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Mark: CARD GUARD

CARD GUARD

US Serial Number: 77610283

Application Filing Date: Nov. 07, 2008

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 09, 2012

Publication Date: Mar. 30, 2010 **Notice of Allowance Date:** May 25, 2010

Date Abandoned: Feb. 28, 2012

Mark Information

Mark Literal Elements: CARD GUARD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CARD"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Vending machine services, namely, providing purchase services through automated vending machines

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

First Use: Dec. 2008

Use in Commerce: Dec. 2008

For: Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

First Use: Dec. 2008

Use in Commerce: Dec. 2008

Basis Information (Case Level)

Filed Use: No

Filed ITU: Yes

Filed 44D: No

Filed 44E: No

Currently Use: No

Currently ITU: Yes

Currently 44D: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Redbox Automated Retail, LLC

Owner Address: One Tower Lane, Suite 1200
Oakbrook Terrace, ILLINOIS UNITED STATES 60181

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James P. Muraff

Docket Number: 19638.07T1

Attorney Primary ipdocket@ngelaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JAMES P. MURAFF
Name/Address: NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 2200
CHICAGO, ILLINOIS UNITED STATES 60602-3963

Phone: 312-269-8000

Fax: 312-269-1747

Correspondent e-mail: ipdocket@ngelaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 05, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 09, 2012	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
May 09, 2012	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Nov. 18, 2011	SOU TEAS EXTENSION RECEIVED	
Aug. 26, 2011	NOTIFICATION OF FINAL REFUSAL EMAILED	
Aug. 26, 2011	FINAL REFUSAL E-MAILED	
Aug. 26, 2011	SU - FINAL REFUSAL - WRITTEN	
Aug. 17, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	
Aug. 16, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 16, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 03, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 14, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 13, 2011	SOU EXTENSION 2 GRANTED	
May 25, 2011	SOU EXTENSION 2 FILED	
Jun. 01, 2011	ASSIGNED TO LIE	
May 25, 2011	FAX RECEIVED	
Feb. 16, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Feb. 16, 2011	NON-FINAL ACTION E-MAILED	
Feb. 16, 2011	SU - NON-FINAL ACTION - WRITTEN	
Jan. 14, 2011	STATEMENT OF USE PROCESSING COMPLETE	
Dec. 17, 2010	USE AMENDMENT FILED	
Jan. 14, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	
Dec. 17, 2010	TEAS STATEMENT OF USE RECEIVED	
Nov. 26, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 24, 2010	SOU EXTENSION 1 GRANTED	
Nov. 24, 2010	SOU EXTENSION 1 FILED	
Nov. 24, 2010	SOU TEAS EXTENSION RECEIVED	

May 25, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT
Mar. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED
Mar. 30, 2010	PUBLISHED FOR OPPOSITION
Feb. 19, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED
Feb. 19, 2010	ASSIGNED TO LIE
Jan. 25, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER
Jan. 22, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED
Jan. 21, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE
Jan. 21, 2010	TEAS REQUEST FOR RECONSIDERATION RECEIVED
Aug. 21, 2009	NOTIFICATION OF FINAL REFUSAL EMAILED
Aug. 21, 2009	FINAL REFUSAL E-MAILED
Aug. 21, 2009	FINAL REFUSAL WRITTEN
Jul. 31, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED
Jul. 31, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE
Jul. 31, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED
Feb. 17, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED
Feb. 17, 2009	NON-FINAL ACTION E-MAILED
Feb. 17, 2009	NON-FINAL ACTION WRITTEN
Feb. 08, 2009	ASSIGNED TO EXAMINER
Nov. 12, 2008	NEW APPLICATION ENTERED

TM Staff and Location Information

TM Staff Information

TM Attorney: CORWIN, CHARLOTTE

Law Office LAW OFFICE 117
Assigned:

File Location

Current Location: LAW OFFICE 117 - EXAMINING ATTORNEY
ASSIGNED

Date in Location: May 09, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Applicant: Redbox Automated Retail, LLC

Assignment 1 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: [3952/0006](#)

Pages: 8

Date Recorded: Mar. 13, 2009

Supporting Documents: [assignment-tm-3952-0006.pdf](#)

Assignor

Name: [REDBOX AUTOMATED RETAIL, LLC](#)

Execution Date: Mar. 09, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country No Place of Organization Found
Where Organized:

Address: 231 S. LASALLE STREET
CHICAGO, ILLINOIS 60697

Correspondent

Correspondent Name: RYAN G. MOSHELL

Correspondent Address: HAYNES AND BOONE, LLP
2323 VICTORY AVENUE, SUITE 700
DALLAS, TX 75219

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: AMENDED AND RESTATED SECURITY AGREEMENT

Reel/Frame: [4590/0957](#)

Pages: 8

Date Recorded: Jul. 26, 2011

Supporting Documents: [assignment-tm-4590-0957.pdf](#)

Assignor

Name: [REDBOX AUTOMATED RETAIL, LLC](#)

Execution Date: Jul. 15, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 901 MAIN STREET
MAIL CODE: TX1-492-14-14
DALLAS, TEXAS 75202

Correspondent

Correspondent Name: GAVIN GEORGE

Correspondent Address: HAYNES AND BOONE, LLP
2323 VICTORY AVENUE, SUITE 700
DALLAS, TX 75219

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: RELEASE OF INTELLECTUAL PROPERTY SECURITY INTEREST

Reel/Frame: [5885/0636](#)

Pages: 16

Date Recorded: Sep. 27, 2016

Supporting Documents: [assignment-tm-5885-0636.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Sep. 27, 2016

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: [REDBOX AUTOMATED RETAIL, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: ONE TOWER LANE, SUITE 900
OAKBROOK TERRACE, ILLINOIS 60181

Correspondent

Correspondent Name: VENISA DARK, HAYNES AND BOONE LLP

Correspondent Address: 2323 VICTORY AVENUE, SUITE 700
DALLAS, TX 75219

Domestic Representative - Not Found

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: May 9, 2012

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Aug 26, 2011 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 77610283
MARK: CARD GUARD
OWNER: Redbox Automated Retail, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S POSTAGE
PAID

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 2200
CHICAGO , IL 60602-3963

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77610283
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	035
CURRENT IDENTIFICATION	Vending machine services, namely, providing purchase services through automated vending machines
GOODS OR SERVICES	KEEP ALL LISTED
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	3
ONGOING EFFORT	Continued research and/or development, and attempted use, which has been met with objection by the U.S. Patent and Trademark Office.
ALLOWANCE MAIL DATE	05/25/2010
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	2
SUBTOTAL AMOUNT	300
TOTAL AMOUNT	300
SIGNATURE SECTION	
SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney of Record, Illinois Bar Member
DATE SIGNED	11/18/2011
FILING INFORMATION	
SUBMIT DATE	Fri Nov 18 16:44:28 EST 2011
	USPTO/ESU-XX.XXX.XXX.XX-2 0111118164428496769-77610

TEAS STAMP	283-480451d96c651842df69c dfba7639c85eb-DA-3863-201 11118112352391613
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**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: CARD GUARD
SERIAL NUMBER: 77610283

The applicant, Redbox Automated Retail, LLC, having an address of
One Tower Lane, Suite 1200
Oakbrook Terrace, Illinois 60181
United States

requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 05/25/2010.

For International Class 035:

Current identification: Vending machine services, namely, providing purchase services through automated vending machines

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance or as subsequently modified for this specific class.

For International Class 041:

Current identification: Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance or as subsequently modified for this specific class.

This is the third extension request. The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: Continued research and/or development, and attempted use, which has been met with objection by the U.S. Patent and Trademark Office.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 2 classes.

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /James P. Muraff/ Date Signed: 11/18/2011
Signatory's Name: James P. Muraff
Signatory's Position: Attorney of Record, Illinois Bar Member

RAM Sale Number: 3863
RAM Accounting Date: 11/21/2011

Serial Number: 77610283
Internet Transmission Date: Fri Nov 18 16:44:28 EST 2011

TEAS Stamp: USPTO/ESU-XX.XXX.XXX.XX-2011111816442849
6769-77610283-480451d96c651842df69cdfba7
639c85eb-DA-3863-20111118112352391613

TEAS ROUTING SHEET

To: INTENT TO USE UNIT

Work Loc: LAW OFFICE 117 - EXAMINING ATTORNEY ASSIGNED

Doc Type: Extension Request for SOU



Serial Number: 77610283



Mark: CARD GUARD

Mail Date: 2011/11/18



Examiner Number: 82415



Examiner Name:
CORWIN, CHARLOTTE K

LIE Number: 74221



LIE Name:
WOODLAND, TERRA T

L.O. Assigned: LAW OFFICE 117

Special Instruction(s):

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20111118	\$150	2	\$300

Note: SOU has been previously filed. Do NOT automatically grant the extension.

