREEN FAX PHONE merely descriptive of "facsimile terminals employing electrophoretic displays").

As for the requirement for information, the applicant has provided third party advertising and briefly explained how the applicant's own services are related and/or differ. However, the applicant has failed to directly answer or respond to the specific inquiries presented in the requirement for information under section (3).

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the

appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

Meier, Sharon /Sharon A. Meier/ Trademark Attorney, LO 112 571-272-9195 - phone 571-273-9112 - fax sharon.meier1@uspto.gov



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#### Unleashing EHR integration.

Emissary Chart Retrieval powers swift integration with an EHR to flexibly pull medical records information – including both structured and unstructured data. It enables streamlined, automated and efficient workflow for labor-intensive administrative functions such as release of information, quality reporting and medical necessity reviews.

- · Retrieve comprehensive patient data in real-time
- · Pull structured and unstructured data directly from chart
- · Automate data mapping of system codes and configurations

#### **Medical records requests**

Millions of times every day, clinical and administrative teams spend countless hours pulling voluminous patient records. Why? Because today's process is outdated and manual, requiring data entry into multiple systems, printing, copying,

^

faxing and scanning. This results in incomplete records and reporting at a cost of millions of dollars every day. Copy. Print. Fax. Scan. Repeat. Using outdated technology and processes in a modern world will not advance healthcare. Ever.

We deliver a better way. By leveraging Emissary Chart Retrieval – you streamline patient chart requests by pulling structured and unstructured data directly *from* the EHR. Electronically. Seamlessly. Securely. Get (only) the data you need, when you need it – by integrating directly with an EHR.

#### Forgo the fax (and punt the printer)

Fax machines have disappeared across industries, except in healthcare. The archaic fax machine is outdated, inefficient, time consuming, error prone and expensive. Sansoro Health gives you a better way. Pairing your application with Emissary enables you to pull needed data and automate chart requests, making the possibilities limitless. By eliminating paper and reducing labor, you save time and money, deliver more accurately and create unparalleled value.

#### **Accelerate innovation**

Application programing interfaces (APIs) make it possible for big services like Google Maps or Amazon Echo to let other programs access limited information, easily and securely. Sansoro Health does the same for healthcare. By turning EHR systems into open platforms, Emissary enables secure sharing of information with your application – so you move to the front of the IT queue and deliver value swiftly.

#### **Emissary Solutions**

The Emissary software platform provides solutions across the administrative, clinical and analytics spectrum for health IT innovators. Emissary securely delivers robust data exchange with, reliable, agile and economical performance. These qualities animate our philosophy and are embedded in our products.

# Features of other Emissary platform solutions include:



# **Emissary advantage**



#### **Reduce costs**

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Journality

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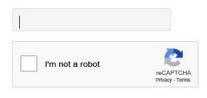
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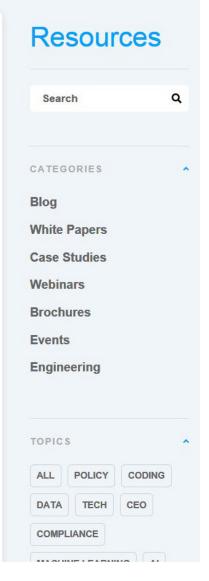
# How We Use Technology to Get Risk Adjustment Data Out of EHRs

This is the second in a 4-part series called Intro to Risk Adjustment Technology.

As we discussed in the first post in this series, traditional risk adjustment is incredibly manual. Coders will comb through thousands of pages of patient charts and look for documented chronic conditions. This process is time consuming and costly, not to mention that it doesn't make good use of a coder's expertise. A technology can remedy these challenges and provide a solution that can make risk adjustment more productive, accurate, efficient, transparent, and predictive.

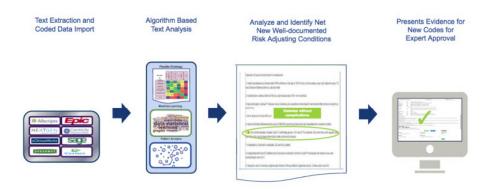
#### Cognitive computing is the technology solution that risk adjustment needs

Cognitive computing is a combination of technologies that enable a computer to learn from its experiences and improve its performance over time. It was popularized by IBM's Watson supercomputer, which famously used cognitive computing to win Jeopardy. Cognitive computing can serve an important need for risk adjustment: a cognitive computing platform can extract data from patient charts, read and analyze the data for potential HCC information, and then push potential HCCs in front of coders to accept or reject.



#### Data acquisition and processing is the initial component of cognitive computing

The first part of the technology platform, and the part we will discuss in this blog post, is data acquisition and processing. That sounds complicated, but it is just a fancy way of saying how the computer gets data out of an EHR and other file formats.



As you may know, documentation that supports risk adjustment comes in different formats. The two main types are EHR files, which give you electronic data, and scanned documents, which give you data in image form.

EHR text embedded in different templates, styles and in different clinical settings...



