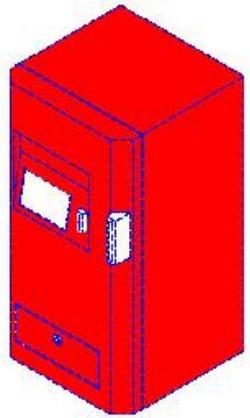


Mark:



US Serial Number: 77975075

Application Filing Date: Jan. 03, 2007

US Registration Number: 3438623

Registration Date: May 27, 2008

Register: Supplemental

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Amended to No
Principal Register:

Date Amended to Nov. 29, 2007
Current Register:

Status: The registration has been renewed.

Status Date: Jun. 01, 2018

Mark Information

Mark Literal None
Elements:

Standard Character No
Claim:

Mark Drawing 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S) /NUMBER(S)
Type:

Description of The mark consists of the color red used over substantially all of the surface of vending machines that are used in rendering the
Mark: services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark.

Color Drawing: Yes

Color(s) Claimed: The color(s) RED is/are claimed as a feature of the mark.

Design Search 15.01.10 - Vending machines
Code(s): 29.02.01 - Red or pink (single color used for the entire goods/services)

Related Properties Information

Claimed Ownership 2988869, 2919854, 3082012
of US
Registrations:

Child Of: 77074924

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 services in the field of DVDs

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

First Use: Jul. 31, 2002

Use in Commerce: Jul. 31, 2002

For: Automated DVD rental services

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

First Use: Jul. 31, 2002

Use in Commerce: Jul. 31, 2002

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: 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 900
Oakbrook Terrace, ILLINOIS UNITED STATES 60181

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Annmary Ittan

Docket Number: 5407-506

Attorney Primary Email Address: mail@ipcounselors.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Annmary Ittan

Epstein Drangel LLP
60 East 42nd Street, Suite 1250
New York, NEW YORK UNITED STATES 10165

Phone: 212.292.5390

Fax: 212.292.5391

Correspondent e-mail: mail@ipcounselors.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 03, 2023	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
May 03, 2023	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 03, 2023	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 03, 2023	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 03, 2023	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 02, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	

Jul. 02, 2020 TEAS CHANGE OF CORRESPONDENCE RECEIVED
Jul. 02, 2020 ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
Jul. 02, 2020 TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
Jul. 02, 2020 TEAS CHANGE OF OWNER ADDRESS RECEIVED
Jun. 02, 2018 NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED
Jun. 01, 2018 REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)
Jun. 01, 2018 REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED
Jun. 01, 2018 CASE ASSIGNED TO POST REGISTRATION PARALEGAL
May 22, 2018 TEAS SECTION 8 & 9 RECEIVED
May 27, 2017 COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED
Oct. 05, 2016 ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY
Jun. 12, 2014 NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED
Jun. 11, 2014 REGISTERED - SEC. 8 (6-YR) ACCEPTED
Jun. 11, 2014 CASE ASSIGNED TO POST REGISTRATION PARALEGAL
May 23, 2014 TEAS SECTION 8 RECEIVED
Aug. 03, 2011 ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY
May 27, 2008 REGISTERED-SUPPLEMENTAL REGISTER
Apr. 18, 2008 LAW OFFICE PUBLICATION REVIEW COMPLETED
Apr. 18, 2008 APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER
Apr. 18, 2008 EXAMINER'S AMENDMENT ENTERED
Apr. 18, 2008 NOTIFICATION OF EXAMINER'S AMENDMENT E-MAILED
Apr. 18, 2008 EXAMINER'S AMENDMENT E-MAILED
Apr. 18, 2008 EXAMINER'S AMENDMENT -WRITTEN
Jan. 25, 2008 NOTIFICATION OF NON-FINAL ACTION E-MAILED
Jan. 25, 2008 NON-FINAL ACTION E-MAILED
Jan. 25, 2008 NON-FINAL ACTION WRITTEN
Jan. 17, 2008 TEAS/EMAIL CORRESPONDENCE ENTERED
Jan. 17, 2008 CORRESPONDENCE RECEIVED IN LAW OFFICE
Jan. 14, 2008 ASSIGNED TO LIE
Nov. 29, 2007 TEAS RESPONSE TO OFFICE ACTION RECEIVED
Sep. 15, 2007 NOTICE OF DESIGN SEARCH CODE MAILED
Sep. 14, 2007 DIVISIONAL PROCESSING COMPLETE
Aug. 16, 2007 DIVISIONAL REQUEST RECEIVED
Aug. 16, 2007 PAPER RECEIVED
May 30, 2007 NOTIFICATION OF NON-FINAL ACTION E-MAILED
May 30, 2007 NON-FINAL ACTION E-MAILED
May 30, 2007 NON-FINAL ACTION WRITTEN
Apr. 13, 2007 ASSIGNED TO EXAMINER
Jan. 09, 2007 NOTICE OF DESIGN SEARCH CODE MAILED
Jan. 08, 2007 NEW APPLICATION ENTERED

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 01, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 7

Registrant: Redbox Automated Retail, LLC

Assignment 1 of 7

Conveyance: SECURITY INTEREST

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

Pages: 8

Date Recorded: Mar. 13, 2009

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

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

Legal Entity Type: LIMITED LIABILITY COMPANY

Assignor

Execution Date: Mar. 09, 2009

State or Country: DELAWARE
Where Organized:

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

Legal Entity Type: NATIONAL BANKING ASSOCIATION

Assignee

State or Country: No Place of Organization Found
Where Organized:

Address: 231 S. LASALLE STREET
CHICAGO, ILLINOIS 60697

Correspondent

Correspondent: RYAN G. MOSHELL
Name:

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

Domestic Representative - Not Found

Assignment 2 of 7

Conveyance: AMENDED AND RESTATED SECURITY AGREEMENT

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

Pages: 8

Date Recorded: Jul. 26, 2011

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

Assignor

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

Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Jul. 15, 2011

State or Country: DELAWARE
Where Organized:

Assignee

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

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country: UNITED STATES
Where Organized:

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

Correspondent

Correspondent: GAVIN GEORGE
Name:

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

Domestic Representative - Not Found

Assignment 3 of 7

Conveyance: SECURITY INTEREST

Reel/Frame: [5885/0027](#)

Pages: 8

Date Recorded: Sep. 27, 2016

Supporting [assignment-tm-5885-0027.pdf](#)
Documents:

Assignor

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

Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Sep. 27, 2016

State or Country: DELAWARE
Where Organized:

Assignee

Name: [JEFFERIES FINANCE LLC, AS COLLATERAL AGENT](#)

Legal Entity Type: BANK

State or Country UNITED STATES
Where Organized:

Address: 520 MADISON AVENUE
NEW YORK, NEW YORK 10022

Correspondent

Correspondent CORPORATION SERVICE COMPANY
Name:

Correspondent 1090 VERNON AVENUE, NW
Address: WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 4 of 7

Conveyance: RELEASE OF INTELLECTUAL PROPERTY SECURITY INTEREST

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

Pages: 16

Date Recorded: Sep. 27, 2016

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

Assignor

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

Legal Entity Type: NATIONAL BANKING ASSOCIATION

Execution Date: Sep. 27, 2016

State or Country UNITED STATES
Where Organized:

Assignee

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

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

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

Correspondent

Correspondent VENISA DARK, HAYNES AND BOONE LLP
Name:

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

Domestic Representative - Not Found

Assignment 5 of 7

Conveyance: SECURITY INTEREST

Reel/Frame: [6187/0046](#)

Pages: 7

Date Recorded: Oct. 20, 2017

Supporting [assignment-tm-6187-0046.pdf](#)
Documents:

Assignor

Name: [REDBOX AUTOMATED RETAIL LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Oct. 20, 2017

State or Country DELAWARE
Where Organized:

Assignee

Name: [HPS INVESTMENT PARTNERS, LLC, AS COLLATERAL AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Address: 40 WEST 57TH STREET
NEW YORK, NEW YORK 10019

Correspondent

Correspondent KRISTIN YOHANNAN, ESQ.
Name:

Correspondent 1850 K STREET, NW, SUITE 1100
Address: MILBANK, TWEED, HADLEY & MCCLOY, LLP
WASHINGTON, DC 20006

Domestic Representative - Not Found

Assignment 6 of 7

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [7819/0650](#)

Pages: 7

Date Recorded: Aug. 11, 2022

Supporting Documents: [assignment-tm-7819-0650.pdf](#)

Assignor

Name: [JEFFERIES FINANCE LLC, AS COLLATERAL AGENT](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: BANK

State or Country UNITED STATES
Where Organized:

Assignee

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

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Address: ONE TOWER LANE
OAKBROOK TERRACE, ILLINOIS 60181

Correspondent

Correspondent EPSTEIN DRANGEL LLP
Name:

Correspondent 60 EAST 42ND STREET
Address: SUITE 1250
NEW YORK, NY 10165

Domestic Representative - Not Found

Assignment 7 of 7

Conveyance: SECURITY INTEREST

Reel/Frame: [7846/0182](#)

Pages: 19

Date Recorded: Sep. 13, 2022

Supporting Documents: [assignment-tm-7846-0182.pdf](#)

Assignor

Name: [CHICKEN SOUP FOR THE SOUL ENTERTAINMENT INC.](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

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

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Name: [A SHARP INC.](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Name: [CRACKLE PLUS, LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Name: [HALCYON TELEVISION, LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Name: [LANDMARK STUDIO GROUP LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Name: [POWERSLAM, LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Name: [RB SECOND MERGER SUB LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Aug. 11, 2022

State or Country: DELAWARE

Where Organized:

Name: [SCREEN MEDIA VENTURES, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Aug. 11, 2022

State or Country: DELAWARE

Where Organized:

Name: [TOFG LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Aug. 11, 2022

State or Country: DELAWARE

Where Organized:

Assignee

Name: [HPS INVESTMENT PARTNERS, LLC, AS COLLATERAL AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: DELAWARE

Where Organized:

Address: 40 WEST 57TH STREET, 33RD FLOOR
NEW YORK, UNITED STATES 10019

Correspondent

Correspondent: JAVIER J. RAMOS

Name:

Correspondent: 1850 K STREET, NW, SUITE 1100

Address: MILBANK, LLP
WASHINGTON, DC 20006

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding: [91269032](#)
Number:

Filing Date: Apr 28, 2021

Status: Terminated

Status Date: Jul 09, 2021

Interlocutory: ANDREW P BAXLEY
Attorney:

Defendant

Name: Beijing Jiadun Building Materials Co., Ltd.

Correspondent: YI WAN

Address: LAW OFFICE OF YI WAN
100 CHURCH STREET, SUITE 800
NEW YORK NY UNITED STATES, 10007

Correspondent e-mail: yi.wan@tbchadwick.com, docketing9@tbchadwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RED BOX		90131201	

Plaintiff(s)

Name: Redbox Automated Retail, LLC

Correspondent: JAMES P MURAFF

Address: MCDONALD HOPKINS LLC
600 SUPERIOR AVENUE EAST SUITE 2100
CLEVELAND OH UNITED STATES, 44114

Correspondent e-mail: ipmailbox@mcdonaldhopkins.com, jmuraff@mcdonaldhopkins.com, econway@mcdonaldhopkins.com, ifergus@mcdonaldhopkins.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
REDBOX		85229209	4418938

REDBOX	85744345	4988910
REDBOX.COM	85325085	4672047
REDBOX.	87546664	5857987
REDBOX	85229213	4418939
REDBOX EXCLUSIVE	88472715	
REDBOX. ENTERTAINMENT	88472728	
REDBOX. ORIGINAL	88472696	
	77975075	3438623
	77074924	3438474

Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Jul 09, 2021	
5	BD DECISION: OPP SUSTAINED	Jul 09, 2021	
4	P MOT FOR DEFAULT JUDGMENT	Jun 09, 2021	
3	INSTITUTED	Apr 28, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 28, 2021	Jun 07, 2021
1	FILED AND FEE	Apr 28, 2021	

Type of Proceeding: Opposition

Proceeding [91233624](#)
Number:

Filing Date: Mar 27, 2017

Status: Terminated

Status Date: Jul 13, 2017

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Redbox Express Ltd

Correspondent: JULIA M BISHOP
Address: TROUTMAN SANDERS LLP
600 PEACHTREE ST NE, STE 5200
ATLANTA GA UNITED STATES , 30308-2216

Correspondent e-mail: trademarks@troutmansanders.com , kimberley.nobles@troutmansanders.com , joy.hill@troutmansanders.com , julia.bishop@troutman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
REDBOX EXPRESS		86542296	

Plaintiff(s)

Name: Redbox Automated Retail, LLC

Correspondent: JAMES P MURAFF
Address: NEAL GERBER & EISENBERG LLP
TWO NORTH LASALLE STREET, SUITE 1700
CHICAGO IL UNITED STATES , 60602

Correspondent e-mail: trademarks@ngelaw.com , jmuraff@nge.com , afuelleman@nge.com , marden@nge.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
REDBOX		78201219	2919854
REDBOX		78201199	2988869
REDBOX		78514282	3082012
REDBOX		78866011	3229436
		77074924	3438474
		77975075	3438623
REDBOX		85229209	4418938
REDBOX		85229213	4418939
REDBOX.COM		85325085	4672047