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 8/26/2011 12:05:22 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

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

APPLICATION SERIAL NO. 77610283

MARK: CARD GUARD

77610283

CORRESPONDENT ADDRESS:

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 2200
CHICAGO, IL 60602-3963

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Redbox Automated Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

19638.07T1

CORRESPONDENT E-MAIL ADDRESS:

ipdocket@ngelaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 8/26/2011

THIS IS A FINAL ACTION.

This Office action is in response to applicant's communication filed on August 16, 2011. The examining attorney has reviewed the response and has determined the following.

The requirement for a substitute specimen is now made FINAL for the reasons set forth below. 37 C.F.R. §§2.56(a), 2.64(a), 2.88(b)(2); TMEP §§904, 1109.09(b).

SUBSTITUTE SPECIMEN REQUIRED

The specimen is not acceptable because it does not show the applied-for mark used in connection with any of the services specified in the statement of use. A statement of use must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services specified in the statement of use. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.56(a), 2.88(b)(2); TMEP §§904, 1109.09(b).

In this case, the specimen shows the mark "CARD GUARD" on the face of applicant's rental machines, but the mark does not support the rental and retail services identified in the application. Applicant must submit substitute specimens clearly showing the mark in connection with retail and rental services. The current specimen of record does not clearly show the connection between the mark "CARD GUARD" and any services. The use of the phrase "CARD GUARD" on the kiosk with arrows pointing to the blocks on either side of the card swipe only points consumers to the existence of these blocks, which appear to act a guard for the consumer's credit card.

The specimen of record, along with any other relevant evidence of record, is reviewed to determine whether an applied-for mark is being used as a service mark. *In re Volvo Cars of N. Am., Inc.*, 46 USPQ2d 1455, 1458 (TTAB 1998). Not every word, design, symbol or slogan used in the advertising or performance of services functions as a mark, even though it may have been adopted with the intent to do so. *See* TMEP §1301.02. A designation cannot be registered unless purchasers would be likely to regard it as a source-indicator for the services. *Id.*; *see In re Moody's Investors Serv. Inc.*, 13 USPQ2d 2043, 2047-49 (TTAB 1989).

In this case, the use of the phrase CARD GUARD with the accompanying arrows references only the existence of the blocks and does not show any connection with any recognizable service.

Use of the symbol “TM” next to the mark on the specimen merely shows applicant’s intent to claim the applied-for mark as a trademark (or service mark in this case) and is not an indicator of whether the mark is actually perceived by the public as a source-indicator. *See In re Remington Prods. Inc.*, 3 USPQ2d 1714, 1715 (TTAB 1987); *In re Anchor Hocking Corp.*, 223 USPQ 85, 88 (TTAB 1984); *In re Indus. Washing Mach. Corp.*, 201 USPQ 953, 955 (TTAB 1979); TMEP §1301.02.

Applicant argues in its response that the mark appears “in connection with the safe rental and purchase services” provided. As specifically argued in applicant’s response, the mark is used to identify the “overall safety” of the services. Thus, “CARD GUARD” is not used as an indicator of the source of the retail and rental services, but rather the SAFETY of the retail and rental services.

If the mark “CARD GUARD” identifies a feature of applicant’s rental and retail services, such as a security feature as expressly argues in applicant’s response, applicant must specify this feature with particularity and amend the identification of services to reflect this feature. However, as submitted, the mark is used on applicant’s kiosk only to identify the blocks used above and below the credit card swipe. There is no reference to any services whatsoever, just an indication that the blocks exist. As stated above, specimens showing use in connection with services is required.

Furthermore, the specimen submitted for the services in Class 35 is also unacceptable because the specimen does not show any purchasing services, but rather depicts rental services only. Applicant argues in its response that applicant provides both rental and retail services at its kiosks and provides evidence in the form of a page from applicant’s website indicating that movies are sold at redbox kiosks. However, there is no specimen of use showing a connection between the mark CARD GUARD and retail services. The kiosks shown in the specimens of record reference ONLY rental services.

A specimen for a service mark must show use of the mark “in the sale or advertising of services.” Trademark Act Section 45, 15 U.S.C. §1127; *see* 37 C.F.R. §2.56(b)(2); TMEP §1301.04. Indeed, “[w]hile the nature of the services does not need to be specified in the specimens, there must be something which creates in the mind of the purchaser an association between the mark and the service activity.” *In re Adair*, 45 USPQ2d 1211, 1215 (TTAB 1997) (quoting *In re Johnson Controls Inc.*, 33 USPQ2d 1318, 1320 (TTAB 1994)). There must be sufficient reference to the services in the specimen to create this association. *In re Monograms Am., Inc.*, 51 USPQ2d 1317, 1318 (TTAB 1999); *see* TMEP §§1301.04 *et seq.*

If the specimen does not show the mark with reference to, or association with, the services, the specimen fails to show service mark usage. *See In re Osmotica Holdings, Corp.*, 95 USPQ2d 1666, 1668 (TTAB 2010) (stating that “[a]t a minimum, the specimen must show a direct association between the services and the mark sought to be registered”); *In re DSM Pharms., Inc.*, 87 USPQ2d 1623, 1624 (TTAB 2008) (finding the mark must be used in a manner on the specimen so as to identify the applicant’s services and their source “via a direct association”).

Therefore, applicant must submit the following:

- (1) A substitute specimen showing the mark in use in commerce for each class of goods and/or services specified in the statement of use; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**The substitute specimen was in use in commerce prior to the expiration of the deadline for filing the statement of use.**” 37 C.F.R. §2.59(b)(2); TMEP §904.05; *see* 37 C.F.R. §2.193(e)(1). If submitting a substitute specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the actual sale or advertising of the services. *See* TMEP §§1301.04 *et seq.*

The refusal of registration based on the failure to provide a specimen that shows the applied-for mark in use in commerce as a trademark and/or service mark is now made final. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.56(a), 2.64(a), 2.88(b)(2); TMEP §§904, 904.07(a).

Applicant may not withdraw the statement of use. 37 C.F.R. §2.88(g); TMEP §1109.17.

INSTRUCTIONS FOR SUBMISSION OF A SUBSTITUTE SPECIMEN

To submit a verified substitute specimen online via the Trademark Electronic Application System (TEAS), applicant should do the following: (1) answer “yes” to the TEAS response form wizard question to “submit a new or substitute specimen;” (2) attach a jpg or pdf file of the substitute specimen; (3) select the statement that “The substitute specimen(s) was in use in commerce prior to the expiration of the deadline for filing the statement of use.”; and (4) sign personally or enter personally his/her electronic signature and date after the declaration at the end of the TEAS response form. *See* 37 C.F.R. §§2.59(b)(2), 2.193(a), (c)-(d), (e)(1); TMEP §§611.01(c), 804.01(b). Please note that these steps appear on different pages of the TEAS response form.

If applicant experiences difficulty in submitting the required substitute specimen, supporting statement and/or declaration, please e-mail TEAS@uspto.gov for technical assistance regarding the TEAS response form.

PROPER RESPONSE TO THIS FINAL ACTION

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant’s name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

If applicant has questions about the application or this Office action, please telephone the assigned trademark examining attorney at the telephone number below.

/Charlotte K. Corwin/
Charlotte Klein Corwin
Trademark Examining Attorney
Law Office 117
Charlotte.Corwin@USPTO.GOV
Phone - (571) 270-1532

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official

notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 8/26/2011 12:05:24 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

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

**USPTO OFFICE ACTION HAS ISSUED ON 8/26/2011 FOR
SERIAL NO. 77610283**

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should 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 8/26/2011 (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

PUB INFORMATION

RUN DATE	08/18/2011		
PUB DATE	03/30/2010		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	07/13/2011		
LITERAL MARK ELEMENT	CARD GUARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
------------	-------------------------

NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services, namely, providing purchase services through automated vending machines
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	12/00/2008	FIRST USE IN COMMERCE DATE	12/00/2008	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	12/00/2008	FIRST USE IN COMMERCE DATE	12/00/2008	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/17/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	042
08/16/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	041
08/16/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	040
08/03/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	039
07/14/2011	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	038
07/13/2011	EX2G	S	EXTENSION 2 GRANTED	037
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06/01/2011	ALIE	A	ASSIGNED TO LIE	035
05/25/2011	FAXX	I	FAX RECEIVED	034
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02/16/2011	GNRT	O	NON-FINAL ACTION E-MAILED	032
02/16/2011	CNRT	W	SU - NON-FINAL ACTION - WRITTEN	031
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02/19/2010	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	017
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01/25/2010	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	015
01/22/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
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02/17/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
02/08/2009	DOCK	D	ASSIGNED TO EXAMINER	002
11/12/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