And a collection of scanned clinical encounters and administrative forms





AI

Part of the second

Why is getting data from these files so difficult? Well for one, it's important to do this in a secure and HIPAA-compliant way. So every person who touches the files has to go through HIPAA-training and the files have to be encrypted and decrypted several times throughout the process. Second, there are often different EHR systems across an organization, or different versions of the same EHR system, and they have to be reconciled. Lastly, scanned data isn't automatically readable by the computer. When the computer looks at a scanned document, instead of English text, all it sees is a series of images or symbols.

#### Acquiring Patient Data from EHRs is a challenge

Getting data out of EHR systems is a particular challenge because useful risk adjustment data is often in a different place in each system. We are looking for very specific data, face-to-face encounter data to be specific, and this is a tiny fraction of all the data an EHR has. It may be in one corner of the EHR platform in Allscripts, and another corner of it in Epic. It may be hidden several layers down in NextGen, and sitting right on the surface in GE Centricity. The stakes are high, as accurate risk adjustment depends on complete and correct data in order to accurately calculate risks.

The way we get data out of the EMR, is at once pretty complex and pretty simple. Basically, we write code that is instructions for the computer to give up the correct information. The instructions might say, "go to place x," "retrieve data that is structured like y" and "send it back to me." Just like any other resource, computers can do what they're told–but you need to speak to them in their language – machine code. The coded queries are able to find and return the face-to-face encounters, out of all the encounter data that is in the EHR, bypassing telemedicine encounters, home health service encounters, and others.

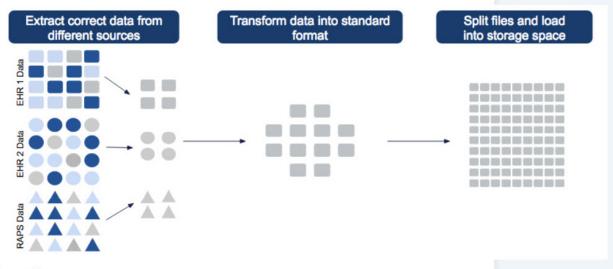
EHR-specific EHR database tool/query

Useful data



Of course, this process doesn't just happen once. Different code has to be written for each EHR, and for the RAPS data. And even after the data is retrieved from the EHR, it still doesn't play well together. If you think of it abstractly, the data is isolated but it still looks different. The next steps in making the data usable is transforming it into a standard format, and carving it up into smaller pieces, to separate by encounter and document type, for example.

This process is completely non-intrusive. You can run your inquiries whenever you want, or even after hours, to minimize disruption to patient care and normal operations.



#### A one-time process

The good thing is, after we do all this work once, we don't have to do it again. Unlike with manual risk adjustment, where you might have to retrieve charts from a physician office.

manual risk adjustment, where you might have to retrieve charts from a physician office every 6, 12, or 18 months, with technological risk adjustment you can use the existing data pipeline to repeatedly get data out of the provider EHR, without bothering them—as long as you have permission, of course.

And just like that, data acquisition is transformed from a time-consuming nuisance into a quick, secure and HIPAA-compliant process.

To learn more see parts I, III, and IV of this series.

Part I: Why Does Risk Adjustment Need Technology?

Part III: How We Use Machine Learning to Analyze Patient Data in Medical Records

Part IV: What Risk Adjustment Technology Means for Coders

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**FAQS** 

#### **FAQs**

#### **Frequently Asked Questions**

#### Who operates CareConnect?

CareConnect is a service operated by MultiCare Health System. The system has been used by MultiCare's affiliated physicians since the mid-1980's. Now thoroughly proven in practice and widely accepted, it was recognized that there was an opportunity to extend it to the broader f physician community. It is being offered under the banner CareConnect, with these goals:



To serve physicians throughout the region, regardless of affiliation



· To bring new efficiencies to medical practice



· To improve patient care

# Are there any plans to include other labs, imaging centers or hospitals in the

Yes, and some of those talks are already underway.

#### What are the advantages of using CareConnect?

CareConnect has advantages over paper charts, and over other electronic health record systems you might be considering.

· Freedom from the overhead of handling paper charts. Storing, retrieving and maintaining paper charts is a timely and costly problem for every practice. That includes not only the staff time required to deal with them, but also the costs of space to store them. Paper charts are especially troublesome for practices that have multiple locations, or a long history and large number of patients such that charts must be stored in a separate storage motory and large number of patients such that charts must be stored in a separate storage area.

- Faster information access for better patient care. Missing, misplaced or difficult-to-retrieve
  paper charts cause unnecessary delays, or recommendations based on incomplete
  information can compromise patient care. With an electronic health record system, all of a
  patient's demographic information, current medical status and health history is instantly
  available online.
- Improved efficiency for individual practices. CareConnect includes patient registration and scheduling, as well as billing functions that can speed the revenue cycle for your practice.
   As you enter orders, visit with the patient and close the chart, it steps you through the coding process, drops the charge and forward the billing information to your business office.
- Efficiencies of a region-wide system. Patient data is instantly available to other providers.
   This speeds patient care, ensures complete information and spares your staff from having to pull charts or make copies.
- Hundreds of thousands of patient records already online. Data on many patients, including
  demographics and results from MultiCare facilities, is already in the system. This can save
  much of the data entry involved in getting an EHR system up and running.
- Nationally recognized, locally focused. While CareConnect is locally hosted and focused
  on serving the local physician community, it uses a nationally recognized system Epic. In
  our opinion and that of many others, Epic is the premier electronic health record system
  available today.
- · Participate in web-based user group sessions with other location physicians.