Prosecution History

Entry Number	History Text	Date	Due Date
11	TERMINATED	Jul 13, 2017	
10	BD DECISION: DISMISSED W/O PREJ	Jul 13, 2017	
9	W/DRAW OF OPPOSITION	Jul 05, 2017	
8	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 28, 2017	Jul 28, 2017
7	MOT TO AMEND APPLICATION	Jun 15, 2017	
6	D'S MTN TO AMEND DENIED WITHOUT PREJ; SUSPENDED	Jun 15, 2017	
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 05, 2017	
4	MOT TO AMEND APPLICATION	Apr 19, 2017	
3	PENDING, INSTITUTED	Mar 27, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2017	May 06, 2017
1	FILED AND FEE	Mar 27, 2017	

Change Address or Representation Form

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77975075
REGISTRATION NUMBER	3438623
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	(Design only, see https://tmng-al.uspto.gov/resting2/api/img/77975075/large)
OWNER SECTION(current)	
NAME	Redbox Automated Retail, LLC
MAILING ADDRESS	One Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
OWNER SECTION(proposed)	
STATEMENT TEXT	By submission of this request, the undersigned requests that the following be made of record for the owner/holder:
NAME	Redbox Automated Retail, LLC
MAILING ADDRESS	One Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
ATTORNEY SECTION (current)	
NAME	James P. Muraff
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	McDonald Hopkins LLC
STREET	300 North LaSalle Street Suite 1400

CITY	CHICAGO
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	60654
PHONE	3126421480
FAX	216-348-5474
EMAIL	ipmailbox@mcdonaldhopkins.com
DOCKET/REFERENCE NUMBER(S)	49021-00070

ATTORNEY SECTION (proposed)

STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Annmary Ittan
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Epstein Drangel LLP
OTHER APPOINTED ATTORNEY(S)	William C. Wright; Jesse R. Bader; Hannah Rosenson; Alexandra L. Scoville; Kimberly A. Klibert
STREET	60 East 42nd Street, Suite 1250
CITY	New York
STATE	New York
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	10165
PHONE	212.292.5390
FAX	212.292.5391
EMAIL	mail@ipcounselors.com
DOCKET/REFERENCE NUMBER(S)	5407-506

CORRESPONDENCE SECTION (current)

NAME	James P. Muraff
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	ipmailbox@mcdonaldhopkins.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	49021-00070

CORRESPONDENCE SECTION (proposed)

NAME	Annmary Ittan
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	mail@ipcounselors.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
SIGNATURE SECTION	
SIGNATURE	/Frederick W Stein/
SIGNATORY NAME	Frederick W Stein
SIGNATORY DATE	05/03/2023
SIGNATORY POSITION	Chief Legal Officer
ROLE OF AUTHORIZED SIGNATORY	Owner/Holder not represented by an attorney
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION SECTION	
SUBMIT DATE	Wed May 03 17:07:33 ET 2023
TEAS STAMP	USPTO/CAR-XXXX:XXX:XXX:XX XX:XXXX:XXXX:XXXX:XXXX-20 230503170733652096-770749 24-850b5b58ef5c7569e4bf5a dbbf565ab4ab47ddd61e519f1 a8e45964c53a0cb934-N/A-N/ A-20230419153239573293

Change Address or Representation Form

To the Commissioner for Trademarks:

MARK: Design only, see <https://tmng-al.uspto.gov/resting2/api/img/77975075/large>)

SERIAL NUMBER: 77975075

REGISTRATION NUMBER: 3438623

Owner Section (Current):

Redbox Automated Retail, LLC

One Tower Lane, Suite 900

Oakbrook Terrace, Illinois 60181

United States

XXXX

By submission of this request, the undersigned requests that the following be made of record for the owner/holder:

Owner Section (proposed):

Redbox Automated Retail, LLC

One Tower Lane, Suite 900

Oakbrook Terrace, Illinois 60181

United States

XXXX

Attorney Section (Current):

James P. Muraff of McDonald Hopkins LLC

XX bar, admitted in XXXX, bar membership no. XXX, is located at

300 North LaSalle Street Suite 1400

CHICAGO, Illinois 60654

United States

3126421480

216-348-5474

Email Address: ipmailbox@mcdonaldhopkins.com

Docket Reference Number(s):49021-00070.

By submission of this request, the undersigned REVOKEs the power of attorney currently of record, as listed above, and hereby APPOINTs the following new attorney:

Attorney Section (proposed):

Annmary Ittan of Epstein Drangel LLP

XX bar, admitted in XXXX, bar membership no. XXX, is located at

60 East 42nd Street, Suite 1250

New York, New York 10165

United States

212.292.5390

212.292.5391

mail@ipcounselors.com

Other Appointed Attorney(s): William C. Wright; Jesse R. Bader; Hannah Rosenson; Alexandra L. Scoville; Kimberly A. Klibert

Docket Reference Number(s): 5407-506

Annmary Ittan submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a

U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Section (Current):

James P. Muraff

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: ipmailbox@mcdonaldhopkins.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Docket Reference Number(s): 49021-00070

Correspondence Section (proposed):

Anmmary Ittan

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: mail@ipcounselors.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Docket Reference Number(s): 5407-506

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

Signature: /Frederick W Stein/ Date: 05/03/2023

Signatory's Name: Frederick W Stein

Signatory's Position: Chief Legal Officer

Signature method: Sent to third party for signature

The signatory has confirmed that he/she is either: (1) the owner/holder; or (2) a person or persons with legal authority to bind the owner/holder.

Serial Number: 77975075

Internet Transmission Date: Wed May 03 17:07:33 ET 2023

TEAS Stamp: USPTO/CAR-XXXX:XXX:XXX:XXXX:XXXX:XXXX:XX

XX:XXXX-20230503170733652096-77074924-85

0b5b58ef5c7569e4bf5adbbf565ab4ab47ddd61e

519f1a8e45964c53a0cb934-N/A-N/A-20230419

153239573293

Change Address or Representation Form

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77975075
REGISTRATION NUMBER	3438623
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	(Design only, see https://tmng-al.uspto.gov/resting2/api/img/77975075/large)
OWNER SECTION(current)	
NAME	Redbox Automated Retail, LLC
MAILING ADDRESS	One Tower Lane
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
ATTORNEY SECTION(current)	
NAME	James P. Muraff
ATTORNEY BAR MEMBERSHIP NUMBER	NOT SPECIFIED
YEAR OF ADMISSION	NOT SPECIFIED
U.S. STATE/ COMMONWEALTH/ TERRITORY	NOT SPECIFIED
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	Two North LaSalle Street, Suite 1700
CITY	Chicago
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	60602
PHONE	312-269-8000
FAX	312-269-1747
EMAIL	trademarks@ngelaw.com
DOCKET/REFERENCE NUMBER(S)	19638-04T2
CORRESPONDENCE SECTION(current)	
NAME	James P. Muraff

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademarks@ngelaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	19638-04T2
OWNER SECTION(proposed)	
STATEMENT TEXT	By submission of this request, the undersigned requests that the following be made of record for the owner/holder:
NAME	Redbox Automated Retail, LLC
MAILING ADDRESS	One Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
ATTORNEY SECTION (proposed)	
STATEMENT TEXT	By submission of this request, the undersigned appoints the following new attorney, is newly appearing as the attorney, or updates the information of an existing attorney of record:
NAME	James P. Muraff
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	McDonald Hopkins LLC
OTHER APPOINTED ATTORNEY(S)	David B. Cupar, Scott Slaby, David T. Movius, Todd A. Benni, Matthew J. Cavanagh, Joseph J. Crimaldi, Mark J. Masterson, Mark C. Guinto, Robert C. Baraona, Julie Micalizzi and Lindsie A. Everett
STREET	300 North LaSalle Street Suite 1400
CITY	CHICAGO
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	60654
PHONE	3126421480
FAX	216-348-5474
EMAIL	ipmailbox@mcdonaldhopkins.com
DOCKET/REFERENCE NUMBER(S)	49021-00070
CORRESPONDENCE SECTION (proposed)	
NAME	James P. Muraff
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	ipmailbox@mcdonaldhopkins.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	49021-00070
SIGNATURE SECTION	
SIGNATURE	/James P. Muraff/
SIGNATORY NAME	James P. Muraff
SIGNATORY DATE	07/02/2020
SIGNATORY POSITION	Attorney of record, Illinois bar member
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 02 15:00:54 ET 2020
TEAS STAMP	USPTO/CAR-XXX.XX.XX.XXX-2 0200702150054105723-85551 440-710f0b79cd5724aec4ca0 a17155552a9248e198d0a7889 f63ce060e6ec26dc8fa1-N/A- N/A-20200702145939867774

Change Address or Representation Form

To the Commissioner for Trademarks:

MARK: Design only, see https://tmng-al.uspto.gov/resting2/api/img/7797507_5/large

SERIAL NUMBER: 77975075

REGISTRATION NUMBER: 3438623

Owner Section (Current) :

Redbox Automated Retail, LLC

One Tower Lane

Oakbrook Terrace, Illinois 60181

United States

XXXX

Attorney Section (Current):

James P. Muraff of Neal, Gerber & Eisenberg LLP

is located at

Two North LaSalle Street, Suite 1700

Chicago, Illinois 60602

United States

312-269-8000

312-269-1747

Email Address: trademarks@ngelaw.com

Docket Reference Number(s):19638-04T2.

Correspondence Section (Current):

James P. Muraff

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: trademarks@ngelaw.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Docket Reference Number(s): 19638-04T2

By submission of this request, the undersigned requests that the following be made of record for the owner/holder:

Owner Section (proposed):

Redbox Automated Retail, LLC

One Tower Lane, Suite 900

Oakbrook Terrace, Illinois 60181

United States

XXXX

By submission of this request, the undersigned appoints the following new attorney, is newly appearing as the attorney, or updates the information of an existing attorney of record:

Attorney Section (proposed):

James P. Muraff of McDonald Hopkins LLC

XX bar, admitted in XXXX, bar membership no. XXX, is located at

300 North LaSalle Street Suite 1400

CHICAGO, Illinois 60654

United States

3126421480

216-348-5474

ipmailbox@mcdonaldhopkins.com

Other Appointed Attorney(s): David B. Cupar, Scott Slaby, David T. Movius, Todd A. Benni, Matthew J. Cavanagh, Joseph J. Crimaldi, Mark J. Masterson, Mark C. Guinto, Robert C. Baraona, Julie Micalizzi and Lindsie A. Everett
Docket Reference Number(s): 49021-00070

James P. Muraff submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Section (proposed):

James P. Muraff

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: ipmailbox@mcdonaldhopkins.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Docket Reference Number(s): 49021-00070

Signature: /James P. Muraff/ Date: 07/02/2020

Signatory's Name: James P. Muraff

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

Serial Number: 77975075

Internet Transmission Date: Thu Jul 02 15:00:54 ET 2020

TEAS Stamp: USPTO/CAR-XXX.XX.XX.XXX-2020070215005410

5723-85551440-710f0b79cd5724aec4ca0a1715

5552a9248e198d0a7889f63ce060e6ec26dc8fa1

-N/A-N/A-20200702145939867774

From: TMOOfficialNotices@USPTO.GOV
Sent: Saturday, June 2, 2018 00:27 AM
To: XXXX
Subject: Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 3438623: Miscellaneous Design: Docket/Reference No. 19638-04T2

U.S. Serial Number: 77975075
U.S. Registration Number: 3438623
U.S. Registration Date: May 27, 2008
Mark: Miscellaneous Design
Owner: Redbox Automated Retail, LLC

Jun 1, 2018

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

The registration will remain in force for the class(es) listed below, unless canceled by an order of the Commissioner for Trademarks or a Federal Court, as long as the requirements for maintaining the registration are fulfilled as they become due.

Class(es):
035, 041

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

WARNING: Your registration will be canceled if you do not file the documents below during the specified statutory time periods.

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****THE USPTO IS NOT REQUIRED TO SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To check the status of this registration, go to https://tsdr.uspto.gov/#caseNumber=77975075&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to https://tsdr.uspto.gov/#caseNumber=77975075&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=documentSearch NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

* 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 <https://www.uspto.gov/trademark> or contact the Trademark Assistance Center at 1-800-786-9199.