CARD GUARD

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77610283
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><u>RESPONSE TO OFFICE ACTION</u></p> <p>In response to the Office Action mailed February 16, 2011, Applicant respectfully requests the Examining Attorney to withdraw the refusal to register the subject mark in view of the following Remarks.</p> <p style="text-align: center;"><u>REMARKS</u></p> <p>Applicant's mark was refused registration because the specimen submitted purportedly does not show the applied-for mark in use in commerce as a trademark and/or service mark for the identified goods and/or services. Applicant respectfully disagrees, and requests that the Examiner allow the mark to proceed to publication.</p> <p>The specimen submitted shows use of the CARD GUARD mark on Applicant's kiosks. Applicant's services include the rental and purchase of movies and games through Applicant's kiosks, and as part of these services Applicant ensures its customers that their credit card transactions are safe. The CARD GUARD mark is not directed toward just a specific feature, but rather to the overall safety of rental [and purchase] services provided through Applicant's kiosks. The current specimen thus clearly shows the connection between the CARD GUARD mark and Applicant's services: the mark CARD GUARD is used on Applicant's kiosks in connection with the safe rental and purchase services provided at the machine. The Examining Attorney also states that there must be sufficient reference to the services in the specimen to create "an association between the mark and the service activity." Applicant respectfully submits that the submitted specimen does just that. The specimen clearly shows the CARD GUARD mark on one of Applicant's kiosks, where customers can safely rent [and purchase] movies and games using a credit card. The specimen thus clearly references the association between the CARD GUARD mark (on the face of a kiosk) and the rental [and purchase] services which are completed through a credit card transaction at the kiosk.</p> <p>TMEP 1301.04 makes clear that, because by its very nature a service mark can be used in a wide variety of ways, the types of specimens which may be submitted as evidence of use are varied. In <i>In re Metriplex, Inc.</i>, 23 USPQ2d 1315 (TTAB 1992), the Board found that where the applicant applied to register the mark GLOBAL GATEWAY for the service "transmission of data in various fields (commercial as well as personal) to subscribers to the service by means of information entry software, radio data transmission and portable terminal interface with such subscribers" and submitted a specimen of an example of a computer screen display that appeared on a computer terminal in the course of applicant's rendering of the service, that "[t]here is no question that purchasers and users of the service would recognize GLOBAL GATEWAY, as it appears on the computer screen specimens, as a mark identifying the data transmission services which are accessed via the computer terminal." In the same way, the specimens in the present application show use of the CARD GUARD mark in</p>	

the Applicant's services: the mark is used on the face of Applicant's kiosks and users of the kiosk would recognize the CARD GUARD mark as identifying the safe rental and purchase services which are obtained via the kiosk. As such, Applicant respectfully submits that the specimens submitted clearly show use of the CARD GUARD mark in the rendering of Applicant's services at its kiosks.

Finally, the Examining Attorney states that "the specimen submitted for Class 35 is unacceptable because the specimen does not show any purchasing services, but rather depicts rental services only." Applicant disagrees, as users can not only safely rent movies and games through its kiosks, but can also purchase them as shown and described in the attached Exhibit A, which is provided from Applicant's website. As such, the specimens clearly show use of the CARD GUARD mark in the provision of Applicant's purchasing services at its kiosks.

CONCLUSION

In light of the foregoing, Applicant believes that the specimens submitted are sufficient and that its mark is ready for publication. Applicant and therefore respectfully requests that its Application be allowed to proceed to publication on the Principal Register.

Date: August 16, 2011

Respectfully submitted,
By: /James P. Muraff/
One of the Attorneys for
Redbox Automated Retail, LLC

Neal, Gerber & Eisenberg LLP
Two North LaSalle Street
Chicago, Illinois 60602-3801
(312) 269-8034

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_6385229130-163947883_.. ExhibitA.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT11\IMAGEOUT11\776\102\77610283\xml9\ROA0002.JPG
DESCRIPTION OF EVIDENCE FILE	Printout of website

SIGNATURE SECTION

RESPONSE SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney of Record, Illinois Bar Member
DATE SIGNED	08/16/2011
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION

SUBMIT DATE	Tue Aug 16 17:05:53 EDT 2011
TEAS STAMP	USPTO/ROA-XX.XX.XXX.XXX-2 0110816170553324908-77610 283-480921bc1acc5a63621af 387de89ee8d0-N/A-N/A-2011 0816163947883532

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **77610283** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

RESPONSE TO OFFICE ACTION

In response to the Office Action mailed February 16, 2011, Applicant respectfully requests the Examining Attorney to withdraw the refusal to register the subject mark in view of the following Remarks.

REMARKS

Applicant's mark was refused registration because the specimen submitted purportedly does not show the applied-for mark in use in commerce as a trademark and/or service mark for the identified goods and/or services. Applicant respectfully disagrees, and requests that the Examiner allow the mark to proceed to publication.

The specimen submitted shows use of the CARD GUARD mark on Applicant's kiosks. Applicant's services include the rental and purchase of movies and games through Applicant's kiosks, and as part of these services Applicant ensures its customers that their credit card transactions are safe. The CARD GUARD mark is not directed toward just a specific feature, but rather to the overall safety of rental [and purchase] services provided through Applicant's kiosks. The current specimen thus clearly shows the connection between the CARD GUARD mark and Applicant's services: the mark CARD GUARD is used on Applicant's kiosks in connection with the safe rental and purchase services provided at the machine. The Examining Attorney also states that there must be sufficient reference to the services in the specimen to create "an association between the mark and the service activity." Applicant respectfully submits that the submitted specimen does just that. The specimen clearly shows the CARD GUARD mark on one of Applicant's kiosks, where customers can safely rent [and purchase] movies and games using a credit card. The specimen thus clearly references the association between the CARD GUARD mark (on the face of a kiosk) and the rental [and purchase] services which are completed through a credit card transaction at the kiosk.

TMEP 1301.04 makes clear that, because by its very nature a service mark can be used in a wide variety of ways, the types of specimens which may be submitted as evidence of use are varied. In *In re Metriplex, Inc.*, 23 USPQ2d 1315 (TTAB 1992), the Board found that where the applicant applied to register the mark GLOBAL GATEWAY for the service "transmission of data in various fields (commercial as well as personal) to subscribers to the service by means of information entry software, radio data transmission and portable terminal interface with such subscribers" and submitted a specimen of an example of a computer screen display that appeared on a computer terminal in the course of applicant's rendering of the service, that "[t]here is no question that purchasers and users of the service would recognize GLOBAL GATEWAY, as it appears on the computer screen specimens, as a mark identifying the data transmission services which are accessed via the computer terminal." In the same way, the specimens in the present application show use of the CARD GUARD mark in the Applicant's services: the mark is used on the face of Applicant's kiosks and users of the kiosk would recognize the CARD GUARD mark as identifying the safe rental and purchase services which are obtained via the kiosk. As such, Applicant respectfully submits that the specimens submitted clearly show use of the CARD GUARD mark in the rendering of Applicant's services at its kiosks.

Finally, the Examining Attorney states that "the specimen submitted for Class 35 is unacceptable because the specimen does not show

any purchasing services, but rather depicts rental services only.” Applicant disagrees, as users can not only safely rent movies and games through its kiosks, but can also purchase them as shown and described in the attached Exhibit A, which is provided from Applicant’s website. As such, the specimens clearly show use of the CARD GUARD mark in the provision of Applicant’s purchasing services at its kiosks.

CONCLUSION

In light of the foregoing, Applicant believes that the specimens submitted are sufficient and that its mark is ready for publication. Applicant and therefore respectfully requests that its Application be allowed to proceed to publication on the Principal Register.

Date: August 16, 2011

Respectfully submitted,
By: /James P. Muraff/
One of the Attorneys for
Redbox Automated Retail, LLC

Neal, Gerber & Eisenberg LLP
Two North LaSalle Street
Chicago, Illinois 60602-3801
(312) 269-8034

EVIDENCE

Evidence in the nature of Printout of website has been attached.

Original PDF file:

[evi_6385229130-163947883.. ExhibitA.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

SIGNATURE(S)

Response Signature

Signature: /James P. Muraff/ Date: 08/16/2011

Signatory's Name: James P. Muraff

Signatory's Position: Attorney of Record, Illinois Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77610283

Internet Transmission Date: Tue Aug 16 17:05:53 EDT 2011

TEAS Stamp: USPTO/ROA-XX.XX.XXX.XXX-2011081617055332

4908-77610283-480921bc1acc5a63621af387de

89ee8d0-N/A-N/A-20110816163947883532



EXHIBIT A

[FIND A REDBOX](#)[MOVIES](#)[GAMES](#)

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Other Suggested Searches [using free codes](#) [How to cancel order?](#) [retailer application](#) [The clients list](#) [Returning at different location](#) [redbox publicly traded](#) [reserve for a different day](#)

Results 1 - 2 of 2 for [purchase](#)

[Can I buy movies through redbox?](#)

Used DVDs are for sale at select redbox kiosks. To see them, click on the "BUY USED DVDS" button on the main page when you're at the redbox kiosks. To buy DVDs online, [browse through the list](#) and click on titles for purchasing info.