#### Can patients access their own medical records?

Yes, if you wish. Many MultiCare Clinic physicians are currently allowing their patients access to their lab results and medical history through the MyChart online patient portal. Patients can also request appointments through this patient portal.

If you wish to give patients online access to their records, we can arrange for a patient portal linked through your own web site.

#### How do I migrate my data into the system?

We advocate a "going-forward" approach, rather than scanning in old records or hand-entering data that may never be used. Typically we suggest retaining the old paper records, and abstracting the data for active patients, typically patients scheduled for appointments. The most essential data is the demographic information, allergies, current medical issues and current

essential data is the demographic information, direigles, current medical issues and current medication list. Oftentimes, some of the patient data is already resident in the system, if a patient has had an encounter with a MultiCare facility.

#### What happens if I want to leave the system?

We can provide hard copies of the patient records, or devise a means to most efficiently output the data for import into another system.

#### What business-office functions are included?

CareConnect integrates Epic Systems' complete practice management system. it encompasses patient accounts and A/R management including patient statement production, electronic claims submission, electronic remits and insurance-eligibility checking. The system drops the charges for each patient encounter into a work queue for processing by your business office, resulting in more correctly-coded claims, reduced A/R days and a drop in denial rates.

#### What do I need to access the service?

CareConnect requires a Windows computer with an up-to-date browser, Internet access, and Citrix client software (available as a free download) for each exam room or workstation. A high speed data line connection is required. You will likely also require new printers and/or scanners.

Memory and processor requirements may vary based on other software used in conjunction with CareConnect, and we will provide our recommended specifications at the time we begin working with you.

We recommend putting standard security precautions in place including anti-spyware software, virus detection and a firewall. Our technical staff will advise you on security measures.

#### Contact

CareConnect EHR Senior Account Manager rhall@multicare.org

#### Resources

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CareConnect Upgrade Epic (Electronic Health Information Driven





# EHR Software - MU 3 Certified Electronic Health Records

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- Karla Ballew

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I would recommend talkEHR to any provider looking for a feature-rich, affordable EHR. - Cynthia Go

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# **Medical Record Retrieval & Clinical Review Solutions**

A one-stop solution for medical records retrieval, coding, and abstraction for healthcare payers that want to increase incremental revenue and quality ratings.

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# Promote Accuracy, High Retrieval Rates, and Transparency



Easing the medical records retrieval and clinical review process for risk adjustment, HEDIS, and Stars

Risk Adjustment (RA) and HEDIS ratings are a priority for payers, as these scores impact a plan's

attractiveness, NCQA certification, bonus payments, and rebate payments. Submission of accurate patient data is required for RA processes, HEDIS criteria and CMS payments.

Gathering medical records with minimal physician abrasion can be challenging. Scaling your coding and abstracting operations can also prove difficult, as coding guidelines continue to evolve. Data gaps can cause payers to lose money if providers do not sufficiently document patient information or possible diagnosis codes on claims.

To meet supplemental data guidelines, payers need high medical record retrieval rates and the necessary clinical expertise to code accurately.



#### Experience, clinical expertise, and economies of scale

Change Healthcare has over 20 years of experience in medical records retrieval and clinical review. We have both on-shore and off-shore operations centers that use data enhancement and cleansing technology to achieve high patient chart retrieval rates with minimal provider abrasion.

Our large capacity allows us to accommodate all our clients' needs, averaging 3 million charts per year. Our Medical Records Retrieval and Clinical Review teams only employ clinical experts to code and abstract charts that can result in 97% accuracy. Data can be delivered to any certified vendor for submission.

Our clients value our expert coders and rigorous quality processes, as well as the transparency we provide. With our secure Alert Portal, clients can view chart status and updates in real time.

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# High Retrieval Rates, Accuracy, and Compliance

#### Medical Record Retrieval

#### Scaled capacity

Coding & Abstraction

Accuracy

Increased Compliance

Retrieving a large quantity of high-quality data can be challenging. Our team of experts retrieves medical records in ways that are convenient for providers, using RSVP advance scheduling, fax and email campaigns, FTP, Dropbox™, EMR, and even clientrequested special handling rules to retrieve the data you need.

Our call capacity is 30,000 calls per day. We collect charts from ~250,000 providers in all 50 states.