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3438623
REGISTRATION DATE	05/27/2008
SERIAL NUMBER	77975075
MARK SECTION	
MARK	Miscellaneous Mark (stylized and/or with design, see https://tmng-al.uspto.gov/resting2/api/img/77975075/large)
ATTORNEY SECTION (no change)	
NAME	James P. Muraff
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	Two North LaSalle Street, Suite 1700
CITY	Chicago
STATE	Illinois
POSTAL CODE	60602
COUNTRY	United States
PHONE	312-269-8000
FAX	312-269-1747
EMAIL	trademarks@ngelaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	19638-04T2
CORRESPONDENCE SECTION (no change)	
NAME	James P. Muraff
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	Two North LaSalle Street, Suite 1700
CITY	Chicago
STATE	Illinois
POSTAL CODE	60602
COUNTRY	United States
PHONE	312-269-8000
FAX	312-269-1747
EMAIL	trademarks@ngelaw.com

AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	19638-04T2
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	035
GOODS OR SERVICES	vending services in the field of DVDs
SPECIMEN FILE NAME(S)	\\TICRS\\EXPORT17\\IMAGEOUT 17\\779\\750\\77975075\\xml2\\S890002.JPG
SPECIMEN DESCRIPTION	photo of vending machine
INTERNATIONAL CLASS	041
GOODS OR SERVICES	Automated DVD rental services
SPECIMEN FILE NAME(S)	\\TICRS\\EXPORT17\\IMAGEOUT 17\\779\\750\\77975075\\xml2\\S890003.JPG
SPECIMEN DESCRIPTION	photo of vending machine
OWNER SECTION (current)	
NAME	Redbox Automated Retail, LLC
INTERNAL ADDRESS	Suite 1200
STREET	One Tower Lane
CITY	Oakbrook Terrace
STATE	Illinois
ZIP/POSTAL CODE	60181
COUNTRY	United States
EMAIL	XXXX
OWNER SECTION (proposed)	
NAME	Redbox Automated Retail, LLC
STREET	One Tower Lane
CITY	Oakbrook Terrace
STATE	Illinois
ZIP/POSTAL CODE	60181
COUNTRY	United States
EMAIL	XXXX
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
LEGAL ENTITY SECTION (current)	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
PAYMENT SECTION	
NUMBER OF CLASSES	2
NUMBER OF CLASSES PAID	2
COMBINED §§ 8 & 9 DECLARATION/APPLICATION FILING FEE	850

TOTAL FEE PAID	850
SIGNATURE SECTION	
SIGNATURE	/Sam Banayan/
SIGNATORY'S NAME	Sam Banayan
SIGNATORY'S POSITION	Director, Legal
DATE SIGNED	05/22/2018
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Tue May 22 17:59:46 EDT 2018
TEAS STAMP	USPTO/S08N09-XX.XXX.XXX.X X-20180522175946750755-34 38623-610c666d2f216c3b1e7 4727767bbd746a1a9ba76fa3c 264a31ceeb38e49b2e9da-DA- 4509-20180515133710853342

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 3438623

REGISTRATION DATE: 05/27/2008

MARK: (Stylized and/or with Design, Miscellaneous Mark (see, [mark](#)))

The owner, Redbox Automated Retail, LLC, a limited liability company legally organized under the laws of Delaware, having an address of One Tower Lane
Oakbrook Terrace, Illinois 60181
United States
XXXX (authorized)

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9.

For International Class 035, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: vending services in the field of DVDs ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photo of vending machine.

[Specimen File1](#)

For International Class 041, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Automated DVD rental services ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photo of vending machine.

[Specimen File1](#)

A fee payment in the amount of \$850 will be submitted with the form, representing payment for 2 class(es), plus any additional grace period fee, if necessary.

Declaration

- Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods/services or to indicate membership in the collective membership organization identified above, as evidenced by the attached specimen(s).
- Unless the owner has specifically claimed excusable nonuse, the specimen(s) shows the mark as currently used in commerce on or in connection with the goods/services/collective membership organization.
- The registrant requests that the registration be renewed for the goods/services/collective organization identified above.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being 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 submission and the registration, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Sam Banayan/ Date: 05/22/2018

Signatory's Name: Sam Banayan

Signatory's Position: Director, Legal

Mailing Address:

Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 1700
Chicago, Illinois 60602

Serial Number: 77975075

Internet Transmission Date: Tue May 22 17:59:46 EDT 2018

TEAS Stamp: USPTO/S08N09-XX.XXX.XXX.XX-2018052217594

6750755-3438623-610c666d2f216c3b1e747277

67bbd746a1a9ba76fa3c264a31ceeb38e49b2e9d

a-DA-4509-20180515133710853342



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1-866-733-2693



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return

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FOR A CHANCE TO WIN A DIRT BIKE.



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MAIL

ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 3438623**Serial Number:** 77975075**RAM Sale Number:** 3438623**RAM Accounting Date:** 20180523**Total Fees:** \$850

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20180522	\$125	2	2	\$250
Application for Renewal (§9)	7201	20180522	\$300	2	2	\$600

Physical Location: 700 - INTENT TO USE SECTION

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20180522

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choose your universe
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STAR WARS
NEW RELEASES FOR EVERYONE

redbox.

NEW RELEASE
movies & games

A

Call 1-866-REDBOX3
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DVD
pick up
return

redbox.
YOU COULD WIN THIS DIRT BIKE.
REDEEM AND GIVE BACK YOUR REDBOX CARDS
FOR A CHANCE TO WIN A DIRT BIKE.



FAST
MAIL

From: TMOfficialNotices@USPTO.GOV
Sent: Saturday, May 27, 2017 01:07 AM
To: XXXX
Subject: Official USPTO Courtesy Reminder of Required Trademark Registration Maintenance Filings Under Section 8 and 9: U.S. Trademark RN 3438623: Miscellaneous Design: Docket/Reference No. 19638-04T2

U.S. Serial Number: 77975075
U.S. Registration Number: 3438623
U.S. Registration Date: May 27, 2008
Mark: Miscellaneous Design
Owner: Redbox Automated Retail, LLC

May 27, 2017

**U.S. PATENT AND TRADEMARK OFFICE ("USPTO") COURTESY REMINDER
OF REQUIRED TRADEMARK REGISTRATION MAINTENANCE FILINGS UNDER SECTIONS 8 AND 9**

WARNING: Your trademark registration will be CANCELLED and will EXPIRE if you do not file the required documents below during the specified statutory time periods.

The above-identified registration registered on May 27, 2008. Therefore, the owner of the registration must file a Declaration of Use and/or Excusable Nonuse and an Application for Renewal under §§8 and 9 of the Trademark Act anytime between now and May 29, 2018. For an additional fee, the owner may file the documents within the six-month grace period that ends on Nov 27, 2018. See 15 U.S.C. §§1058, 1059. The current fee for a combined filing under §§8 and 9 is \$425 per class if the filing is made via the Trademark Electronic Application System ("TEAS") and \$725 per class if the filing is made on paper, and the additional fee for filing during the six-month grace period is \$200 per class if the filing is made via TEAS and \$400 per class if the filing is made on paper. 37 C.F.R. §2.6.

To expedite processing, the owner is encouraged to file through the USPTO's official website using TEAS. Official forms for filing a Combined Declaration of Use and/or Excusable Nonuse and Application for Renewal under §§8 and 9 are available through TEAS at <https://www.uspto.gov/trademarks-application-process/filing-online/registration-maintenancerenewalcorrection-forms>.

For information regarding how to record ownership documents such as assignments, name changes and mergers, please see TMEP §503. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System ("ETAS") at <https://etas.uspto.gov>.

For further information regarding the maintenance of a trademark registration, including future maintenance filings, please consult the USPTO website at <https://www.uspto.gov/learning-and-resources/trademark-faqs>.

This reminder notice is being sent only as a courtesy to those trademark owners who have authorized e-mail communication and maintain a current e-mail address with the USPTO. Failure by the USPTO to send a reminder or non-receipt of a reminder does not excuse a trademark owner from meeting the statutory obligations for maintaining a trademark registration. If a registration is cancelled and/or expired due to the failure to timely file required maintenance documents, it cannot be reinstated or revived.

Correspondence transmitted through TEAS is considered to have been filed on the date the USPTO receives the transmission, in Eastern Time, regardless of whether that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. 37 C.F.R. §2.195(a)(2).

To check the status of this registration, go to https://tsdr.uspto.gov/#caseNumber=77975075&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199.

In order to be eligible for future e-mail reminders of maintenance filings, please remember to authorize e-mail communication when filing your maintenance documents through TEAS.

From: TMOfficialNotices@USPTO.GOV
Sent: Thursday, June 12, 2014 11:00 PM
To: XXXX
Subject: Official USPTO Notice of Acceptance Section 8: U.S. Trademark RN 3438623: Miscellaneous Design: Docket/Reference No. 19638-04T2

Serial Number: 77975075
Registration Number: 3438623
Registration Date: May 27, 2008
Mark: Miscellaneous Design
Owner: Redbox Automated Retail, LLC

Jun 11, 2014

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
035, 041

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=77975075>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3438623
REGISTRATION DATE	05/27/2008
SERIAL NUMBER	77975075
MARK SECTION	
MARK	Miscellaneous Mark (stylized and/or with design)
ATTORNEY SECTION (new)	
NAME	James P. Muraff
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	Two North LaSalle Street, Suite 1700
CITY	Chicago
STATE	Illinois
POSTAL CODE	60602
COUNTRY	United States
PHONE	312-269-8000
FAX	312-269-1747
EMAIL	trademarks@ngelaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	19638-04T2
OTHER APPOINTED ATTORNEY	all other attorneys of the firm
CORRESPONDENCE SECTION (current)	
CORRESPONDENCE SECTION (proposed)	
NAME	James P. Muraff
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	Two North LaSalle Street, Suite 1700
CITY	Chicago
STATE	Illinois
POSTAL CODE	60602
COUNTRY	United States
PHONE	312-269-8000
FAX	312-269-1747
EMAIL	trademarks@ngelaw.com

AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	19638-04T2
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	035
GOODS OR SERVICES	vending services in the field of DVDs
SPECIMEN FILE NAME(S)	\\TICRS\\EXPORT16\\IMAGEOUT 16\\779\\750\\77975075\\xml1\\S080002.JPG
SPECIMEN DESCRIPTION	photograph of kiosk
INTERNATIONAL CLASS	041
GOODS OR SERVICES	Automated DVD rental services
SPECIMEN FILE NAME(S)	\\TICRS\\EXPORT16\\IMAGEOUT 16\\779\\750\\77975075\\xml1\\S080003.JPG
SPECIMEN DESCRIPTION	photograph of kiosk
OWNER SECTION (current)	
NAME	Redbox Automated Retail, LLC
STREET	Suite 1200
CITY	Oakbrook Terrace
STATE	Illinois
ZIP/POSTAL CODE	60181
COUNTRY	United States
EMAIL	XXXX
OWNER SECTION (proposed)	
NAME	Redbox Automated Retail, LLC
STREET	Suite 1200
CITY	Oakbrook Terrace
STATE	Illinois
ZIP/POSTAL CODE	60181
COUNTRY	United States
EMAIL	XXXX
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
LEGAL ENTITY SECTION (current)	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
LEGAL ENTITY SECTION (proposed)	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
PAYMENT SECTION	
NUMBER OF CLASSES	2

NUMBER OF CLASSES PAID	2
SUBTOTAL AMOUNT	200
TOTAL FEE PAID	200
SIGNATURE SECTION	
SIGNATURE	/Frederick W. Stein/
SIGNATORY'S NAME	Frederick W. Stein
SIGNATORY'S POSITION	Vice President and General Counsel
DATE SIGNED	05/23/2014
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Fri May 23 17:20:54 EDT 2014
TEAS STAMP	USPTO/SECT08-XX.XXX.XXX.X X-20140523172054654010-34 38623-50052d7ab2229ae7a92 6e53f8b87ea78678550a033d5 e2e9111835d6168f98e56b-DA -3758-2014052315450804657 2

Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8
To the Commissioner for Trademarks:

REGISTRATION NUMBER: 3438623

REGISTRATION DATE: 05/27/2008

MARK: (Stylized and/or with Design, Miscellaneous Mark)

The owner, Redbox Automated Retail, LLC, a limited liability company legally organized under the laws of Delaware, having an address of
Suite 1200

Oakbrook Terrace, Illinois 60181

United States

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 035, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: vending services in the field of DVDs ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photograph of kiosk.

[Specimen File1](#)

For International Class 041, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Automated DVD rental services ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photograph of kiosk.

[Specimen File1](#)

The registrant's current Correspondence Information:

,

The registrant's proposed Correspondence Information: James P. Muraff of Neal, Gerber & Eisenberg LLP

Two North LaSalle Street, Suite 1700

Chicago, Illinois (IL) 60602

United States

The docket/reference number is 19638-04T2.

The phone number is 312-269-8000.

The fax number is 312-269-1747.

The email address is trademarks@ngelaw.com.

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

Two North LaSalle Street, Suite 1700

Chicago, Illinois 60602

United States

to submit this Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 on behalf of the registrant. The docket/reference number is 19638-04T2.

The phone number is 312-269-8000.

The fax number is 312-269-1747.

The email address is trademarks@ngelaw.com.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for 2 class(es), plus any additional grace period fee, if necessary.

Declaration

Unless the owner has specifically claimed excusable nonuse, the mark is in use 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 signatory being warned that willful false statements and the like 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 this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Frederick W. Stein/ Date: 05/23/2014

Signatory's Name: Frederick W. Stein

Signatory's Position: Vice President and General Counsel

Mailing Address:

Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 1700
Chicago, Illinois 60602

Serial Number: 77975075

Internet Transmission Date: Fri May 23 17:20:54 EDT 2014

TEAS Stamp: USPTO/SECT08-XX.XXX.XXX.XX-2014052317205

4654010-3438623-50052d7ab2229ae7a926e53f

8b87ea78678550a033d5e2e9111835d6168f98e5

6b-DA-3758-20140523154508046572

DVD RENTALS

redbox™

\$1 DVD RENTALS \$1



SUNSCREEN

Lift here to rent

A logo consisting of a stylized 'D' and 'V' shape above the text 'DVD pick up and return'.