[Where can I find out more about redbox?](#)

Fun Stuff

[Follow redbox on Facebook](#) for the latest news, reviews & freebies.

[Get email reminders](#) for movies coming to redbox soon.

Text NEW to 727272 to get the latest redbox releases every week.

Text REDBOX to 727272 to get exclusive freebies & deals!

Love movies? Visit the redbox blog, [redblog](#), for fun movie news & lists.

How To's

[What should I do if my disc is scratched or broken, or it won't play?](#)

[What happens if I return a movie after 9:00 p.m.?](#)

[Will I be charged if I don't return a rental?](#)

[How can I receive promo codes from redbox?](#)

[Do I have to return my movie to the same redbox kiosk I rented it from?](#)

Redbox Basics

[Will my Blu-ray Disc™ play on my old DVD player?](#)

[Can I use my promo code when I reserve a movie online?](#)

[How long is the rental period?](#)

[My disc looks smudged. How do I clean it?](#)

[What happens if I return a movie after 9:00 p.m.?](#)

Find

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[Coming Soon](#)

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Use of this service and this website constitutes acceptance of our [Rental Terms](#), [Terms of Use](#) and [Privacy Policy](#) (all as updated 6/1/11).

From: TMOOfficialNotices@USPTO.GOV
Sent: Thursday, July 14, 2011 00:09 AM
To: XXXX
Subject: Trademark Serial Number 77610283 : Official USPTO Notice of Approval of Extension Request

NOTICE OF APPROVAL OF EXTENSION REQUEST

Serial Number: 77-610,283
Mark: CARD GUARD(STANDARD CHARACTER MARK)
Owner: Redbox Automated Retail, LLC
Extension Request Number: 2
Reference Number: 19638.07T1
Notice of Allowance Date: May 25, 2010

The USPTO issued a Notice of Allowance on **May 25, 2010** for the trademark application identified above. Applicant's **SECOND** request for Extension of Time to File a Statement of Use has been **GRANTED**.

PLEASE NOTE:

1. Applicant must continue to file extension requests every six (6) months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed, or the USPTO will hold the application abandoned.
2. Applicant may only request a total of five (5) extensions of time.
3. Applicant may **NOT** file a Statement of Use more than thirty-six (36) months from the date the Notice of Allowance was issued.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

To check the status of an application, go to <http://tarr.uspto.gov/>.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

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RUN DATE	07/14/2011		
PUB DATE	03/30/2010		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	07/13/2011		
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DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

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PARTY TYPE	20-OWNER AT PUBLICATION
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

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CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

CARD GUARD

USPTO

5/25/2011 7:22:50 PM PAGE 3/006 Fax Server

TO:Marian Hall COMPANY:

~REQUEST FOR EXTENSION OF TIME TO FILE A STATEMENT OF USE (15 U.S.C. § 1051(d))~

~To the Commissioner for Trademarks~

<TRADEMARK/SERVICEMARK INFORMATION>

<Mark> CARD GUARD

<Serial Number> 77610283

<APPLICANT INFORMATION>

<Name> Redbox Automated Retail, LLC

<Street> One Tower Lane, Suite 1200

<City> Oakbrook Terrace

<State> Illinois

<Country> United States

<Zip/Postal Code> 60181

<NOTICE OF ALLOWANCE INFORMATION>

<Notice of Allowance Mailing Date> 05/25/2010

~Enter date in the format MM/DD/YYYY.~

<GOODS AND/OR SERVICES INFORMATION>

<All Goods and/or Services in Notice of Allowance>~The applicant has a continued bona fide intention to use or use through a related company the mark in commerce on or in connection with all the goods and/or services listed in the Notice of Allowance. If not, list in the next section the goods and/or services to be deleted.~

<Goods and/or Services to be Deleted>~In the following space, list only those goods/services (or entire class(es)) appearing in the Notice of Allowance for which the applicant does not have a continued bona fide intention to use the mark in commerce. LEAVE THIS SPACE BLANK IF THE APPLICANT DOES HAVE A CONTINUED BONA FIDE INTENTION TO USE THE MARK IN COMMERCE ON OR IN CONNECTION WITH ALL GOODS/ SERVICES LISTED IN THE NOTICE OF ALLOWANCE.~

<EXTENSION REQUEST INFORMATION>

<Number of Extension Request> 2 ~Enter which request (1, 2, 3, 4 or 5) this is following the mailing of the Notice of Allowance.~

<ONGOING EFFORTS TO USE MARK IN COMMERCE>~Applies to 2nd, 3rd, 4th & 5th extension requests only.~

~The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with those goods and/or services for which use of the mark in commerce has not yet been made.~

<Explanation>

promotional activities

USPTO

5/25/2011 7:22:50 PM PAGE 4/006 Fax Server

TO: Marian Hall COMPANY:

<STATEMENT OF USE SUBMITTED>~if applicable~

<Additional Time Requested>~Enter YES if you believe the applicant has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request. If the Statement of Use does not meet the requirements of 37 C.F.R. 2.88, you request additional time to correct the Statement of Use. If not, enter NO.~

<FEE INFORMATION>

<Filing Fee> \$150.00 x <Number of Classes> 2 = <Total Filing Fee Paid> \$300.00

<SIGNATURE INFORMATION>

~Applicant is entitled to use the mark sought to be registered and has a continued bona fide intention to use the mark in commerce on or in connection with all the goods and/or services listed in the Notice of Allowance. Applicant requests a six-month extension of time to file the Statement of Use under 37 CFR 2.89.~

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Applicant; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.~

<Signature> **<Date Signed>** May 25, 2011**<Name>** Kristi Hinner**<Title>** Attorney for Applicant, Redbox Automated Retail, LLC**<CONTACT INFORMATION>****<Name>** James P. Muraff**<Company/Firm Name>** Neal, Gerber & Eisenberg LLP**<Street>** Two North LaSalle Street, Suite 1700**<City>** Chicago**<State>** Illinois**<Country>** United States**<Zip/Postal Code>** 60602**<Telephone Number>** 312-269-8000**<Fax Number>** 312-269-1747**<e-Mail Address>** trademarks@ngelaw.com**<CERTIFICATE OF MAILING>~Recommended to avoid lateness due to mail delay.~**

~I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on.~

<Date of Deposit>**<Signature>** _____**<Name>** _____

The information collected on this form allows an applicant to demonstrate that it has commenced use of the mark in commerce regulable by Congress. With respect to applications filed on the basis of an intent to use the mark, responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental Register. 15 U.S.C. §11051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing the information will require an estimated fifteen minutes. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number. (See bottom left side of this form).

Serial No. 77610283
Trademark: CARD GUARD

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below to Fax No. 571-273-9550.

Marianne A. Hall

(Typed or Printed Name of Person Signing Certificate)

Marianne A. Hall

Signature

May 25, 2011

Date

FEE INFORMATION

\$150.00 X 2 class = \$300.00

Payment by Deposit Account Number: 502,261.

The U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to the deposit account listed above.

Name of person authorizing account activity: James Muraff

Account Name: Neal, Gerber & Eisenberg LLP

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 2/16/2011 8:49:35 AM
Sent As: ECOM117@USPTO.GOV
Attachments:

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

APPLICATION SERIAL NO. 77610283

MARK: CARD GUARD

77610283

CORRESPONDENT ADDRESS:

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 2200
CHICAGO, IL 60602-3963

CLICK HERE TO RESPOND TO THIS LETTER:
<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: Redbox Automated Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

19638.07T1

CORRESPONDENT E-MAIL ADDRESS:

ipdocket@ngelaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 2/16/2011

The statement of use has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUBSTITUTE SPECIMEN REQUIRED

The specimen is not acceptable because it does not show the applied-for mark used in connection with any of the services specified in the statement of use. A statement of use must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services specified in the statement of use. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.56(a), 2.88(b)(2); TMEP §§904, 1109.09(b).

In this case, the specimen shows the mark "CARD GUARD" on the face of applicant's rental machines, but the mark does not support the rental and rental services identified in the application. If the mark "CARD GUARD" identifies a feature of applicant's rental and retail services, such as a security feature, applicant must specify this feature with particularity and amend the identification of services to reflect this feature. Applicant must also submit substitute specimens clearly showing the mark in connection with such a feature. The current specimen of record does not clearly show the connection between the mark "CARD GUARD" and any services.

Note also that the specimen submitted for the services in Class 35 is also unacceptable because the specimen does not show any purchasing services, but rather depicts rental services only.