#### Solutions We Provide

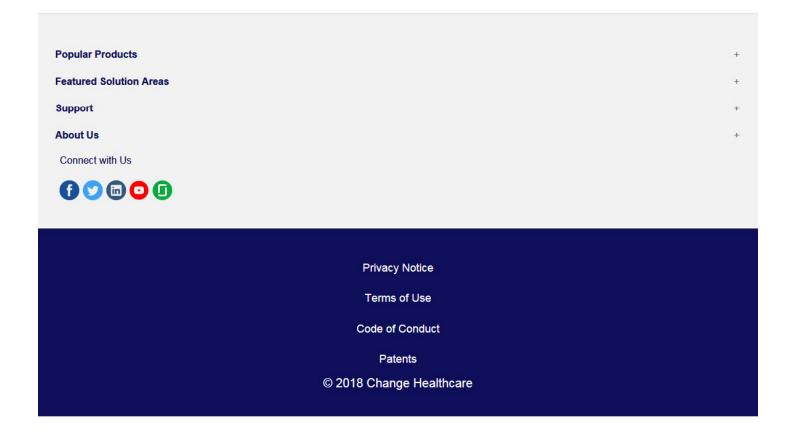
#### 3 Results

Alphabetical (A-Z)



# **Medical Record Retrieval** Medical Record Retrieval is the operational service for payers that need to retrieve medical records for risk adjustment and quality with scale and real-time transparency. Learn More

# Risk Adjustment Coding Risk Adjustment Coding is the clinical coding solution for payers that need accurate supporting data from member medical records to drive risk scores. Learn More



#### Skip to main content







# **Medical Record Retrieval**

Medical Record Retrieval is the operational service for payers that need to retrieve medical records for risk adjustment and quality with scale and real-time transparency.

**Contact Us** 

#### **Retrieve Medical Records**



Help achieve high medical record retrieval rates through a modern, technology-enabled call center with minimal physician abrasion.



Know the status of medical record retrievals in real-time with the self-service Alert Portal.



Maintain provider relationships with the flexibility to meet their special record delivery requirements.



Code and abstract charts through our clinical staff available in the US or abroad and integrate charts with Quality Performance Advisor for advanced analytics.

# Expertise, Scalability, Full Transparency for High Retrieval Rates



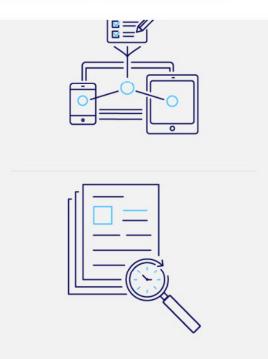
#### Scalable capacity

Ability to scale to your needs with medical retrieval offices in Georgia, Kentucky, and abroad. We have a network of 4,000 field reviewers and a call capacity of 30,000 calls per day.

# Minimize provider abrasion

- Designate and manage providers through our scheduling service and provide them with a documentation checklist.
- Meet provider requirements by accepting many retrieval options: secure drop box, onsite, fax/mail, remote EMR, and secure FTP. Our "special handling team" helps meet the needs of special physician requirements.



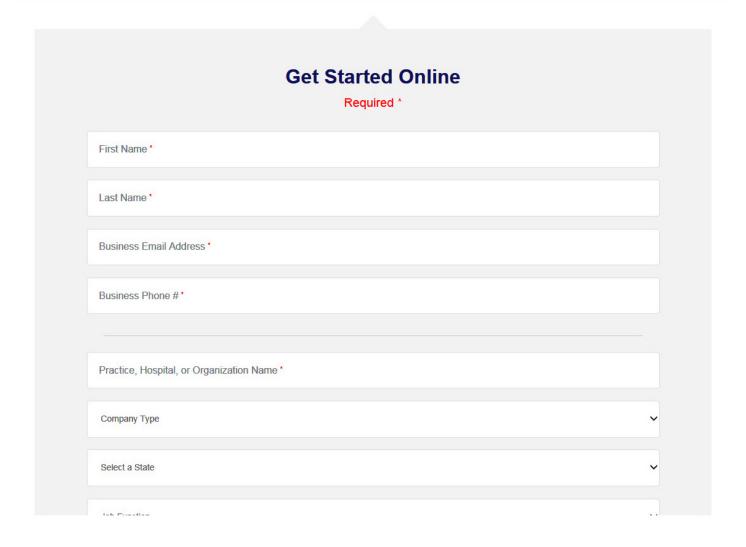


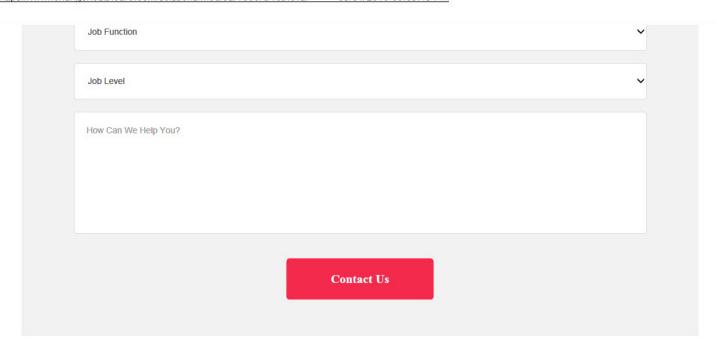
#### Real-time transparency

- > Stay up to date on the status of the retrieval of medical records through Alert, the client portal that shows the status of chart retrievals in real time.
- > Provides a dashboard, key sites, member view, pends by site, and other features to allow payers to manage the process and communicate internally.