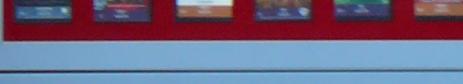
\$1 per night

new releases
every tuesday

RESERVE ONLINE AT REDBOX.COM



SOLOIST



ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 3438623**Serial Number:** 77975075**RAM Sale Number:** 3438623**RAM Accounting Date:** 20140527**Total Fees:** \$200

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20140523	\$100	2	2	\$200

Physical Location: 700 - INTENT TO USE SECTION

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20140523

DVD RENTALS

redbox™

\$1 DVD RENTALS \$1



SUNSCREEN

Lift here to rent

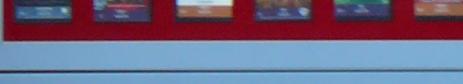
\$1 per night

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SOLOIST



DVD RENTALS

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RESERVE ONLINE AT REDBOX.COM



SOLOIST



Int. Cls.: 35 and 41

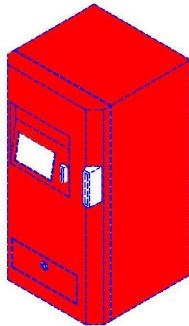
Prior U.S. Cls.: 100, 101, 102, and 107

Reg. No. 3,438,623

United States Patent and Trademark Office

Registered May 27, 2008

**SERVICE MARK
SUPPLEMENTAL REGISTER**



REDBOX AUTOMATED RETAIL, LLC (DELAWARE LTD LIAB CO)
SUITE 1200
ONE TOWER LANE
OAKBROOK TERRACE, IL 60181

FOR: VENDING SERVICES IN THE FIELD OF DVDS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-31-2002; IN COMMERCE 7-31-2002.

FOR: AUTOMATED DVD RENTAL SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-31-2002; IN COMMERCE 7-31-2002.

OWNER OF U.S. REG. NOS. 2,919,854, 2,988,869, AND 3,082,012.

THE COLOR(S) RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE COLOR RED USED OVER SUBSTANTIALLY ALL OF THE SURFACE OF VENDING MACHINES THAT ARE USED IN RENDERING THE SERVICES. THE MATTER SHOWN IN BROKEN LINES SERVES TO SHOW POSITIONING OF THE MARK AND IS NOT A FEATURE OF THE MARK.

SER. NO. 77-975,075, FILED P.R. 1-3-2007; AM. S.R. 11-29-2007.

TERESA M. RUPP, EXAMINING ATTORNEY

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	77975075	FILING DATE	01/03/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RUPP, TERESA M	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	04/19/2008		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/18/2008		
LITERAL MARK ELEMENT			
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	11/29/2007		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	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	NO
LITERAL MARK ELEMENT	
MARK DRAWING CODE	2-AN ILLUSTRATION DRAWING WITHOUT ANY WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

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

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	vending services in the field of DVDs
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Automated DVD rental services

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	07/31/2002	FIRST USE IN COMMERCE DATE	07/31/2002	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	07/31/2002	FIRST USE IN COMMERCE DATE	07/31/2002	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) RED is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the color red used over substantially all of the surface of vending machines that are used in rendering the services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark.
OWNER OF US REG NOS	2919854 2988869 3082012
CHILD OF	77074924

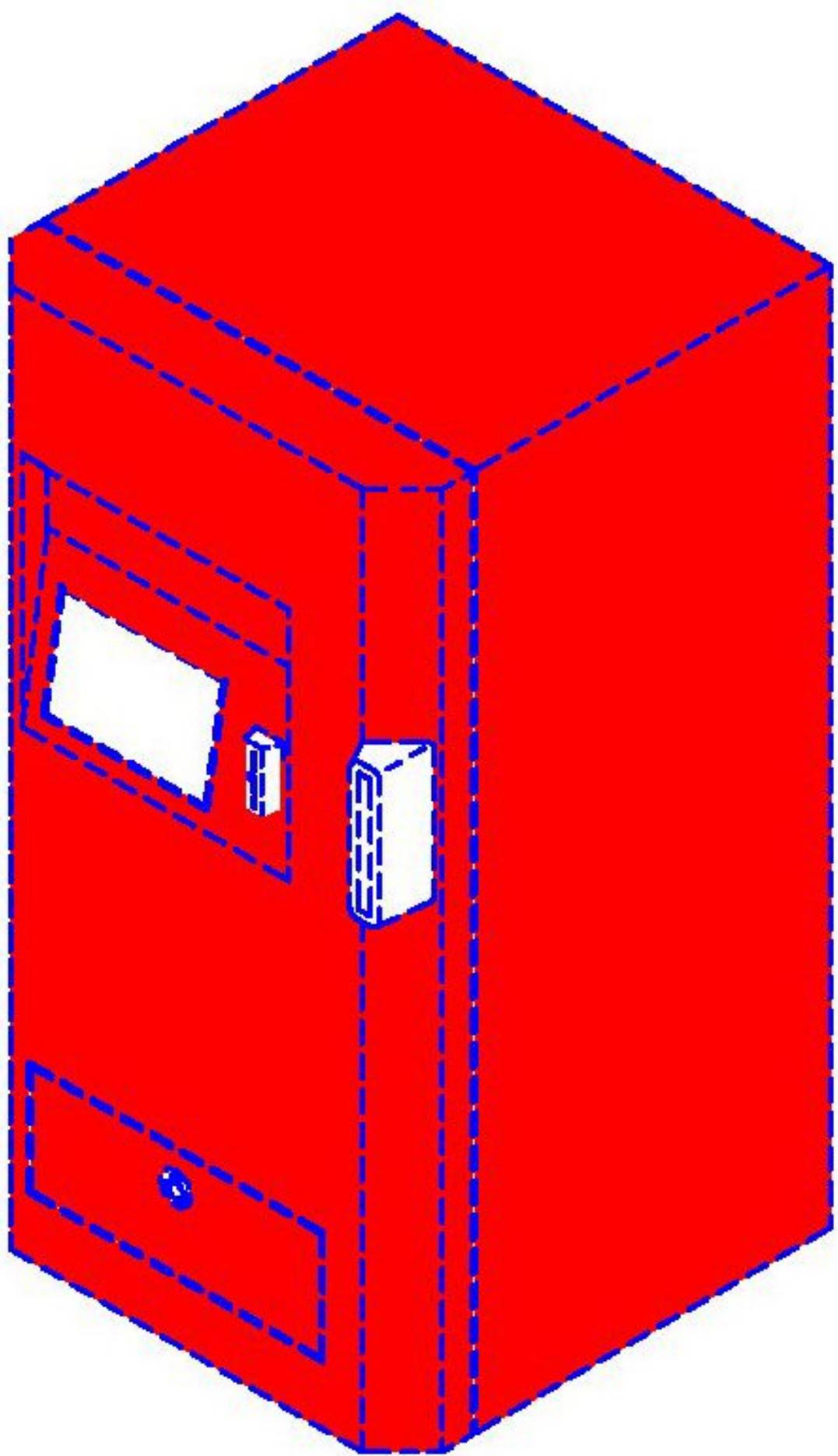
PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/18/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	023
04/18/2008	CNTA	O	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	022
04/18/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	021
04/18/2008	GNEN	O	NOTIFICATION OF EXAMINER'S AMENDMENT E-MAILED	020
04/18/2008	GNEA	O	EXAMINER'S AMENDMENT E-MAILED	019
04/18/2008	CNEA	R	EXAMINER'S AMENDMENT -WRITTEN	018
01/25/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	017
01/25/2008	GNRT	O	NON-FINAL ACTION E-MAILED	016
01/25/2008	CNRT	R	NON-FINAL ACTION WRITTEN	015
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01/17/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013

01/14/2008	ALIE	A	ASSIGNED TO LIE	012
11/29/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	011
09/15/2007	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	010
09/14/2007	DPCC	D	DIVISIONAL PROCESSING COMPLETE	009
08/16/2007	DRRR	I	DIVISIONAL REQUEST RECEIVED	008
08/16/2007	MAIL	I	PAPER RECEIVED	007
05/30/2007	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/30/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
04/13/2007	DOCK	D	ASSIGNED TO EXAMINER	003
01/09/2007	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
01/08/2007	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 LA SALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE



Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	77975075	FILING DATE	01/03/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RUPP, TERESA M	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	04/19/2008		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/18/2008		
LITERAL MARK ELEMENT			
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	11/29/2007		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	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	NO
LITERAL MARK ELEMENT	
MARK DRAWING CODE	2-AN ILLUSTRATION DRAWING WITHOUT ANY WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

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

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	vending services in the field of DVDs
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Automated DVD rental services

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	07/31/2002	FIRST USE IN COMMERCE DATE	07/31/2002	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	07/31/2002	FIRST USE IN COMMERCE DATE	07/31/2002	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) RED is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the color red used over substantially all of the surface of vending machines that are used in rendering the services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark.
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CHILD OF	77074924

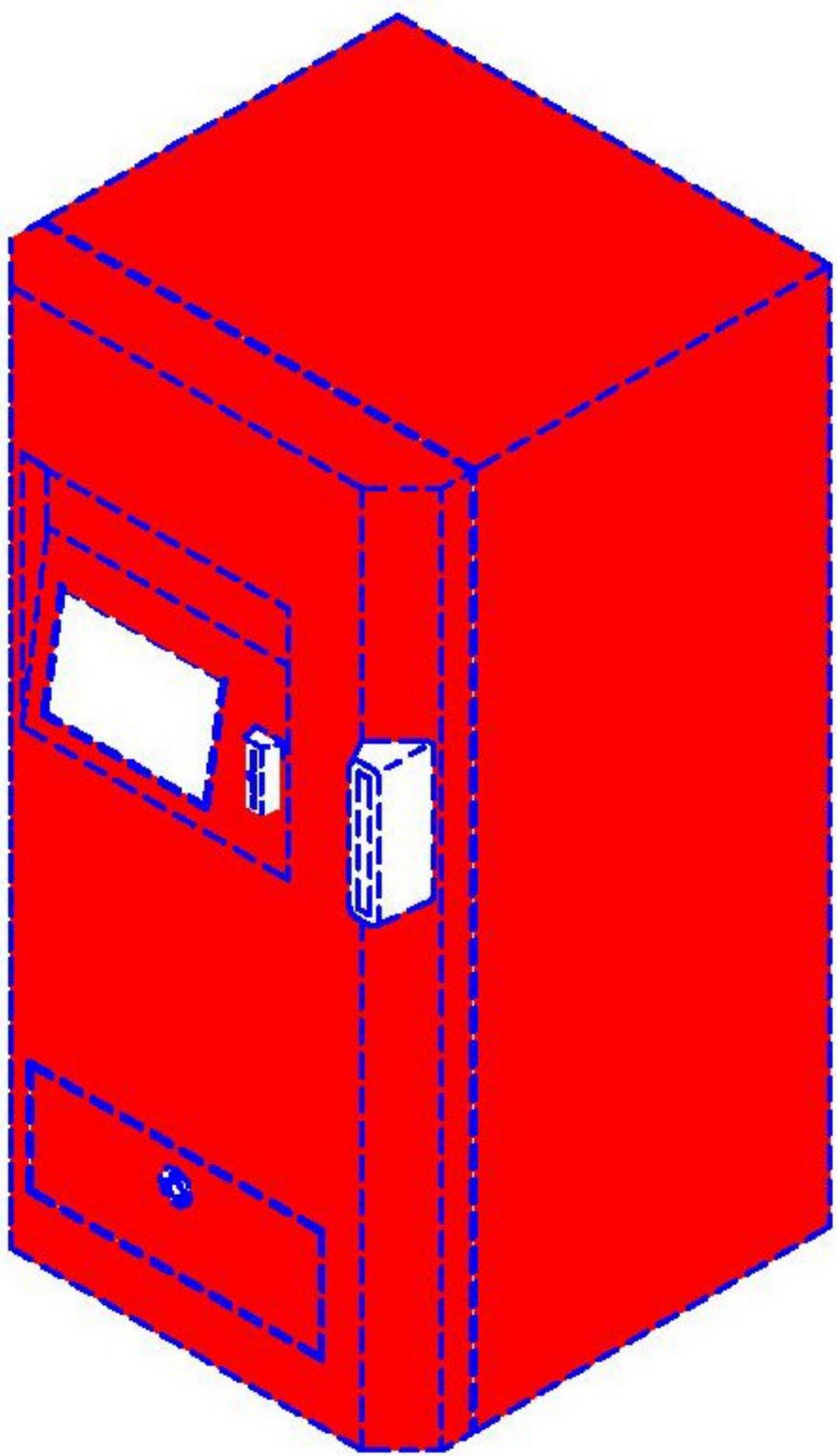
PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/18/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	023
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04/18/2008	GNEN	O	NOTIFICATION OF EXAMINER'S AMENDMENT E-MAILED	020
04/18/2008	GNEA	O	EXAMINER'S AMENDMENT E-MAILED	019
04/18/2008	CNEA	R	EXAMINER'S AMENDMENT -WRITTEN	018
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01/25/2008	GNRT	O	NON-FINAL ACTION E-MAILED	016
01/25/2008	CNRT	R	NON-FINAL ACTION WRITTEN	015
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01/17/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013

