

# DAFFER MCDANIEL

A LIMITED LIABILITY PARTNERSHIP

700 Lavaca, Suite 720  
Austin, Texas 78701-3119

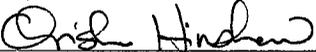
Intellectual Property Law  
Including Patents, Trademarks,  
Copyrights and Unfair Competition

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JEFF A. MCDANIEL  
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5980-00101

October 24, 2008

<b>CERTIFICATE OF EXPRESS MAIL</b> <b>UNDER 37 C.F.R. § 2.198</b>
"Express Mail" mailing label number <u>EV 570422517 US</u>
DATE OF DEPOSIT: <u>October 24, 2008</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. §2.198 on the date indicated above and is addressed to: U.S.P.T.O. Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451.
 CHRISTINA HINSHAW

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

RE: U.S. Trademark Application Serial No. 76/675765  
for the Mark: **UNIFORM FACTORY OUTLET SCRUBS**  
(in International Class 25)

Madam:

Enclosed are the following:

1. Notice of Appeal;
2. Credit Card Payment Form; and
3. a return postcard to acknowledge receipt of these materials. Please date-stamp and return this postcard.

  
**10-24-2008**

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

October 24, 2008

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Should any additional fees be required relating to the enclosed materials, please deduct said fees from Daffer McDaniel, LLP Deposit Account No. 50-3268/5980-00100/JAM.

Very truly yours,

A handwritten signature in black ink, appearing to read "JAM", written over a horizontal line.

Jeff A. McDaniel  
Attorney for Applicant

JAM/hls  
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Application of: Uniform Factory Outlet On-line, LLC

Serial No.: 76/675,765

Filed: April 20, 2007

Mark: **UNIFORM FACTORY OUTLET SCRUBS**

10/29/2008 SWILSON1 00000023 76675765

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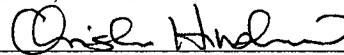
100.00 DP

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CHRISTINA HINSHAW

NOTICE OF APPEAL

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

To the Trademark Trial and Appeal Board:

Pursuant to Trademark Rule 2.141, Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Examiner dated April 24, 2008, finally refusing registration of the above-identified trademark.

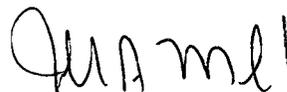
Applicant has concurrently filed a request for reconsideration with the Examining Attorney and respectfully requests the Board suspend this appeal pending consideration of the



10-24-2008

request. Applicant's request for reconsideration is based upon the amendment of the application to allege acquired distinctiveness under Trademark Act Section 2(f), 15 U.S.C. § 1052(f).

Respectfully submitted,



Jeff A. McDaniel  
Attorney for Applicant

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Dated: October 24, 2008