A specimen for a service mark must show use of the mark “in the sale or advertising of services.” Trademark Act Section 45, 15 U.S.C. §1127; *see* 37 C.F.R. §2.56(b)(2); TMEP §1301.04. Indeed, “[w]hile the nature of the services does not need to be specified in the specimens, there must be something which creates in the mind of the purchaser an association between the mark and the service activity.” *In re Adair*, 45 USPQ2d 1211, 1215 (TTAB 1997) (quoting *In re Johnson Controls Inc.*, 33 USPQ2d 1318, 1320 (TTAB 1994)). There must be sufficient reference to the services in the specimen to create this association. *In re Monograms Am., Inc.*, 51 USPQ2d 1317, 1318 (TTAB 1999); *see* TMEP §§1301.04 *et seq.* If the specimen does not show the mark with reference to, or association with, the services, the specimen fails to show service mark usage. *See In re DSM Pharms., Inc.*, 87 USPQ2d 1623, 1625-26 (TTAB 2008).

Therefore, applicant must submit the following:

- (1) A substitute specimen showing the mark in use in commerce for each class of goods and/or services specified in the statement of use; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**The substitute specimen was in use in commerce prior to the expiration of the deadline for filing the statement of use.**” 37 C.F.R. §2.59(b)(2); TMEP §904.05; *see* 37 C.F.R. §2.193(e)(1). If submitting a substitute specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the actual sale or advertising of the services. *See* TMEP §§1301.04 *et seq.*

Pending receipt of a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark and/or service mark for the identified goods and/or services. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.56(a), 2.88(b)(2); TMEP §§904, 904.07(a).

Applicant may not withdraw the statement of use. 37 C.F.R. §2.88(g); TMEP §1109.17.

INSTRUCTIONS FOR SUBMISSION OF A SUBSTITUTE SPECIMEN

To submit a verified substitute specimen online via the Trademark Electronic Application System (TEAS), applicant should do the following:

(1) answer “yes” to the TEAS response form wizard question to “submit a new or substitute specimen;” (2) attach a jpg or pdf file of the substitute specimen; (3) select the statement that “The substitute specimen(s) was in use in commerce prior to the expiration of the deadline for filing the statement of use.”; and (4) sign personally or enter personally his/her electronic signature and date after the declaration at the end of the TEAS response form. *See* 37 C.F.R. §§2.59(b)(2), 2.193(a), (c)-(d), (e)(1); TMEP §§611.01(c), 804.01(b). Please note that these steps appear on different pages of the TEAS response form.

If applicant experiences difficulty in submitting the required substitute specimen, supporting statement and/or declaration, please e-mail TEAS@uspto.gov for technical assistance regarding the TEAS response form.

RESPONSE TO THIS ACTION

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant’s name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant has questions about the application or this Office action, please telephone the assigned trademark examining attorney at the telephone number below.

/Charlotte K. Corwin/
Charlotte Klein Corwin
Trademark Examining Attorney
Law Office 117
Charlotte.Corwin@USPTO.GOV
Phone - (571) 270-1532
Fax

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 2/16/2011 8:49:38 AM
Sent As: ECOM117@USPTO.GOV
Attachments:

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

**USPTO OFFICE ACTION HAS ISSUED ON 2/16/2011 FOR
SERIAL NO. 77610283**

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should 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 2/16/2011 (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

PUB INFORMATION

RUN DATE	01/15/2011		
PUB DATE	03/30/2010		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	01/14/2011		
LITERAL MARK ELEMENT	CARD GUARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
------------	-------------------------

NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services, namely, providing purchase services through automated vending machines
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	12/00/2008	FIRST USE IN COMMERCE DATE	12/00/2008	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	12/00/2008	FIRST USE IN COMMERCE DATE	12/00/2008	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
01/14/2011	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	028
12/17/2010	IUAF	S	USE AMENDMENT FILED	027
01/14/2011	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	026
12/17/2010	EISU	I	TEAS STATEMENT OF USE RECEIVED	025
11/26/2010	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	024
11/24/2010	EX1G	S	EXTENSION 1 GRANTED	023
11/24/2010	EXT1	S	EXTENSION 1 FILED	022
11/24/2010	EEXT	I	TEAS EXTENSION RECEIVED	021
05/25/2010	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	020
03/30/2010	NPUB	E	NOTICE OF PUBLICATION E-MAILED	019
03/30/2010	PUBO	A	PUBLISHED FOR OPPOSITION	018
02/19/2010	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	017
02/19/2010	ALIE	A	ASSIGNED TO LIE	016
01/25/2010	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	015
01/22/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
01/21/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013

01/21/2010	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	012
08/21/2009	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	011
08/21/2009	GNFR	O	FINAL REFUSAL E-MAILED	010
08/21/2009	CNFR	R	FINAL REFUSAL WRITTEN	009
07/31/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
07/31/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
07/31/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
02/17/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
02/17/2009	GNRT	F	NON-FINAL ACTION E-MAILED	004
02/17/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
02/08/2009	DOCK	D	ASSIGNED TO EXAMINER	002
11/12/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

CARD GUARD

DVD RENTALS

redbox®

\$1 DVD \$1
RENTALS

rent and return at any redbox location
www.redbox.com

RENT NEW RELEASE DVDS FOR JUST \$1 A NIGHT!

- Choose from over 150 movie titles—new releases are added every Tuesday
 - DVDs are just \$1 plus tax until 8pm tomorrow, then \$1 plus tax for each additional night
 - Return your discs for any redbox location
 - After 25 days, rental charges will end and the discs are yours to keep
- Visit www.redbox.com or call 1.866.REDBOX3 (1.866.733.3693) for more information.

Hablo
español

VISA M.C. DISC



redbox Card Guard™

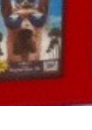
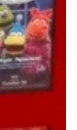
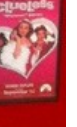
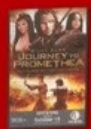


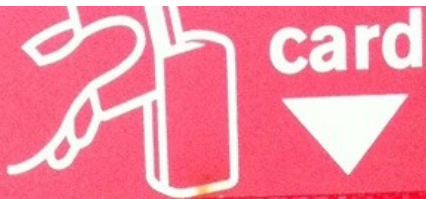
**DVD
pick up
and
return**
Insert with
redbox name
facing you

\$1.99
PER
DVD
RENTAL

LOOK ON TOUCH SCREEN

RESERVE ONLINE AT REDBOX.COM





redbox[®] Card Guard™



pic

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redbox
fac

DVD RENTALS

redbox®

\$1 DVD \$1
RENTALS

rent and return at any redbox location
www.redbox.com

RENT NEW RELEASE DVDS FOR JUST \$1 A NIGHT!

- Choose from over 150 movie titles—new releases are added every Tuesday
 - DVDs are just \$1 plus tax until 8pm tomorrow, then \$1 plus tax for each additional night
 - Return your discs for any redbox location
 - After 25 days, rental charges will end and the discs are yours to keep
- Visit www.redbox.com or call 1.866.REDBOX3 (1.866.733.3693) for more information.

Hablo
español



VISA M.C. DISC. AMEX.

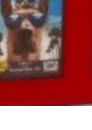
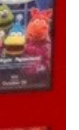
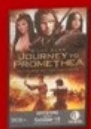


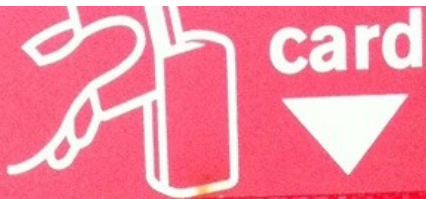
**DVD
pick up
and
return**
Insert with
redbox name
facing you

\$1.99
PER
DVD
RENTAL

LOOK ON TOUCH SCREEN

RESERVE ONLINE AT REDBOX.COM





← redbox[®] Card Guard™ →

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redbox
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Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77610283
LAW OFFICE ASSIGNED	LAW OFFICE 117
EXTENSION OF USE	NO
MARK SECTION	
MARK	CARD GUARD
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	035
CURRENT IDENTIFICATION	Vending machine services, namely, providing purchase services through automated vending machines
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	12/00/2008
FIRST USE IN COMMERCE DATE	12/00/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\776\102\77610283\xml4\SOU0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT 11\776\102\77610283\xml4\SOU0003.JPG
SPECIMEN DESCRIPTION	Photograph of automatic vending machine.
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	12/00/2008
FIRST USE IN COMMERCE DATE	12/00/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\776\102\77610283\xml4\SOU0004.JPG
	\\TICRS\EXPORT11\IMAGEOUT 11\776\102\77610283\xml4\SOU0005.JPG
SPECIMEN DESCRIPTION	Photograph of automatic vending machine.
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	2
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	

SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	200
TOTAL AMOUNT	200
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Frederick W. Stein/
SIGNATORY'S NAME	Frederick W. Stein
SIGNATORY'S POSITION	Vice President and General Counsel
DATE SIGNED	12/17/2010
FILING INFORMATION	
SUBMIT DATE	Fri Dec 17 08:27:38 EST 2010
TEAS STAMP	USPTO/SOU-XX.XXX.XXX.XX-2 0101217082738026933-77610 283-470b9ebee50a686aa131c 2bf0c68fe87ea0-DA-9487-20 101216202755127087

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: CARD GUARD
SERIAL NUMBER: 77610283

The applicant, Redbox Automated Retail, LLC, having an address of
One Tower Lane, Suite 1200
Oakbrook Terrace, Illinois 60181
US

is submitting the following allegation of use information:

For International Class 035:

Current identification: Vending machine services, namely, providing purchase services through automated vending machines

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/00/2008, and first used in commerce at least as early as 12/00/2008, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Photograph of automatic vending machine..