01/14/2008	ALIE	A	ASSIGNED TO LIE	012
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09/15/2007	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	010
09/14/2007	DPCC	D	DIVISIONAL PROCESSING COMPLETE	009
08/16/2007	DRRR	I	DIVISIONAL REQUEST RECEIVED	008
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05/30/2007	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/30/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
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01/08/2007	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 LA SALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE



Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77975075	FILING DATE	01/03/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RUPP, TERESA M	L.O. ASSIGNED	106

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STATUS DATE	04/18/2008		
LITERAL MARK ELEMENT			
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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	11/29/2007		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	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	NO
LITERAL MARK ELEMENT	
MARK DRAWING CODE	2-AN ILLUSTRATION DRAWING WITHOUT ANY WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

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CHILD OF	77074924

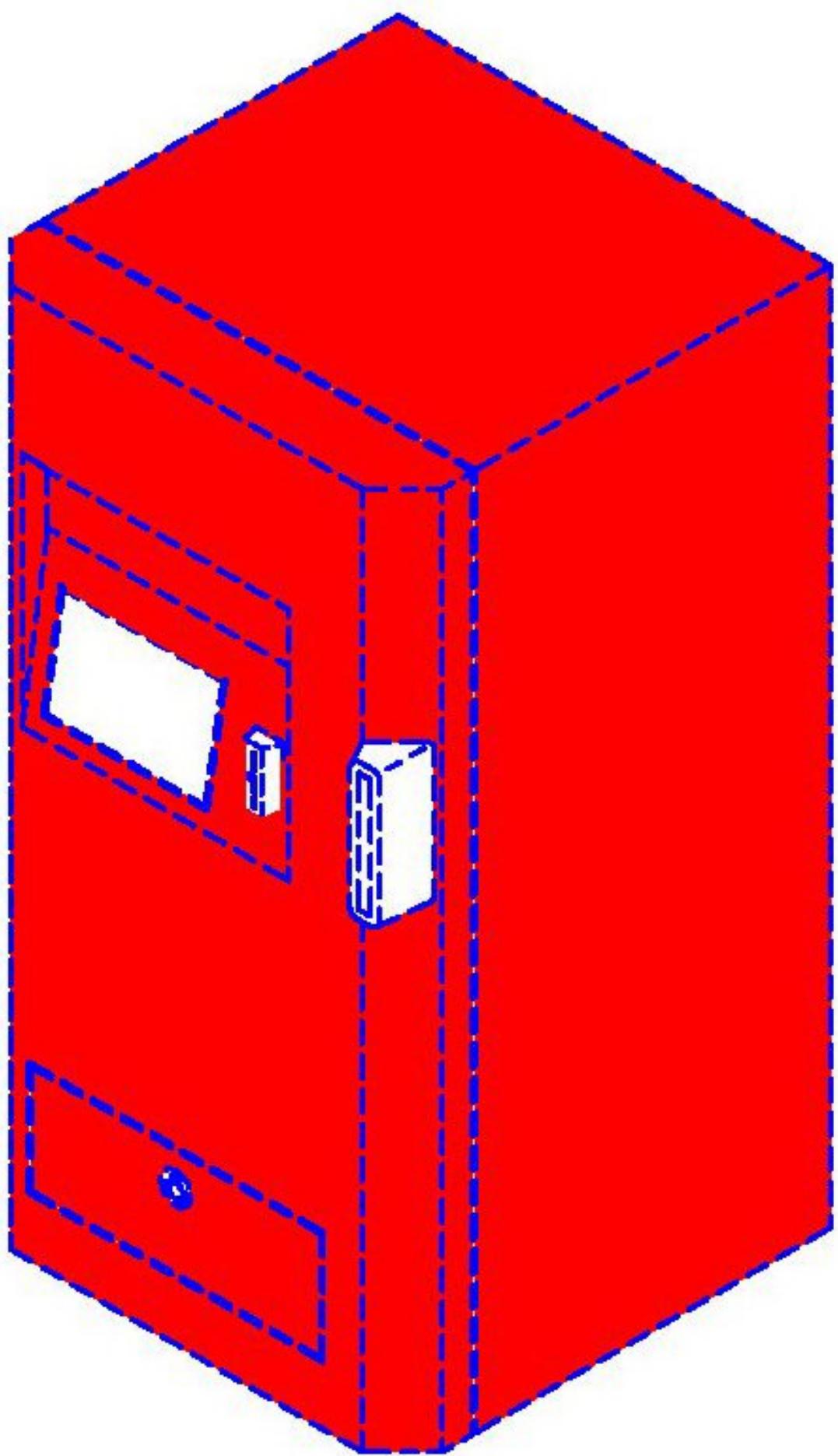
PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
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04/18/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	021
04/18/2008	GNEN	O	NOTIFICATION OF EXAMINER'S AMENDMENT E-MAILED	020
04/18/2008	GNEA	O	EXAMINER'S AMENDMENT E-MAILED	019
04/18/2008	CNEA	R	EXAMINER'S AMENDMENT -WRITTEN	018
01/25/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	017
01/25/2008	GNRT	O	NON-FINAL ACTION E-MAILED	016
01/25/2008	CNRT	R	NON-FINAL ACTION WRITTEN	015
01/17/2008	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
01/17/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013

01/14/2008	ALIE	A	ASSIGNED TO LIE	012
11/29/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	011
09/15/2007	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	010
09/14/2007	DPCC	D	DIVISIONAL PROCESSING COMPLETE	009
08/16/2007	DRRR	I	DIVISIONAL REQUEST RECEIVED	008
08/16/2007	MAIL	I	PAPER RECEIVED	007
05/30/2007	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/30/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
04/13/2007	DOCK	D	ASSIGNED TO EXAMINER	003
01/09/2007	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
01/08/2007	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 LA SALLE ST STE 2200 CHICAGO, IL 60602-3963
DOMESTIC REPRESENTATIVE	NONE



To: Redbox Automated Retail, LLC (IPDocket@ngelaw.com)
Subject: TRADEMARK APPLICATION NO. 77975075 - 019638.7007
Sent: 4/18/08 8:27:36 AM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/975075

MARK: *77975075*

CORRESPONDENT ADDRESS:

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

GENERAL TRADEMARK INFORMATION:

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

APPLICANT: Redbox Automated Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
019638.7007

CORRESPONDENT E-MAIL ADDRESS:

IPDocket@ngelaw.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: **4/18/2008**

AMENDMENT: In accordance with the authorization granted by Hillary Mann on April 17, 2008, the application has been AMENDED as indicated below. Please advise the undersigned examining attorney immediately if there is an objection to the amendment. Otherwise, no response is necessary. TMEP §707.

If the identification of goods and/or services has been amended, please note that any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

Amend the services as follows: Vending services in the field of DVDs.

Amend the description of the mark as follows:

The mark consists of the color red used over substantially all of the surface of vending machines that are used in rendering the services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark.

/Teresa Rupp/
Trademark Senior Attorney
Law Office 106
Phone - 571-272-9329
Fax - 571-273-9106

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@nglaw.com)
Subject: TRADEMARK APPLICATION NO. 77975075 - 019638.7007
Sent: 4/18/08 8:27:38 AM
Sent As: ECOM106@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 4/18/2008 FOR
APPLICATION SERIAL NO. 77975075

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

VIEW OFFICE ACTION: Click on this link
http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77975075&doc_type=EXA&mail_date=20080418 (or copy and paste this URL into the address field of your browser), or visit <http://tmportal.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 **4/18/2008**.

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.**

To: Redbox Automated Retail, LLC (IPDocket@ngelaw.com)
Subject: TRADEMARK APPLICATION NO. 77975075 - 019638.7007
Sent: 1/25/08 4:50:12 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/975075

MARK:

77975075

CORRESPONDENT ADDRESS:

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LA SALLE 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 :

019638.7007

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: 1/25/2008

This Office action is in response to applicant's communication filed on November 30, 2007

The amendment to the Supplemental Register is acceptable. The refusal to register the mark under Sections 1, 2 and 45 of the Trademark Act is withdrawn. The specimen showing use of the mark in connection with the services in Class 35 is acceptable.

DESCRIPTION OF THE MARK

The description of the mark states: "The mark consists of Red used on vending machines and services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark". This description is unacceptable because a color cannot be used **on services**. The applicant is requested to amend the description as follows:

The mark consists of the color red used over the entire surface of vending machines that are used in rendering the services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark.

Recitation of services – International Class 35

The applicant amended the services in International Class 35 from "vending services" to "vending services". The applicant must specify the goods sold through the vending services. Applicant may adopt the following identification of services, if accurate: Vending services in the field of DVDs. *See TMEP §1402.01.*

Applicant is encouraged to telephone the assigned trademark examining attorney to resolve the issues raised in this Office action.

/Teresa Rupp/
Trademark Senior Attorney
Law Office 106
Phone - 571-272-9329
Fax - 571-273-9106

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as 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@nglaw.com)
Subject: TRADEMARK APPLICATION NO. 77975075 - 019638.7007
Sent: 1/25/08 4:50:14 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 1/25/2008 FOR
APPLICATION SERIAL NO. 77975075

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

VIEW OFFICE ACTION: Click on this link
http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77975075&doc_type=OOA&mail_date=20080125 (or copy and paste this URL into the address field of your browser), or visit <http://tmportal.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 1/25/2008.

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 Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77975075	FILING DATE	01/03/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RUPP, TERESA M	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	01/18/2008		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	01/17/2008		
LITERAL MARK ELEMENT			
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	11/29/2007		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	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	NO
LITERAL MARK ELEMENT	
MARK DRAWING CODE	2-AN ILLUSTRATION DRAWING WITHOUT ANY WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

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

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	vending services
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Automated DVD rental services

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	07/31/2002	FIRST USE IN COMMERCE DATE	07/31/2002	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	07/31/2002	FIRST USE IN COMMERCE DATE	07/31/2002	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) RED is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of Red used on vending machines and services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark.
OWNER OF US REG NOS	2919854 2988869 3082012
CHILD OF	77074924