# **Providing Measurable Value**

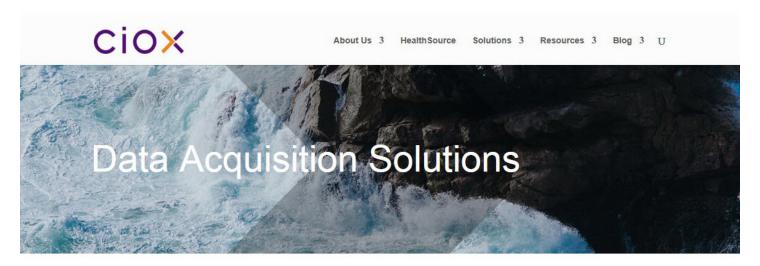
# Talk to Sales 1-866-817-3813





# Clinical Abstraction A medical record-driven reporting solution for payers that want to optimize management of quality-related data for HEDIS and Stars, collect and track medical records, and execute chart abstractions at various process levels. Learn More Medical Record Retrieval Medical Record Retrieval is the operational service for payers that need to retrieve medical records for risk adjustment and quality with scale and real-time

transparency. Learn More **Related Categories Payers Medical Network Solutions Popular Products Featured Solution Areas** Support **About Us** Connect with Us **Privacy Notice** Terms of Use **Code of Conduct Patents** © 2018 Change Healthcare



#### Reduce staff time and company resources for retrieving medical charts

#### No other company offers the same national level of provider access.

Eliminate provider abrasion, increase record retrieval yield, and provide optimal cost savings with Ciox chart retrieval services. We offer faster, more efficient retrieval by integrating with more than 75,000 hospital and provider locations.

Contact Us





00%







End-to-end solution for medical chart retrieval

Providing maximum efficiency as the only partner with both provider and requester relationships

# Years leveraging data to a more meaningful end

With 40 years in secure release of information, continuing to advance the exchange of medical information

#### Retention Rate

Among all Ciox health information management clients



40M

Reliable, committed network of service

Field technicians and specialists embedded with providers help you anticipate the challenge ahead Rigorous privacy and security standards

More than 40 million requests fulfilled annually with maximum security and HIPAA compliance

With six states, multiple regions and overlapping RACs, it's critically important that we are able to accurately track our audits including appeals, financial impact, and the root cause of our denials.

AudaPro is very efficient in centralizing the process — Prudence

AudaPro is very efficient in centralizing the process. – Prudence **Budemer – Director of Clinical Reimbursement** 

#### **Contact Ciox**

925 North Point Parkway Suite 350 Alpharetta, GA 30005 United States (800) 367-1500

#### **Helpful Links**

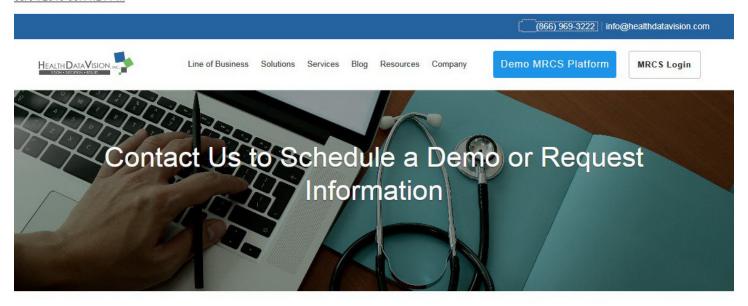
- Join Our Team
- Client Login
- Pay Invoice

#### From our blog

- How Payers Can Use NLP to
- Making Sure Protected Health Information Stays Protected
- Hurricane Season 2018 Are you prepared?

#### What is Ciox?

Ciox, a health technology company, Improve Risk Adjustment Coding is dedicated to improving U.S. health outcomes by transforming clinical data into actionable insights. With an unmatched network offering ubiquitous access, Ciox can release, acquire, enhance and deliver medical record and discrete clinical data from anywhere across the United States.



HDVI is disrupting the medical record retrieval & review (MRR) industry with the MRCS platform. We offer health plans providing Medicare Advantage, Medicaid and Commercial ACA lines of business with an enterprise-grade, Software-as-a-Service (SaaS) platform for Risk Adjustment, Quality Improvement, and Audit initiatives.

Web-based medical record workflow and analytics platform that was purpose-built for Quality Improvement / HEDIS and Risk Adjustment reporting.

Commande autiliantes madel: MDCC con















First name*	Last name*
Business Email	Address*

**Supports self-service model**: MRCS can be licensed for health plans that desire to utilize their own resources for retrieval, coding and abstracting.







**Supports full-service model**: MRCS is the platform we use for all of our MRR full services projects.

**Supports collaborative model**: MRCS offers in-house convenience with the flexibility to collaborate with our teams and share responsibility for projects.

Supports coordination and ingestion of medical records from multiple retrieval methods:

Fax, mail, field tech, electronic file transfer, and bulk uploads.

Verify/Delete+Add (V/D+A) workflow confirms, for Commercial Risk Adjustment plans, the quality of diagnosis codes in provider documentation submitted: 'verified' no issues, 'deleted' due to inadequate supporting documentation or 'added.'

