

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

IN RE: :
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 ArmadaCorp Capital, LLC :
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 Serial No. 86802355 :
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 Mark: :
TopDocConnect :
 Filed: October 28, 2015 :
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 Law Office 107 :
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 Examining Attorney: Michael Engel :

NOTICE OF APPEAL

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney requiring a disclaimer of the word "TOPDOC" in the above application. Although the Examining Attorney has not formally issued a "final" refusal, two Office Actions have issued in the application making this requirement; thus, Applicant may consider the disclaimer requirement final for purposes of appeal.¹ See 37 C.F.R. § 2.141.

¹ In his first Office Action, issued November 23, 2015, the sole issue raised by the Examining Attorney was the requirement for disclaimer of "TOPDOC". Applicant's response to that Office Action therefore was directed solely to the disclaimer requirement. In a second Office Action issued June 23, 2016, the Examining Attorney continued the disclaimer requirement, and made a new requirement, not relevant to the issue on appeal, for amendment of the identification of certain of Applicant's services (to change the wording "health concierge" to "health care concierge"). Applicant has made the required amendment to the identification of services, thereby complying with 37 C.F.R. § 142(c).

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Please charge the appeal fee (for all three classes, which Applicant understands to be \$300) to the undersigned firm's deposit account, 042223; the undersigned confirms that she is authorized to make such charge.

Respectfully submitted,

ArmadaCorp Capital, LLC

By:



Marsha G. Gentner
Dykema Gossett PLLC
1301 K Street, NW
Suite 1100 West
Washington, DC 20005
(202)906-8611
Fax: 866-308-2252
mgentner@dykema.com

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Trademark Trial and Appeal Board (FAX: 571-273-0059) on the date shown below. The undersigned attempted to file the Notice of Appeal via ESTTA but was unable to do so.

Marsha G. Gentner



(Signature)

August 3, 2016

(Date)

DyKEMA

DYKEMA GOSSETT PLLC
1301 K STREET N.W.
SUITE 1100W
WASHINGTON, DC 20005
WWW.DYKEMA.COM

DATE: 2016-08-03 18:56:40 EDT

SENDER'S NAME: Marsha Gentner

LOCATION: Washington D.C.

SENDER'S E-MAIL: mgentner@dykema.com

SENDER'S PHONE:

SUBJECT:	FAX NUMBER
TO: Ex Parte Appeal Serial No. 86802355	15712730059

ADDITIONAL INFORMATION:

Please see the attached Ex Parte Notice of Appeal, filed by FAX because an ESTTA filing could not be completed.

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