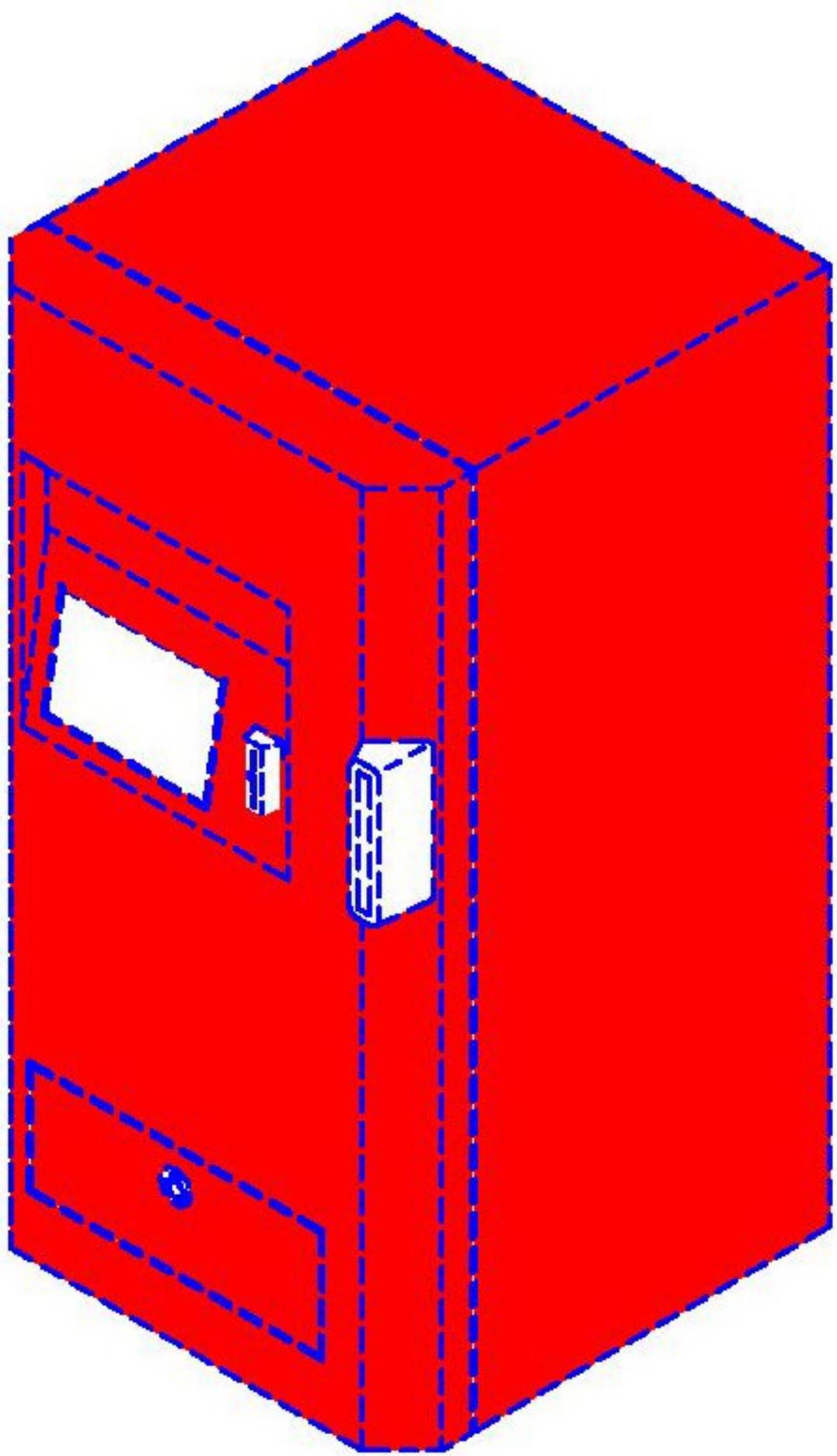
PROSECUTION HISTORY

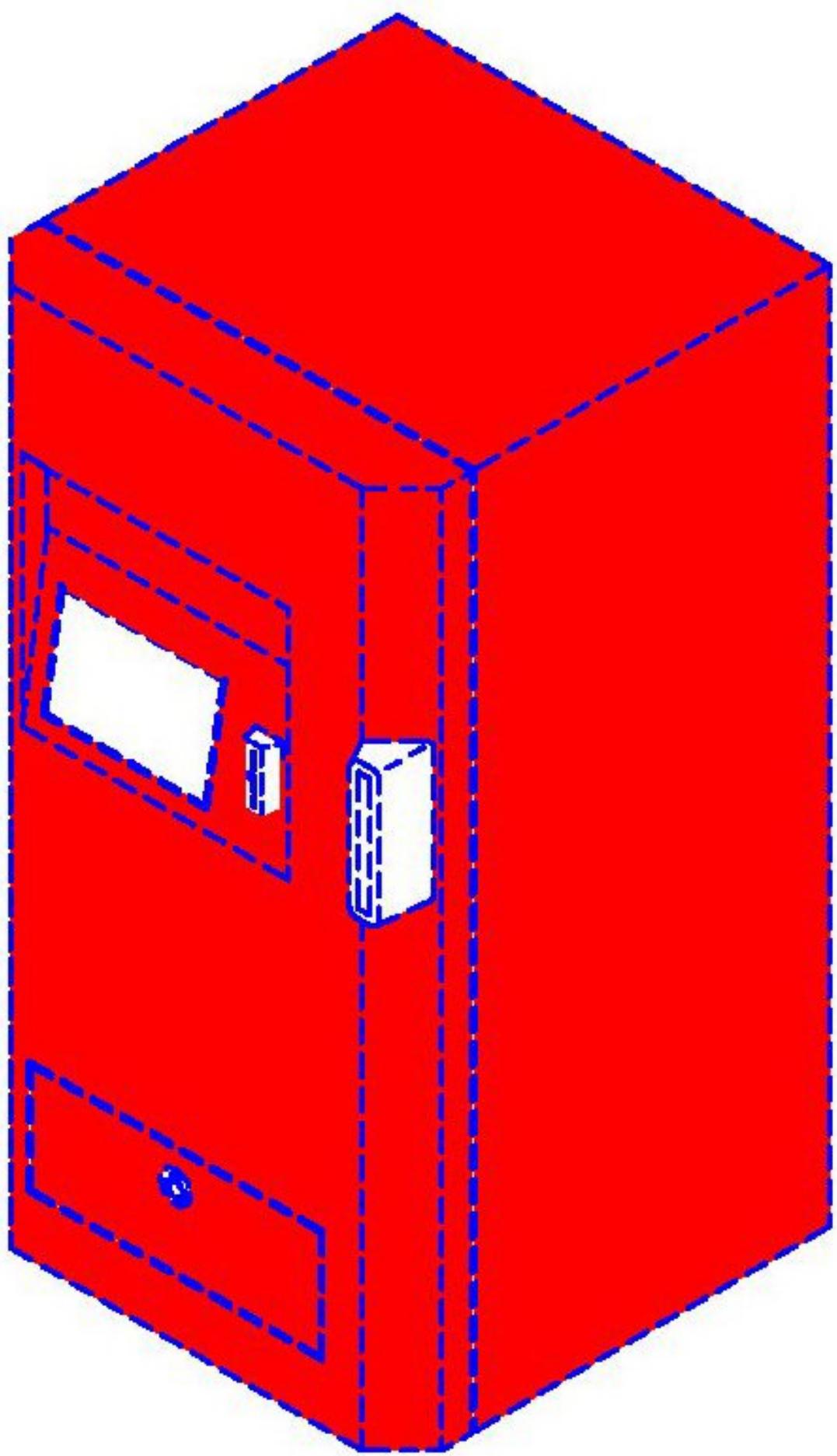
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
01/17/2008	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	014
01/17/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	013
01/14/2008	ALIE	A	ASSIGNED TO LIE	012
11/29/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	011
09/15/2007	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	010
09/14/2007	DPCC	D	DIVISIONAL PROCESSING COMPLETE	009
08/16/2007	DRRR	I	DIVISIONAL REQUEST RECEIVED	008
08/16/2007	MAIL	I	PAPER RECEIVED	007
05/30/2007	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/30/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004

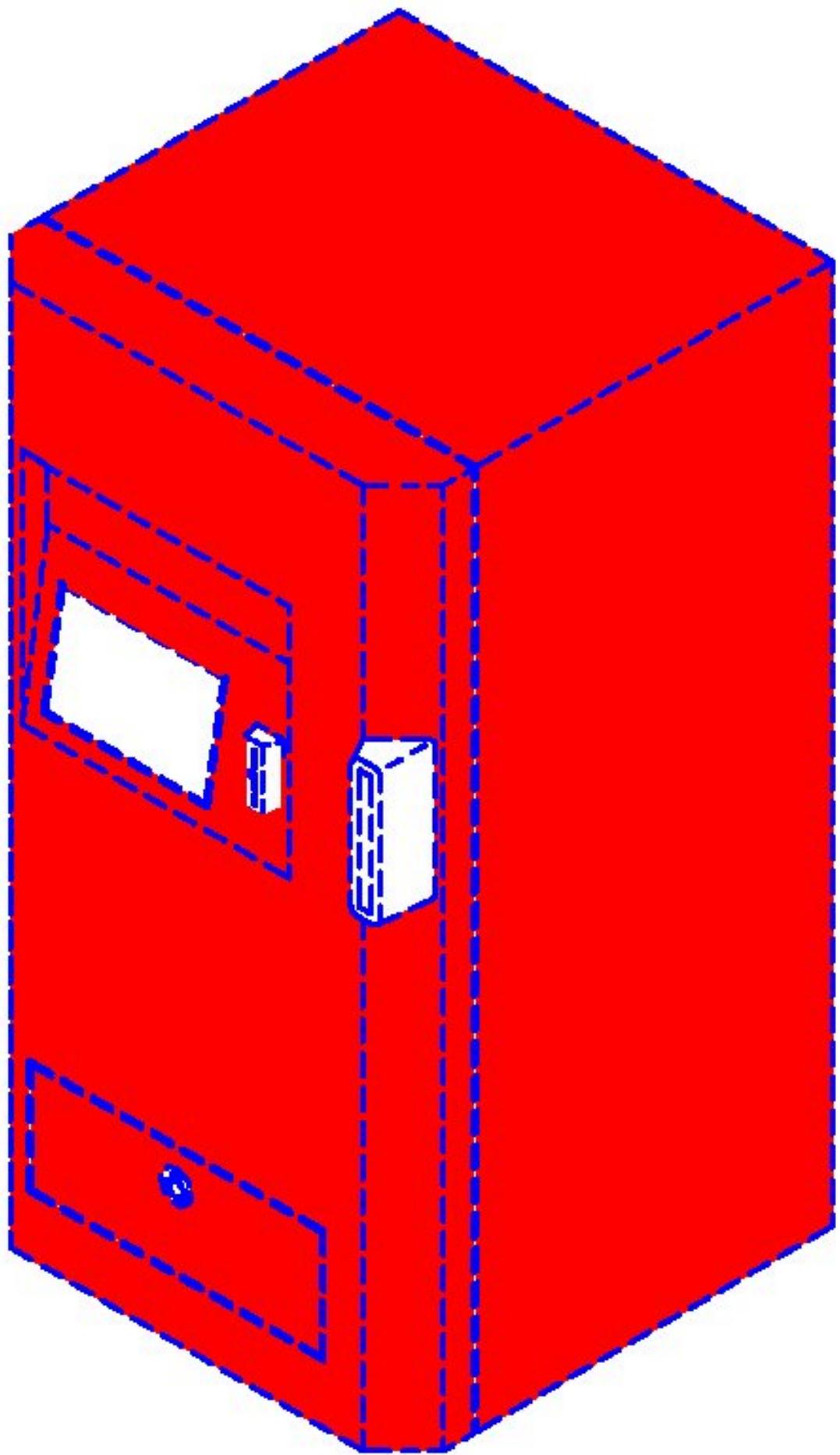
04/13/2007	DOCK	D	ASSIGNED TO EXAMINER	003
01/09/2007	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
01/08/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

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







Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77975075
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION (current)	
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	The applicant claims color as a feature of the mark, namely, red.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of red used on vending machines and services.
MARK SECTION (proposed)	
MARK FILE NAME	\\TICRS2\\EXPORT14\\779\\750\\77975075\\xml2\\ROA0002.JP G
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) The applicant claims color as a feature of the mark, namely, red. is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of Red used on vending machines and services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark..
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	496 x 792
ARGUMENT(S)	
1. Failure to Function as a Mark. Applicant hereby requests to amend this application to the Supplemental Register.	
2. Class 9 Goods Incidental to Services. Applicant hereby declares that it does sell vending machines to others, thus vending machines are "goods in trade."	
3. Drawing/Description. Applicant submits a new drawing with broken lines to show positioning of the mark and amends the description of the mark to include the statement "the matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark."	
4. Specimen Class 35. Applicant submits a substitute specimen for Class 35, together with a signed Declaration stating that "The specimen was in use in commerce at least as early as the filing date of the application."	
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	vending services
FILING BASIS	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 07/31/2002
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2002
GOODS AND/OR SERVICES SECTION (035)(proposed)	
INTERNATIONAL CLASS	035
DESCRIPTION	vending services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2002
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2002
STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-20817810134-170857670_.cl_35_new_spec.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS2\\EXPORT14\\779\\750\\77975075\\xml2\\ROA0003.JPG
SPECIMEN DESCRIPTION	Screen shot from vending machine.
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	automated entertainment content rental services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2002
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2002
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	Automated DVD rental services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2002
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2002
ADDITIONAL STATEMENTS SECTION	
SUPPLEMENTAL REGISTER	"The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register')."
SIGNATURE SECTION	
ORIGINAL PDF FILE	HS_3811514866-170857670_.77975075_Trademark_Declaration_11_29_2007.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS2\\EXPORT14\\779\\750\\77975075\\xml2\\ROA0004.JPG \\TICRS2\\EXPORT14\\779\\750\\77975075\\xml2\\ROA0005.JPG
SIGNATORY'S NAME	Franz Kuehnrich
SIGNATORY'S POSITION	V.P. Engineering
RESPONSE SIGNATURE	/Hillary Mann/
SIGNATORY'S NAME	Hillary A. Mann
SIGNATORY'S POSITION	Attorney of record

DATE SIGNED	11/29/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 29 17:54:58 EST 2007
TEAS STAMP	USPTO/ROA-XXX.XXX.XXX.XX- 20071129175458405851-7797 5075-4109be21f79665d4a9e3 7b34899299156b7-N/A-N/A-2 0071129170857670722

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **77975075** has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: (Stylized and/or with Design)

The applicant claims color as a feature of the mark, namely, red.

The mark consists of red used on vending machines and services.

Proposed: (Stylized and/or with Design, see [mark](#))

The color(s) The applicant claims color as a feature of the mark, namely, red. is/are claimed as a feature of the mark. The mark consists of Red used on vending machines and services. The matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark..

ARGUMENT(S)

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

1. Failure to Function as a Mark. Applicant hereby requests to amend this application to the Supplemental Register.
2. Class 9 Goods Incidental to Services. Applicant hereby declares that it does sell vending machines to others, thus vending machines are "goods in trade."
3. Drawing/Description. Applicant submits a new drawing with broken lines to show positioning of the mark and amends the description of the mark to include the statement "the matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark."
4. Specimen Class 35. Applicant submits a substitute specimen for Class 35, together with a signed Declaration stating that "The specimen was in use in commerce at least as early as the filing date of the application."

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 035 for vending services

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is

using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/31/2002 and first used in commerce at least as early as 07/31/2002, and is now in use in such commerce.

Proposed: Class 035 for vending services

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/31/2002 and first used in commerce at least as early as 07/31/2002, and is now in use in such commerce. Applicant hereby submits a new specimen for Class 035. The specimen(s) submitted consists of Screen shot from vending machine..

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

Original PDF file:

[SPU0-20817810134-170857670 . cl_35_new_spec.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

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

Current: Class 041 for automated entertainment content rental services

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/31/2002 and first used in commerce at least as early as 07/31/2002, and is now in use in such commerce.

Proposed: Class 041 for Automated DVD rental services

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/31/2002 and first used in commerce at least as early as 07/31/2002, and is now in use in such commerce.

ADDITIONAL STATEMENTS

Supplemental Register

"The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register')."