**Medicare Advantage RADV Wizard** brings an unprecedented level of automation to the entire Risk Adjustment process. ords directly from an EMR into MRCS through the ubiquitous "print" function. SVP and RSVP deliver unparalleled efficiency by significantly reducing the cost and disruption associated with medical record retrieval, while also improving Provider relations.

**HEDIS MRRV Wizard** provides a streamlined method for performing a comprehensive final review of all the relevant charts.

Commercial IVA audit services are built around providing an end-to-end solution from health plan to SVA handoff, utilizing MRCS to accelerate execution of individual reviews.

Real-time analytics with full transparency for project progress, performance status, and comprehensive metrics.

Medical records and data always available for review or download.

olved in for ercial & IVA
?*
~
/ insurance do  Hi there!  Would you like to receive a free callback in 28 seconds?  YES

☐ Public Plan - Medicare Advantage

## Ask us about Secure Virtual Print (SVP) & Remote Secure Virtual Print (RSVP),

 $\Theta$ 

which enables the electronic transfer of medical records directly from an EMR into MRCS through the ubiquitous "print" function. SVP and RSVP deliver unparalleled efficiency by significantly reducing the cost and disruption associated with medical record retrieval, while also improving Provider relations.



#### LINE OF BUSINESS SOLUTIONS **COMPANY SERVICES** CONNECT MRCS SaaS Platform 425 West Broadway Medicare **HEDIS Hybrid** Blog Suite 100 Medicaid Medical Record Retrieval **HEDIS Supplemental** Industry Information Glendale, CA Commercial Secure Virtual Print (SVP) Risk Adjustment - Retrospective **MRCS Training** Risk Adjustment - Concurrent MRCS User Registration Hi there! IVA - Auditor MRCS Status Would you like to **RADV** receive a free callback Encounter-Based MR Coding Management Team in 28 seconds? **Professional Services** Request A Demo YES



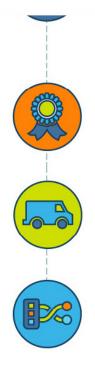
## Record Retrieval 2.0

Record Retrieval 2.0 is a concept that acknowledges that record retrieval is no longer simply a commoditized necessity of the underwriting and claims process, but that industry customers can and should expect more from their supplier. Record Retrieval 2.0 denotes a next generation approach to the workflow process that encompasses:



## Technology:

As more facilities replace their paper-based systems with Electronic Health Records, ReleasePoint provides a "many-to-one" file conversion and delivery process that actively encourages the transmission of EHR information to our



secure imaging servers. Documents of any and all types are converted to a single file based on customer format requirements.

## Quality Control:

ReleasePoint delivers a multi-layer QC process that assures our customers can use the documents we deliver - or they don't pay.

#### Distributed Processing:

Request processing moves seamlessly through our three production offices, in Los Angeles, St. Louis and Charlotte, providing redundancy, scalability and improved cycle time through reduced USPS distance.

## Interoperability:

ReleasePoint excels at complex system-to-system projects, whether it's through a temporary bridge to a legacy mainframe, or Web Services/XML integration with today's current technologies.

## Medical Record Retrieval for the Following Industries:



and Claims





Underwriting and Underwriting and







## Advantages

## Low Risk

## (1)

- % 40 years of Industry Experience
- % Employee-Based Workforce
- % Secure, Redundant, and Scalable Infrastructure

## High Value



- % Bundled Value
  Added Services
  with Real Impact
- % Integrated Provider

  Fee controls
- % Special Handling in California

## High Quality Standards



Multi-level Quality
Assurance Process
assures the
documents we
deliver can serve
their intended
purpose – or you
don't pay

## High Degree of Flexibility



% ReleasePoint
Adapts to YOUR
Processes &
Technology

## Cost/Performance Ratio



- % Fastest
  Turnaround at the
  Lowest Cost
- % Creative Cost-Control Methodology

Company

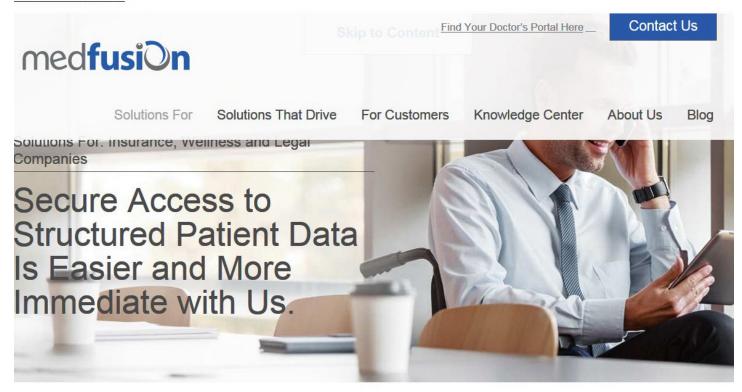
About Contact Us Solutions

Medical Record Retrieval

Clinical Analytics

Have Questions?

(800) 999-9589



Home > Solutions For > Insurance, Wellness and Legal Companies

# Retrieve Patient Medical Records with Medical Data APIs.

Medfusion APIs give developers and vendors tools to easily integrate with healthcare infrastructure & access patient data. Whether you're looking to power your wellness app or verify insurance eligibility, we've got your covered.