[Specimen File1](#)

[Specimen File2](#)

For International Class 041:

Current identification: Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/00/2008, and first used in commerce at least as early as 12/00/2008, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Photograph of automatic vending machine..

[Specimen File1](#)

[Specimen File2](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for the allegation of use for 2 classes.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Frederick W. Stein/ Date Signed: 12/17/2010

Signatory's Name: Frederick W. Stein

Signatory's Position: Vice President and General Counsel

RAM Sale Number: 9487

RAM Accounting Date: 12/17/2010

Serial Number: 77610283

Internet Transmission Date: Fri Dec 17 08:27:38 EST 2010

TEAS Stamp: USPTO/SOU-XX.XXX.XXX.XX-2010121708273802

6933-77610283-470b9ebee50a686aa131c2bf0c

68fe87ea0-DA-9487-20101216202755127087

DVD RENTALS

redbox®

\$1 DVD \$1
RENTALS

rent and return at any redbox location
www.redbox.com

RENT NEW RELEASE DVDS FOR JUST \$1 A NIGHT!

- Choose from over 150 movie titles—new releases are added every Tuesday
 - DVDs are just \$1 plus tax until 8pm tomorrow, then \$1 plus tax for each additional night
 - Return your discs for any redbox location
 - After 25 days, rental charges will end and the discs are yours to keep
- Visit www.redbox.com or call 1.866.REDBOX3 (1.866.733.3693) for more information.

Hablo
español



VISA M.C. DISC. AMEX.

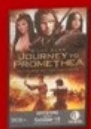


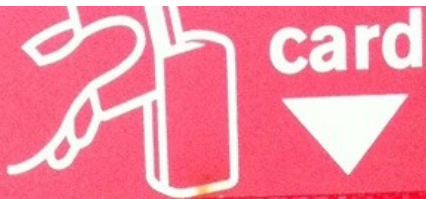
**DVD
pick up
and
return**
Insert with
redbox name
facing you

\$1.99
PER
DVD
RENTAL

LOOK ON TOUCH S

RESERVE ONLINE AT REDBOX.COM





redbox[®] Card Guard™



pic

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redbox
fac

DVD RENTALS

redbox®

\$1 DVD \$1
RENTALS

rent and return at any redbox location
www.redbox.com

RENT NEW RELEASE DVDS FOR JUST \$1 A NIGHT!

- Choose from over 150 movie titles—new releases are added every Tuesday
 - DVDs are just \$1 plus tax until 8pm tomorrow, then \$1 plus tax for each additional night
 - Return your discs for any redbox location
 - After 25 days, rental charges will end and the discs are yours to keep
- Visit www.redbox.com or call 1.866.REDBOX3 (1.866.733.3693) for more information.

Hablo
español



VISA M.C. DISC. AMEX.

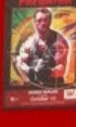
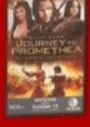


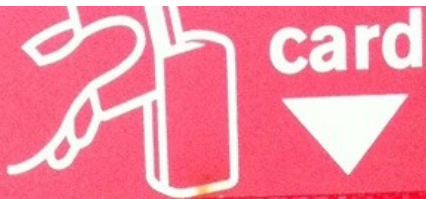
**DVD
pick up
and
return**
Insert with
redbox name
facing you

\$1.99
PER
DVD
RENTAL

LOOK ON TOUCH S

RESERVE ONLINE AT REDBOX.COM





redbox[®] Card Guard™



pic

re

ins
redbox
fac

FEE RECORD SHEET

Serial Number: 77610283



RAM Sale Number: 9487

Total Fees: \$200

RAM Accounting Date: 20101217

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20101217	\$100	2	\$200

Transaction Date: 20101217



From: TMOOfficialNotices@USPTO.GOV
Sent: Friday, November 26, 2010 00:09 AM
To: XXXX
Subject: Trademark Serial Number 77610283 : Official USPTO Notice of Approval of Extension Request

NOTICE OF APPROVAL OF EXTENSION REQUEST

Serial Number: 77-610,283
Mark: CARD GUARD(STANDARD CHARACTER MARK)
Owner: Redbox Automated Retail, LLC
Extension Request Number: 1
Reference Number: 19638.07T1
Notice of Allowance Date: May 25, 2010

The USPTO issued a Notice of Allowance on **May 25, 2010** for the trademark application identified above. Applicant's **FIRST** request for Extension of Time to File a Statement of Use has been **GRANTED**.

PLEASE NOTE:

1. Applicant must continue to file extension requests every six (6) months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed, or the USPTO will hold the application abandoned.
2. Applicant may only request a total of five (5) extensions of time.
3. Applicant may **NOT** file a Statement of Use more than thirty-six (36) months from the date the Notice of Allowance was issued.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

To check the status of an application, go to <http://tarr.uspto.gov/>.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

PUB INFORMATION

RUN DATE	11/26/2010		
PUB DATE	03/30/2010		
STATUS	730-FIRST EXTENSION - GRANTED		
STATUS DATE	11/24/2010		
LITERAL MARK ELEMENT	CARD GUARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
------------	-------------------------

NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services, namely, providing purchase services through automated vending machines
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/26/2010	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	024
11/24/2010	EX1G	S	EXTENSION 1 GRANTED	023
11/24/2010	EXT1	S	EXTENSION 1 FILED	022
11/24/2010	EEXT	I	TEAS EXTENSION RECEIVED	021
05/25/2010	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	020
03/30/2010	NPUB	E	NOTICE OF PUBLICATION E-MAILED	019
03/30/2010	PUBO	A	PUBLISHED FOR OPPOSITION	018
02/19/2010	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	017
02/19/2010	ALIE	A	ASSIGNED TO LIE	016
01/25/2010	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	015
01/22/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
01/21/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013
01/21/2010	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	012
08/21/2009	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	011
08/21/2009	GNFR	O	FINAL REFUSAL E-MAILED	010
08/21/2009	CNFR	R	FINAL REFUSAL WRITTEN	009

07/31/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
07/31/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
07/31/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
02/17/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
02/17/2009	GNRT	F	NON-FINAL ACTION E-MAILED	004
02/17/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
02/08/2009	DOCK	D	ASSIGNED TO EXAMINER	002
11/12/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

CARD GUARD

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77610283
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	035
CURRENT IDENTIFICATION	Vending machine services, namely, providing purchase services through automated vending machines
GOODS OR SERVICES	KEEP ALL LISTED
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	05/25/2010
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	2
SUBTOTAL AMOUNT	300
TOTAL AMOUNT	300
SIGNATURE SECTION	
SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney of Record, Illinois bar member
DATE SIGNED	11/24/2010
FILING INFORMATION	
SUBMIT DATE	Wed Nov 24 18:02:09 EST 2010
TEAS STAMP	USPTO/ESU-XX.XXX.XXX.XX-2 0101124180209159252-77610 283-4702ce252f3587699ba72 e19bb6dd114fd-DA-6114-201 01124165226033241

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: CARD GUARD
SERIAL NUMBER: 77610283

The applicant, Redbox Automated Retail, LLC, having an address of
One Tower Lane, Suite 1200
Oakbrook Terrace, Illinois 60181
US

requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 05/25/2010.

For International Class 035:

Current identification: Vending machine services, namely, providing purchase services through automated vending machines

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance or as subsequently modified for this specific class.

For International Class 041:

Current identification: Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance or as subsequently modified for this specific class.

This is the first extension request.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 2 classes.