SIGNATURE(S)

Declaration Signature

Original PDF file:

[HS_3811514866-170857670 . 77975075_Trademark_Declaration_11_29_2007.pdf](#)

Converted PDF file(s) (2 pages)

[Signature File1](#)

[Signature File2](#)

Signatory's Name: Franz Kuehnrich

Signatory's Position: V.P. Engineering

Response Signature

Signature: /Hillary Mann/ Date: 11/29/2007

Signatory's Name: Hillary A. Mann

Signatory's Position: Attorney of record

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.

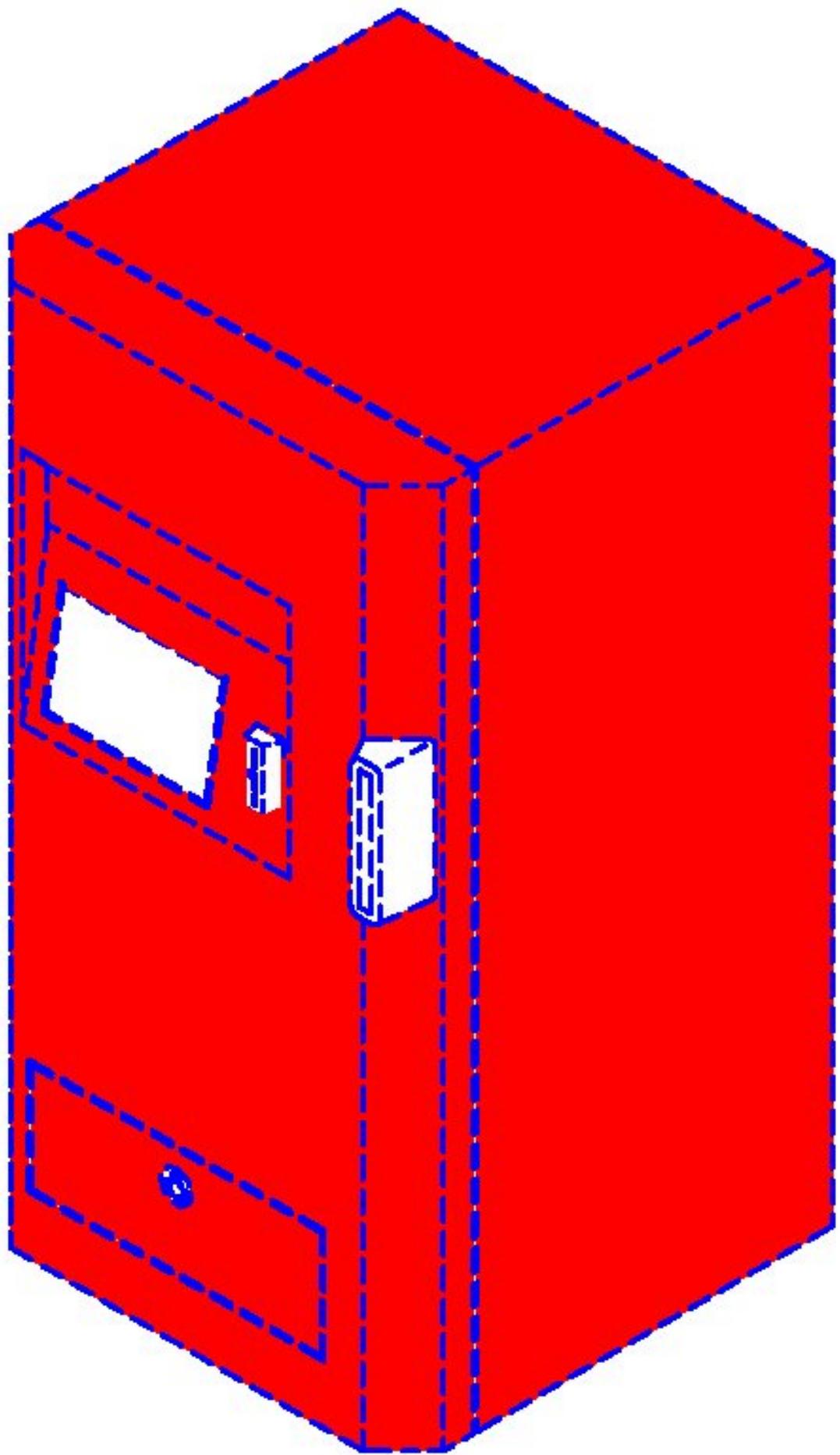
Serial Number: 77975075

Internet Transmission Date: Thu Nov 29 17:54:58 EST 2007

TEAS Stamp: USPTO/ROA-XXX.XXX.XXX.XX-200711291754584

05851-77975075-4109be21f79665d4a9e37b348

99299156b7-N/A-N/A-20071129170857670722



Redbox Rental Flow - Opening Screen

RENT A DVD

ONLINE
RENTAL
PICK UP

RETURN
A
DVD

TOUCH HERE TO RENT A DVD

TOUCH HERE TO PICK UP YOUR
DISC. VISIT REDBOX.COM FOR
INFO ABOUT RENTING ONLINE.

TOUCH HERE TO RETURN A DVD

RENT
WITH A
PROMO
CODE

ESPAÑOL

四

BUY A NEW COPY OF
**WHILE YOU
WERE SLEEPING**



automated dvd rental

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Redbox Automated Retail, LLC) Examining Attorney:
Filing Date: January 3, 2007) Teresa Rupp
Mark: RED) Law Office 106
Serial No.: 77/975,075)

SPECIMEN DECLARATION

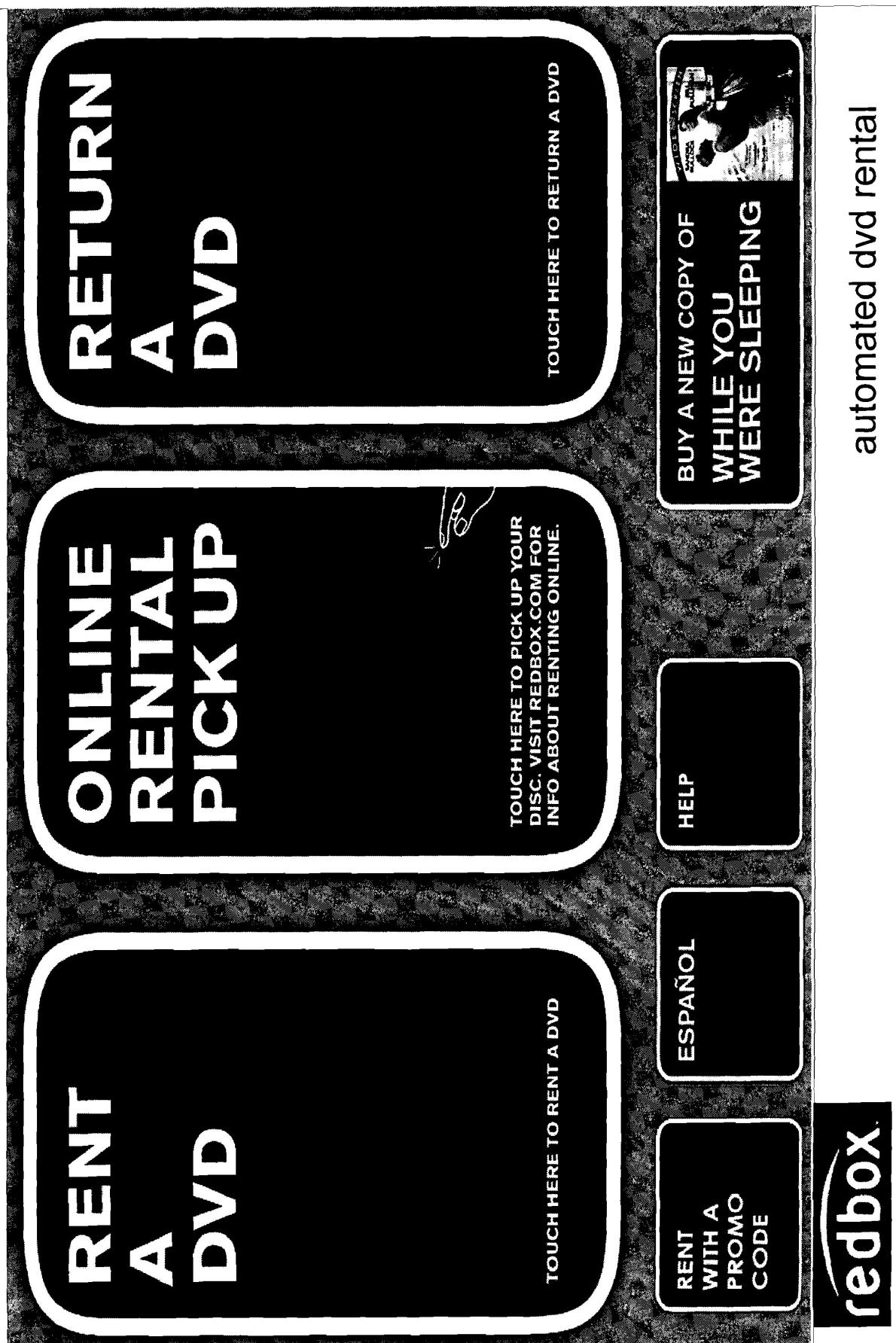
The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Declaration on behalf of the Applicant; the attached specimen for International Class 35 has been in use in commerce at least as early as the filing date of the application; and that all of the foregoing statements made of his own knowledge are true and all statements made upon information and belief are believed to be true.

REDBOX AUTOMATED RETAIL, LLC

Date: November 26, 2007 By: Franz Luehrich
Name: Franz Luehrich
Title: VP ENGINEERING

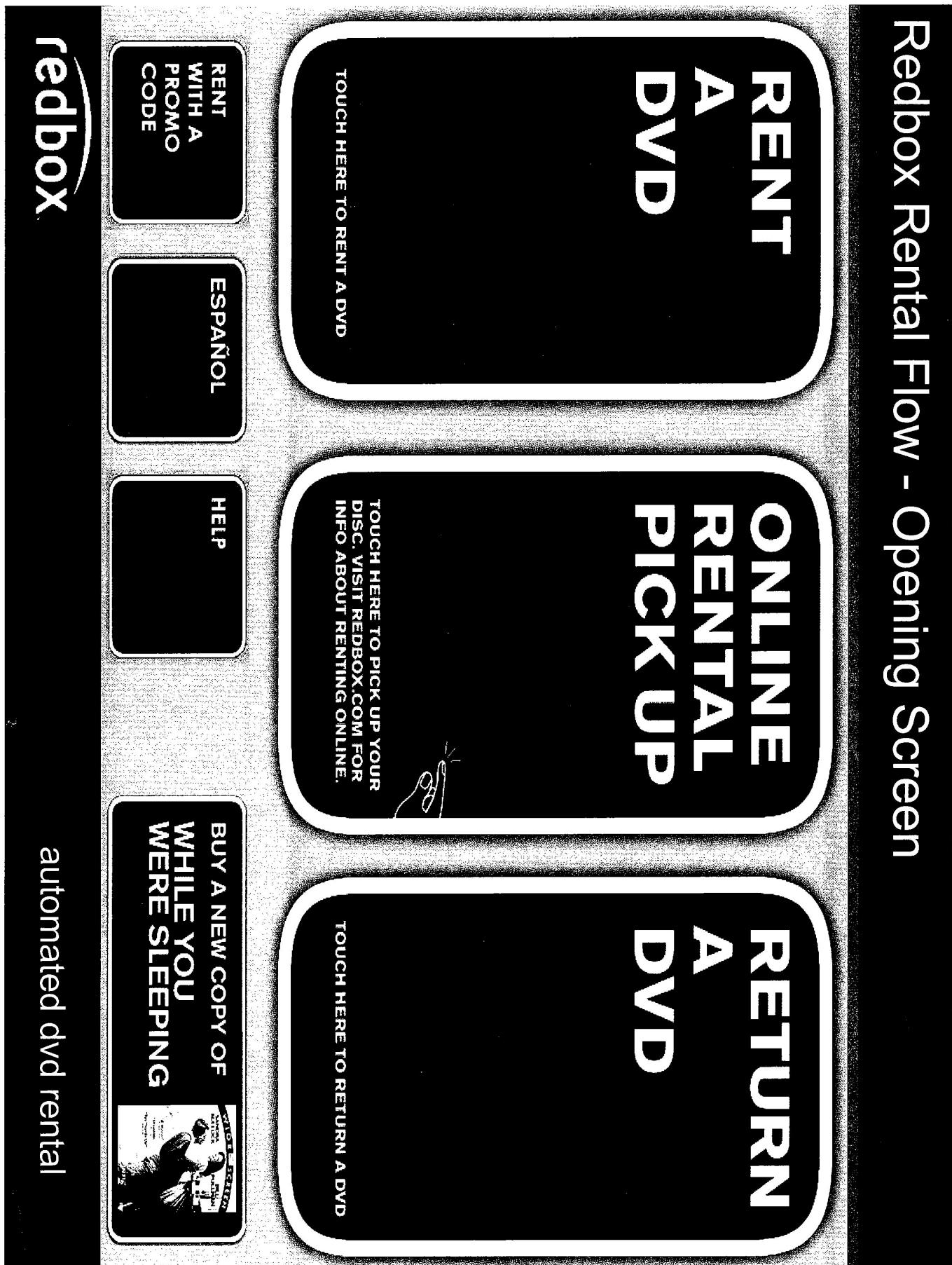
NGEDOCS: 1483593.1

Redbox Rental Flow - Opening Screen



automated dvd rental

Redbox Rental Flow - Opening Screen



automated dvd rental

From: TMDesignCodeComments
Sent: Saturday, September 15, 2007 00:10 AM
To: XXXX
Subject: Notice of Design Search Code for Serial Number: 77975075

ATTORNEY REFERENCE NUMBER: 019638.7007

The USPTO may assign design search codes, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>.