Our platform allows you to securely gather and organize medical record data across multiple providers and EMR systems. We take a patient-centered approach to accessing this data. End users connect to their patient portal and our APIs import the data.

At a fraction of the time and cost of traditional record retrieval, Medfusion APIs securely deliver structured data directly to your software or system. Data retrieval goes from months or weeks to minutes or seconds—the speed of business.

These are the same APIs that power the <u>Medfusion Plus</u> consumer app, currently available to health systems and enterprises.

than 15% of the cost of an APS, in a fraction of the time, by retrieving directly from EMR/EHR portals.

Read More

Medfusion EMR Integrated Solutions Retrieve and Consolidate Medical Records in Minutes.

Without Medfusion APIs: 5-10+ Weeks



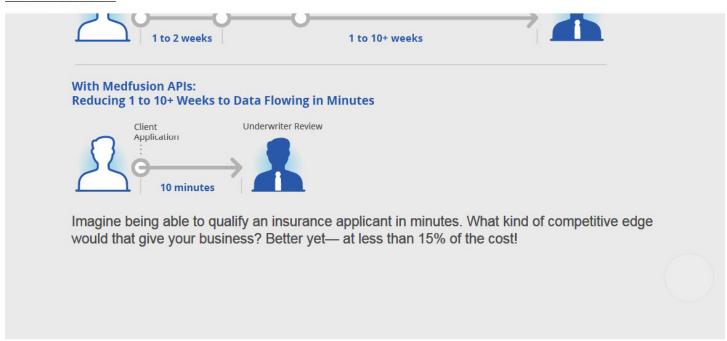
Client Application

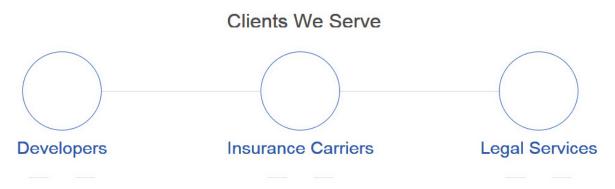
APS Requested

APS Released

Underwriter Review







Power your app with clean and codified healthcare data that you can access in an easy-to-use format.

Easily retrieve medical records for health, life and auto insurance quotes.

Quickly obtain medical records related to legal cases with our HIPAA-compliant services. You can access & authorize user healthcare

accounts with ease.

## Solving Interoperability through Medfusion APIs

Siloed EMR systems present a challenge for accessing patient data from different systems. Learn how Medfusion APIs solve that issue and allow you to securely gather medical records from multiple providers & EMR systems.

Learn more about Medfusion APIs



## Need a partner to help navigate the future of healthcare?

Medfusion can help you engage patients on an ongoing basis, and boost practice efficiencies and financial performance.

Request A Demo Talk to a sales expert: 877-599-5123

## Learn More About How We Help Insurance, Wellness & Legal Companies.







## Blog

Medfusion Patient
Experience Platform
aggregates clinical,
scheduling & financial
data – from every major
EHR and Practice
Management system

February 28, 2018

No doubt that when HIMSS kicks off next week that the words interoperability, patient engagement and patient experience will be on everyone's booths, lips and twitter feeds. But at Medfusion. for nearly twenty

## Blog

Medfusion joins forces with National Association for Trusted Exchange to Drive Health Data Access

December 18, 2017

Medfusion has joined the National Association for Trusted Exchange (NATE) to further drive adoption of medical record sharing technologies and standards.

NATE is a not-for-profit membership association focusing on enabling the trusted exchange of health information. And their

## Blog

Medfusion health record app takes home NCTA Innovative Products award

November 14, 2017

Medfusion brought home the hardware for our Medfusion Plus health record app at the recent NCTA Tech Awards. Named the most Innovative Product, the app consolidates your medical data in the palm of your hand. Patients connect all their various patient portals into a single, consolidated view. Then they can share that

years we've been putting the patient in the center of health IT.

And it's something we continue to do every day. It's

goal is increasing technology adoption and improving patient outcomes. They call him Captain Blue Button—Empowering consumers by view. Then they can share that information with providers

Load More



877-599-5123

919-882-2880

5501 Dillard Dr, Cary, NC 27518

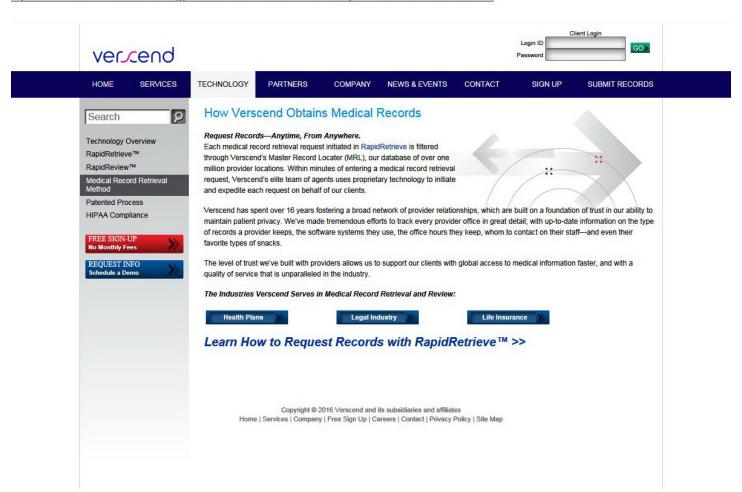
## Contact Us Today

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MSS	MOS Medical Record Reviews
Managed Outsource Solutions	Serving the Medico-legal Industry since 2002

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Quick Con	laci	
First Name *		
Last Name		
Phone *		
Email *		
Organization		
Comments *		

Contact Us Now and Get a Free Trial on our advanced medical review services. We are available at 1-800-670-2809 to support you.