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /James P. Muraff/ Date Signed: 11/24/2010
Signatory's Name: James P. Muraff
Signatory's Position: Attorney of Record, Illinois bar member

RAM Sale Number: 6114
RAM Accounting Date: 11/26/2010

Serial Number: 77610283
Internet Transmission Date: Wed Nov 24 18:02:09 EST 2010
TEAS Stamp: USPTO/ESU-XX.XXX.XXX.XX-2010112418020915
9252-77610283-4702ce252f3587699ba72e19bb

6dd114fd-DA-6114-20101124165226033241

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 2200
CHICAGO, IL 60602-3963

ISSUE DATE: May 25, 2010

ATTORNEY
REFERENCE NUMBER

19638.07T1

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months calculated from the issue date of the NOA until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "INTENT-TO-USE (ITU) FORMS"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

**** Registration Subject to Cancellation for Fraudulent Statements ****

Ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of your trademark registration. The lack of a bona fide intention to use the mark with all goods and/or services included in an application or the lack of use on all goods and/or services for which you claimed use could jeopardize the validity of your registration, possibly resulting in its cancellation.

The following information should be reviewed for accuracy:

SERIAL NUMBER: 77/610283
MARK: CARD GUARD (STANDARD CHARACTER MARK)
OWNER: Redbox Automated Retail, LLC
One Tower Lane, Suite 1200
Oakbrook Terrace, ILLINOIS 60181

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

- 035 - Vending machine services, namely, providing purchase services through automated vending machines -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE
- 041 - Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, March 30, 2010 00:24 AM
To: XXXX
Subject: Official USPTO Notice of Publication: Serial Number 77610283

NOTICE OF PUBLICATION

Serial Number: 77-610,283
Mark: CARD GUARD(STANDARD CHARACTER MARK)
International Class(es): 035, 041
Applicant: Redbox Automated Retail, LLC
Attorney Reference Number: 19638.07T1

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Mar 30, 2010. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser: http://www.uspto.gov/web/trademarks/tmog/20100330_OG.pdf#page=1
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 77-610,283, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

Trademark Snap Shot Publication & Issue Review Stylesheet
(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

PUB INFORMATION

RUN DATE	02/20/2010		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	02/19/2010		
LITERAL MARK ELEMENT	CARD GUARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services, namely, providing purchase services through automated vending machines
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
02/19/2010	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	017
02/19/2010	ALIE	A	ASSIGNED TO LIE	016
01/25/2010	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	015
01/22/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
01/21/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013
01/21/2010	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	012
08/21/2009	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	011
08/21/2009	GNFR	O	FINAL REFUSAL E-MAILED	010
08/21/2009	CNFR	R	FINAL REFUSAL WRITTEN	009
07/31/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
07/31/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
07/31/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
02/17/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
02/17/2009	GNRT	F	NON-FINAL ACTION E-MAILED	004
02/17/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
02/08/2009	DOCK	D	ASSIGNED TO EXAMINER	002

11/12/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001
CURRENT CORRESPONDENCE INFORMATION				
ATTORNEY			James P. Muraff	
CORRESPONDENCE ADDRESS			JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963	
DOMESTIC REPRESENTATIVE			NONE	

CARD GUARD

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

PUB INFORMATION

RUN DATE	01/26/2010		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	01/25/2010		
LITERAL MARK ELEMENT	CARD GUARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services, namely, providing purchase services through automated vending machines
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
01/25/2010	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	015
01/22/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
01/21/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013
01/21/2010	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	012
08/21/2009	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	011
08/21/2009	GNFR	O	FINAL REFUSAL E-MAILED	010
08/21/2009	CNFR	R	FINAL REFUSAL WRITTEN	009
07/31/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
07/31/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
07/31/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
02/17/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
02/17/2009	GNRT	F	NON-FINAL ACTION E-MAILED	004
02/17/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
02/08/2009	DOCK	D	ASSIGNED TO EXAMINER	002
11/12/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE

CARD GUARD

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

PUB INFORMATION

RUN DATE	01/23/2010		
PUB DATE	N/A		
STATUS	645-FINAL REFUSAL - MAILED		
STATUS DATE	08/21/2009		
LITERAL MARK ELEMENT	CARD GUARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services, namely, providing purchase services through automated vending machines
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
01/22/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
01/21/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013
01/21/2010	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	012
08/21/2009	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	011
08/21/2009	GNFR	O	FINAL REFUSAL E-MAILED	010
08/21/2009	CNFR	R	FINAL REFUSAL WRITTEN	009
07/31/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
07/31/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
07/31/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
02/17/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
02/17/2009	GNRT	F	NON-FINAL ACTION E-MAILED	004
02/17/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
02/08/2009	DOCK	D	ASSIGNED TO EXAMINER	002
11/12/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE

CARD GUARD

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77610283
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (035)(no change)	
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment media rental services provided through automated vending machines	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney of Record, Illinois bar member
DATE SIGNED	01/21/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jan 21 21:25:41 EST 2010
TEAS STAMP	USPTO/RFR-XX.XX.XXX.XXX-2 0100121212541959580-77610 283-460ef7b28f0d8402fb1b5 a346968fc2bf-N/A-N/A-2010 0121071107243956

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77610283** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Entertainment media rental services provided through automated vending machines

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 041 for Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video discs, video games, and movies

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /James P. Muraff/ Date: 01/21/2010

Signatory's Name: James P. Muraff

Signatory's Position: Attorney of Record, Illinois bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77610283

Internet Transmission Date: Thu Jan 21 21:25:41 EST 2010

TEAS Stamp: USPTO/RFR-XX.XX.XXX.XXX-2010012121254195

9580-77610283-460ef7b28f0d8402fb1b5a3469

68fc2bf-N/A-N/A-20100121071107243956

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 8/21/2009 3:55:04 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/610283

MARK: CARD GUARD

77610283

CORRESPONDENT ADDRESS:

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 2200
CHICAGO, IL 60602-3963

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Redbox Automated Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

19638.07T1

CORRESPONDENT E-MAIL ADDRESS:

ipdocket@ngelaw.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 8/21/2009

THIS IS A FINAL ACTION.

This Office action is in response to applicant's communication filed on July 31, 2009. The examining attorney has reviewed the response and has determined the following.

The requirements for payment of an additional fee and for a disclaimer are satisfied and these requirements are WITHDRAWN.

However, the requirement for amendment of the identification of services is now made FINAL for the reasons set forth below. TMEP §§1402.01 and 1402.03; 37 C.F.R. §2.64(a).

IDENTIFICATION OF SERVICES – CLASS 41

Applicant has identified its services in Class 41 as "Entertainment media rental services provided through automated vending machines." The word "media" in the identification of goods is indefinite. Applicant must specify the types of media goods rented with particularity, *e.g.*, DVDs, video games, video discs, video tapes.

Applicant may adopt the following identification of services, if accurate:

Class 41: Entertainment rental services provided through automated vending machines, namely, rental of DVDs, video games, video discs

and video tapes.

TMEP §§1402.01 and 1402.03.

Please note that, while the identification of goods and/or services may be amended to clarify or limit the goods and/or services, adding to the goods and/or services or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>. See TMEP §1402.04.

PROPER RESPONSE TO THIS FINAL ACTION

If applicant does not respond within six months of the date of issuance of this final Office action, the services identified in Class 41 to which the final requirement applies will be **deleted** from the application by Examiner's Amendment.

The application will then proceed for the services in Class 35 only. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a).

Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b), TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the mailing date of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

/Charlotte K. Corwin/
Charlotte Klein Corwin
Trademark Examining Attorney
Law Office 117
Charlotte.Corwin@USPTO.GOV
Phone - (571) 270-1532
Fax

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 8/21/2009 3:55:07 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77610283) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office action”) on **8/21/2009** to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. **Read** the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77610283&doc_type=OOA&mail_date=20090821) **OR** go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Contact** the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. **Respond** within 6 months, calculated from **8/21/2009** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) [Response to Office Action form](#). If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) (loss) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77610283	FILING DATE	11/07/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CORWIN, CHARLOTTE K	L.O. ASSIGNED	117

PUB INFORMATION

RUN DATE	08/01/2009		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	07/31/2009		
LITERAL MARK ELEMENT	CARD GUARD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CARD GUARD
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services, namely, providing purchase services through automated vending machines
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment media rental services provided through automated vending machines

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"CARD"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
07/31/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
07/31/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
07/31/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
02/17/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
02/17/2009	GNRT	F	NON-FINAL ACTION E-MAILED	004
02/17/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
02/08/2009	DOCK	D	ASSIGNED TO EXAMINER	002
11/12/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE

CARD GUARD

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77610283
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Providing rental and purchase services through automated vending machines	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Providing rental and purchase services through automated vending machines; Entertainment media rental services provided through automated vending machines.	
FINAL DESCRIPTION	
Entertainment media rental services provided through automated vending machines.	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (035)(class added)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Vending machine services, namely, providing purchase services through automated vending machines.	
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use CARD apart from the mark as shown.
PAYMENT SECTION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEES DUE	325
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Frederick W. Stein/
SIGNATORY'S NAME	Frederick W. Stein
SIGNATORY'S POSITION	Vice President and General Counsel
DATE SIGNED	07/31/2009

RESPONSE SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney of Record, Illinois Bar Member
DATE SIGNED	07/31/2009
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jul 31 13:35:12 EDT 2009
TEAS STAMP	USPTO/ROA-XX.XXX.XXX.XX-2 0090731133512342218-77610 283-430ff20c09cef59375997 f6d8c0b020a1-DA-8313-2009 0731125216350030

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **77610283** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Providing rental and purchase services through automated vending machines

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Providing rental and purchase services through automated vending machines;~~ [Entertainment media rental services provided through automated vending machines.](#)

Class 041 for Entertainment media rental services provided through automated vending machines.