Get a Free Trial Now!

## Medical Record Retrieval Services

Managed Outsource Solutions (MOS) provides medical record retrieval services for insurance companies, law firms and corporate legal departments. We can handle large volume medical record collection efficiently with a skilled and experienced chart retrieval team and state-of-the-art software system that is designed to ensure efficiency and accuracy.

Let us help you retrieve the medical documentation you need for your medical malpractice, workers' compensation, personal injury and insurance defense cases as well as class action cases.

Interested in our free trial offer? Call our toll free number 1-800-670-2809.

## Customized, Affordable, High Quality Outsourcing Services

When you entrust your records retrieval job to MOS, you can expect speedy completion of the project within your required turnaround time.

- The turnaround time is customizable, overnight to multiple days or weeks.
- We are dedicated to maintaining the highest industry standards, and providing high quality of work. We ensure that all the medical records we retrieve are audited, and even randomly recheck the medical charts already reviewed by

#### We Serve

- Attorneys
- Case or Chart Review Firms
- Independent Medical Examiners
- Insurance Companies
- Medical-Legal Consultants
- Private Corporations
- Social Security Disability Firms

our QA team.

- Our records retrieval team is on call 24x7 to provide you with economical, superior quality records retrieval and litigation support.
- Our pricing is affordable and customized to meet individual client specifications and requirements.
- · We can retrieve records locally and nationally.
- We ensure that the records you receive are complete in every respect, accurate and organized according to your specifications.
- We can request and follow-up on an agreed upon time frame to gather records as the patient continues his/her treatments.
- Track, retrieve and view the digitized medical records via our secure online platform.

#### Unique Combination of Dedicated Workforce and Advanced Technology

We take pride in our dedicated workforce comprising records retrieval specialists, physicians and nurses that have meticulously developed a foolproof, time-tested strategy for speedy and efficient medical record retrieval. We utilize advanced technology to provide the best service to our valued clients. A project manager is assigned to each client to monitor the progress of work assigned and ensure completion on time.

Obtaining the documents you need for case review and litigation is simple with MOS as your records retrieval partner.

#### Our Value Propositions

- Cost-effective service with assured 30% to 40% cost savings for our clients
- · Quick and efficient chart retrieval
- · High volume record retrieval within minimum turnaround time
- · Superior quality, reliable service
- Improved productivity and revenue
- Customized documentation
- Multilevel quality assurance and audit trail
- Responsive customer service
- 24/7 support

### Benefit from Confidentiality, Security and HIPAA Compliance

At MOS, confidentiality for your medical records is our prime objective. We are HIPAA compliant and ensure that your sensitive data is protected at all costs. Our staff is trained in confidentiality and security. We are fully aware of the challenges our medical-legal clients face and provide flawless, innovative and comprehensive solutions appropriate to each client.

## No long term yearly contracts to sign.

Let us simplify your document retrieval task with our value-added medical record retrieval services. Get in touch with us today at 1-800-670-2809 or send an email to info@managedoutsource.com for more information.

Privacy - Te



To: Emerge Clinical Solutions, LLC (wquirk@rpsalaw.com)

Subject: U.S. TRADEMARK APPLICATION NO. 87396555 - CHARTRETRIEVAL - 81528.00036 - Request for

Reconsideration Denied - Return to TTAB

**Sent:** 9/5/2018 10:15:30 AM **Sent As:** ECOM112@USPTO.GOV

**Attachments:** 

## UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

## IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 9/5/2018 FOR U.S. APPLICATION SERIAL NO. 87396555

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 9/5/2018 (or sooner if specified in the Office action). A response transmitted through the Trademark Electronic Application System (TEAS) must be received before midnight Eastern Time of the last day of the response period. For information regarding response time periods, see <a href="http://www.uspto.gov/trademarks/process/status/responsetime.jsp">http://www.uspto.gov/trademarks/process/status/responsetime.jsp</a>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the TEAS response form located at <a href="http://www.uspto.gov/trademarks/teas/response">http://www.uspto.gov/trademarks/teas/response</a> forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

## **WARNING**

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <a href="http://www.uspto.gov/trademarks/basics/abandon.jsp">http://www.uspto.gov/trademarks/basics/abandon.jsp</a>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see <a href="http://www.uspto.gov/trademarks/solicitation">http://www.uspto.gov/trademarks/solicitation</a> warnings.jsp.