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant hereby adds the following class of goods/services to the application:

New: Class 035 for Vending machine services, namely, providing purchase services through automated vending machines.

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use CARD apart from the mark as shown.

FEE(S)

Fee(s) in the amount of \$325 is being submitted.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 244. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Frederick W. Stein/ Date: 07/31/2009
Signatory's Name: Frederick W. Stein
Signatory's Position: Vice President and General Counsel

Response Signature

Signature: /James P. Muraff/ Date: 07/31/2009
Signatory's Name: James P. Muraff
Signatory's Position: Attorney of Record, Illinois Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 8313
RAM Accounting Date: 07/31/2009

Serial Number: 77610283
Internet Transmission Date: Fri Jul 31 13:35:12 EDT 2009
TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XX-2009073113351234
2218-77610283-430ff20c09cef59375997f6d8c
0b020a1-DA-8313-20090731125216350030

RAM SALE NUMBER: 8313
RAM ACCOUNTING DATE: 20090731

INTERNET TRANSMISSION DATE:
2009/07/31

SERIAL NUMBER:
77/610283

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2009/07/31	325	1	325

*** User:ccorwin ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	17668	N/A	0	0	0:02	*{"ck"}ard*[bi,ti]
02	12158	N/A	0	0	0:02	*ga{"u"0:1}rd*[bi,ti]
03	25	22	3	2	0:01	1 and 2
04	25685	N/A	0	0	0:01	*g{"u"0:1}ard*[bi,ti]
05	75	56	19	13	0:01	1 and 4
06	1150	N/A	0	0	0:04	1 and (035 041 a b 200)[ic] not dead[ld]
07	920	N/A	0	0	0:03	4 and (035 041 a b 200)[ic] not dead[ld]
08	103	N/A	0	0	T/0:03	1 and (rent\$ vend\$)[gs] not dead[ld]
09	103	0	103	70	0:02	1 and (rent\$ vend\$)[gs] not dead[ld]
10	57	N/A	0	0	T/0:01	4 and (rent\$ vend\$)[gs] not dead[ld]
11	57	0	57	43	0:02	4 and (rent\$ vend\$)[gs] not dead[ld]
12	621	0	390	277	0:03	card[bi,ti] and (035 041 a b 200)[ic] not dead[ld] not 9
13	138	0	138	93	0:03	guard[bi,ti] and (035 041 a b 200)[ic] not dead[ld] not 11
14	387	0	387	274	0:01	12 not card[ds]

Session started 2/17/2009 3:47:46 PM

Session finished 2/17/2009 3:59:09 PM

Total search duration 0 minutes 29 seconds

Session duration 11 minutes 23 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77610283

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 2/17/2009 4:05:51 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/610283

MARK: CARD GUARD

77610283

CORRESPONDENT ADDRESS:

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 2200
CHICAGO, IL 60602-3963

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Redbox Automated Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

19638.07T1

CORRESPONDENT E-MAIL ADDRESS:

ipdocket@ngelaw.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 2/17/2009

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Applicant must respond to the requirements set forth below.

IDENTIFICATION OF SERVICES

Applicant has identified its services as "providing rental and purchase services through automated vending machines." Applicant must specify the goods being rented and clarify that the services rendered are a rental service in Class 41. Also, the vending machine purchase services identified are misclassified. A vending machine service for the purchase of goods is a retail type service in Class 35.

Applicant must clarify the identification of services to specify the common commercial or generic name for the services. If there is no common commercial or generic name, then applicant must describe the product or services and the intended consumers as well as the main purpose and

intended uses.

Applicant may adopt the following identification of services, if accurate:

Class 35: Vending machine services, namely, providing purchase services through automated vending machines

Class 41: DVD rental services provided through automated vending machines

TMEP §§1402.01 and 1402.03.

Please note that, while the identification of goods and/or services may be amended to clarify or limit the goods and/or services, adding to the goods and/or services or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>. See TMEP §1402.04.

ADDITIONAL FEE REQUIRED TO ADD CLASSES

The application identifies goods and/or services that could be classified in at least 2 classes; however, the fees submitted are sufficient for only 1 class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2); TMEP §§810-810.01 and 1403.01.

Therefore, applicant must either: (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for the additional class.

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP §1403.01; and
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>). 37 C.F.R. §2.86(a)(2); TMEP §§810 and 1403.01.

The filing fee for adding classes to an application is as follows:

- (1) \$325 per class, when the fees are submitted with a response filed online via the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>; or
- (2) \$375 per class, when the fees are submitted with a paper response.

37 C.F.R. §2.6(a)(1)(i)-(a)(1)(ii); TMEP §810.

DISCLAIMER REQUIRED

Applicant must disclaim the descriptive wording “CARD” apart from the mark as shown because it merely describes a feature of applicant’s services, namely, that a card, such as a debit or credit card, is used for applicant’s services. See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The computerized printing format for the Office’s *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use “CARD” apart from the mark as shown.

TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983).

GUIDELINES FOR RESPONSE TO THIS ACTION

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the mailing date of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

/Charlotte K. Corwin/
Charlotte Klein Corwin
Trademark Examining Attorney
Law Office 117
Phone - (571) 270-1532
Fax - (571) 270-2532

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: Redbox Automated Retail, LLC (ipdocket@ngelaw.com)
Subject: TRADEMARK APPLICATION NO. 77610283 - CARD GUARD - 19638.07T1
Sent: 2/17/2009 4:05:53 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 2/17/2009 FOR
APPLICATION SERIAL NO. 77610283

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77610283&doc_type=OOA&mail_date=20090217 (or copy and paste this URL into the address field of your browser), or visit <http://tportal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable [response time period](#). Your response deadline will be calculated from **2/17/2009**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.
2. Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

Trademark/Service Mark Application, Principal Register

Serial Number: 77610283

Filing Date: 11/07/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77610283
MARK INFORMATION	
*MARK	CARD GUARD
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CARD GUARD
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Redbox Automated Retail, LLC
*STREET	One Tower Lane, Suite 1200
*CITY	Oakbrook Terrace
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	60181
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	041
*IDENTIFICATION	Providing rental and purchase services through automated vending machines
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	James P. Muraff
ATTORNEY DOCKET NUMBER	19638.07T1
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	Two North LaSalle Street, Suite 2200
CITY	Chicago

STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60602
PHONE	312-269-8000
FAX	312-269-1747
EMAIL ADDRESS	ipdocket@ngelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	all other attorneys of the firm
CORRESPONDENCE INFORMATION	
NAME	James P. Muraff
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	Two North LaSalle Street, Suite 2200
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60602
PHONE	312-269-8000
FAX	312-269-1747
EMAIL ADDRESS	ipdocket@ngelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Frederick W. Stein/
SIGNATORY'S NAME	Frederick W. Stein
SIGNATORY'S POSITION	Vice President and General Counsel
DATE SIGNED	11/07/2008

Trademark/Service Mark Application, Principal Register

Serial Number: 77610283

Filing Date: 11/07/2008

To the Commissioner for Trademarks:

MARK: CARD GUARD (Standard Characters, see [mark](#))

The literal element of the mark consists of CARD GUARD.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Redbox Automated Retail, LLC, a limited liability company legally organized under the laws of Delaware, having an address of
One Tower Lane, Suite 1200
Oakbrook Terrace, Illinois 60181
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 041: Providing rental and purchase services through automated vending machines

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints James P. Muraff and all other attorneys of the firm of Neal, Gerber & Eisenberg LLP

Two North LaSalle Street, Suite 2200

Chicago, Illinois 60602

United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 19638.07T1.

Correspondence Information: James P. Muraff

Two North LaSalle Street, Suite 2200

Chicago, Illinois 60602

312-269-8000(phone)

312-269-1747(fax)

ipdocket@ngelaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Frederick W. Stein/ Date Signed: 11/07/2008

Signatory's Name: Frederick W. Stein

Signatory's Position: Vice President and General Counsel

RAM Sale Number: 3456

RAM Accounting Date: 11/10/2008

Serial Number: 77610283

Internet Transmission Date: Fri Nov 07 18:44:29 EST 2008

TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XX-2008110718442983

3760-77610283-40020b65a860e8af6e85d49d7d

aaaab85-DA-3456-20081107181507191598

CARD GUARD

CARD GUARD