You are not required to respond to this notice. However, if you would like to suggest additions or changes to the design search codes assigned to your mark, please send an email to TMDesignCodeComments@USPTO.GOV or call 1-800-786-9199 to speak to a Customer Service representative. No fee is necessary. (Please include the serial number of your application on ALL correspondence with the USPTO.) The USPTO will review your request and update the record if appropriate.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

Design search codes assigned to the referenced serial number are listed below.

DESIGN SEARCH CODES:

15.01.10 - Vending machines

29.02.01 - Red or pink (single color used for the entire goods/services)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/074924

APPLICANT: Redbox Automated Retail, LLC

77074924

CORRESPONDENT ADDRESS:

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

September 14, 2007

RETURN ADDRESS:

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

MARK:

CORRESPONDENT'S REFERENCE/DOCKET NO : 019638.7007

Please provide in your correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Notice.
3. Attn: Intent to Use Unit
4. Your telephone number and e-mail address.

NOTICE OF DIVISIONAL REQUEST COMPLETED

Serial Number 77/074924

The request to divide application serial no. 77/074924, filed on August 16, 2007, has been processed as follows:

(1) Parent (original) application serial no. 77/074924 contains the following goods:

vending machines class(es): 9.

(2) Child application serial no. 77/975075 contains the following services:

vending services class(es): 35.

automated entertainment content rental services class(es): 41.

37 C.F.R. §2.87; TMEP §§1110 *et seq.*

The examining attorney will be notified of the completed request to divide. Please note that the filing of a request to divide an application is not considered a proper response to an examining attorney's Office action and does not relieve an applicant of the duty to respond to any outstanding Office action or to take any other required action. TMEP §1110.05.

Please contact the undersigned with any questions regarding the request to divide.

/Concetta A. Butler/
Paralegal Specialist,
ITU/Divisional Unit
(571) 272 9494

(571) 273-9494
concetta.butler@uspto.gov

No response to this notice is required

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at
<http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at
<http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE INTENT TO USE UNIT.

Diane L. Kohn
Paralegal

Tel 312.269.8434
Fax 312.429.3594
dkohn@ngelaw.com

August 15, 2007

VIA EXPRESS MAIL

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail no. EV 389419219 US in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the date shown below:

Michelle Cook
(Typed or Printed Name of Person Signing Certificate)
Michelle Cook
(Signature)
8-16-07
(Date)

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313

Re: Request to Divide Application for the color RED
Serial No. 77/074924
Filing Date: January 3, 2007
Applicant: Redbox Automated Retail, LLC
Our Ref.: 019638-04T1

Dear Sir or Madam:

Enclosed please find the following items:

- (1) A cover letter authorizing payment of fees from our deposit account;
- (2) A Request to Divide Application for the color RED;
- (3) One self-addressed, pre-paid postcard for receiving proof of delivery.

Payment of the fee of \$100 per new application created, for a total of \$100.00, may be



08-16-2007

U.S. Patent & TMOic/TM Mail Rcpt Dt. #72

NEAL, GERBER & EISENBERG LLP

Commissioner for Trademarks

August 15, 2007

Page 2

charged to Deposit Account No. 502261, in the name of Neal, Gerber & Eisenberg L.L.P. If any additional fees are required, they may be charged to the same Deposit Account.

Respectfully submitted,



Diane L. Kohn

DLK:dlk
Enclosures

cc: James P. Muraff, Esq.
IP Docketing (with enclosures)

NGEDOCS: 1452885.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Redbox Automated Retail, LLC)
Mark: The Color RED) Law Office 106
Serial No.: 77/074924) Examining Attorney: Teresa Rupp
Filing Date: January 3, 2007)

REQUEST TO DIVIDE APPLICATION

To: Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir:

This request is made pursuant to 37 C.F.R. § 2.87 of the Trademark Rules and in accordance with Section 1110 of the Trademark Manual of Examining Procedure. Applicant, Redbox Automated Retail, LLC, respectfully requests that the subject application, which is a combined application comprised of goods in International Class 9, and services in International Classes 35, and 41, be divided as follows:

The entire listing of goods identified in International Class 9 should be divided out into a new application. This new application will consist of the following goods:

International Class 9: Vending machines.

International Classes 35 and 41 in their entirety will remain as this parent application no.

77/074924.

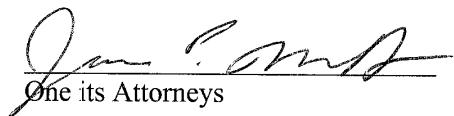
Applicant respectfully requests this decision be granted.

Respectfully submitted,

REDBOX AUTOMATED RETAIL, LLC

Date: August 15, 2007

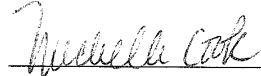
By:


One its Attorneys

James P. Muraff
Neal, Gerber and Eisenberg LLP
2 North LaSalle Street
Chicago, Illinois 60602
Tel: (312) 269-5988

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail no. EV 389419219 US in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on August 15, 2007.



NGEDOCS: 1452855.1

To: Redbox Automated Retail, LLC (IPDocket@ngelaw.com)
Subject: TRADEMARK APPLICATION NO. 77074924 - 019638.7007
Sent: 5/30/07 7:59:11 AM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/074924

MARK:

77074924

CORRESPONDENT ADDRESS:

JAMES P. MURAFF
NEAL, GERBER & EISENBERG LLP
2 N LA SALLE 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 :
019638.7007

CORRESPONDENT EMAIL 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: 5/30/2007

The assigned examining attorney has reviewed the referenced application and determined the following.

Search Results

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

FAILURE TO FUNCTION AS A MARK

Registration is refused because the proposed mark consists of nondistinctive trade dress that would not be perceived as a service mark. Trademark Act Sections 1, 2, 3 and 45, 15 U.S.C. §§1051-1053 and 1127; *Two Pesos, Inc. v. Taco Cabana*, 505 U.S. 763, 23 USPQ2d 1081 (1992); *In re File*, 48 USPQ2d 1363 (TTAB 1998); *In re Hudson News Co.*, 39 USPQ2d 1915 (TTAB 1996); TMEP §1202.02(b)(ii).

Trade dress used in connection with services generally refers to the visual appearance or image of the place in which a service is provided, such as a store or restaurant interior décor or external façade. *See, e.g., Fuddruckers, Inc., v. Doc's B.R. Others Inc.*, 826 F.2d 837, 841, 4 USPQ2d 1026, 1029 (9th Cir. 1987) (“a restaurant’s décor ... may acquire the source-distinctive aspects of protectable trade dress . . .”).

In the present case, the proposed mark is not inherently distinctive because it consists of a single color on the machine used in rendering the services.

In response to this refusal, applicant may submit evidence showing that the applied-for mark has acquired distinctiveness under 15 U.S.C. §1052(f) by submitting examples of advertising and promotional materials that specifically promote the mark *as a service mark* in the United States, dollar figures for advertising devoted to such promotion, dealer and consumer statements of recognition of the mark as a service mark and any other evidence that establishes recognition of the matter as a mark for the services. The evidence must relate to the promotion and recognition of the specific features in the applied-for mark. *Wal-Mart*, 529 U.S. at 211, 54 USPQ2d at 1068; *see generally* TMEP §§1212.06 *et seq.* (discussing evidence of acquired distinctiveness).

In determining whether the applied-for mark has acquired distinctiveness, the following factors are generally considered: (1) length and exclusivity of use by applicant of the mark in the United States; (2) the type, expense and amount of advertising of the mark in the United States; and (3) applicant's efforts, such as unsolicited media coverage and consumer studies, in the United States to associate the mark with the source of the services identified in the application. *In re Steelbuilding.com*, 415 F.3d 1293, 1300, 75 U.S.P.Q.2d 1420, 1424 (Fed. Cir. 2005). A showing of acquired distinctiveness need not consider each of these factors, and no single factor is determinative. *Id.*; *see* 37 C.F.R. §2.41; TMEP §§1212 *et seq.*

To establish acquired distinctiveness, applicant may not rely on use other than use in commerce that may be regulated by the United States Congress. Use solely in a foreign country is not evidence of acquired distinctiveness in the United States. *See In re Rogers*, 53 USPQ2d 1741 (TTAB 1999); TMEP §§1010 and 1212.08.

As an alternative to submitting evidence of acquired distinctiveness, applicant may amend the application to the Supplemental Register.

CLASS 9 – GOODS INCIDENTAL TO SERVICES

Registration is refused under Sections 1, 2 and 45 of the Trademark Act for “vending machines” in International Class 9 because the vending machines are not “goods in trade”. It appears from the specimens submitted that the vending machines are merely incidental to the rendering of the services. That is, the applicant does not sell the vending machines to others but merely uses the machines as part of its DVD rental services. In *In re Shareholders Data Corporation*, 181 USPQ 722 (CCPA 1978), the Court held that printed reports were not separable goods in trade when they were merely the conduit by which the services were rendered.

If the applicant can show that the vending machines are sold to others apart from the rendering of the services, the following refusal as to the use of the color red on the vending machines is issued:

Registration is refused because the proposed color mark, consisting of color applied to the goods is merely an ornamental or decorative feature of such goods; it does not function as a trademark to identify and distinguish applicant's goods from those of others and to indicate their source. Trademark Act Sections 1, 2 and 45, 15 U.S.C. §§1051-1052 and 1127; *see Qualitex Co. v. Jacobson Prods. Co.*, 514 U.S. 159, 34 USPQ2d 1161 (1995); *In re Owens-Corning Fiberglas Corp.*, 774 F.2d 1116, 227 USPQ 417 (Fed. Cir. 1985); *In re Deere & Co.*, 7 USPQ2d 1401 (TTAB 1988); TMEP §1202.05.

DRAWING/DESCRIPTION

The applicant's drawing does not agree with the description of the mark in the application. The applicant is applying for the color red used on the vending machines. The drawing, therefore, must show the vending machines in broken lines. The matter not claimed as part of the mark, including the coin slot, the window that displays the DVDs, the locked drawer at the bottom of the machine, should all be shown in broken lines. The description of the mark must also be amended to add the statement: “the matter shown in broken lines serves to show positioning of the mark and is not a feature of the mark”. 37 CFR 2.52(b)(4).

RECITATION OF SERVICES

International Class 35

The recitation of services is unacceptable as indefinite because the goods sold through the vending machines is not set forth. The applicant may adopt the following recitation, if accurate: Vending services in the field of [indicate goods]. TMEP §1402.11.

International Class 41

The recitation of services is unacceptable as indefinite because the terminology “entertainment content” is too broad. The applicant may adopt the following recitation, if accurate: Automated DVD rental services. TMEP §1402.11.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any services that are not within the scope of the services

recited in the present identification.

SPECIMEN – CLASS 35

The specimen is not acceptable because it does not show the applied-for mark used in connection with the services specified in Class 35 in the application. An application must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services based on Section 1(a) in the application. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56; TMEP §§904 and 1301.04.

In this case, the specimen shows use of the color red in connection with the rental of DVDs in International Class 41. There is nothing on the specimen that shows the applicant is selling the goods of others.

Therefore, applicant must submit the following:

- (1) A substitute specimen showing use of the mark for each class of goods and/or services specified in the application; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**The specimen was in use in commerce at least as early as the filing date of the application.**” 37 C.F.R. §2.59(a); TMEP §904.09. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c).

Examples of specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the goods or packaging, or displays associated with the goods at their point of sale. TMEP §§904.04 *et seq.* Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq.*

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

In order to amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.**” 15 U.S.C. §1051(b); 37 C.F.R. §§2.34(a)(2) and 2.35(b)(1); TMEP §806.03(c).

Pending a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark or service mark for the identified services. 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56.

/Teresa Rupp/
Trademark Senior Attorney
Law Office 106
Phone - (571) 272-9329
Fax No. (571) 273-9106

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office Action should be filed using the Office’s Response to Office action form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as 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@nglaw.com)
Subject: TRADEMARK APPLICATION NO. 77074924 - 019638.7007
Sent: 5/30/07 7:59:12 AM
Sent As: ECOM106@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 5/30/2007 FOR
APPLICATION SERIAL NO. 77074924

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

VIEW OFFICE ACTION: Click on this link
http://portal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77074924&doc_type=OOA&mail_date=20070530 (or copy and paste this URL into the address field of your browser), or visit <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 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 5/30/2007.

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.**

*** User:trupp ***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	62	37	25	25	0:01	150110[DC]
02	109	45	64	64	0:01	290201[DC]
03	9637	N/A	0	0	0:01	red[bi,ti]
04	9596	N/A	0	0	0:01	(box or machine)[bi,ti]
05	69	33	36	21	0:01	3 and 4
06	20	9	11	7	0:01	*red\$box*[bi,ti] or *red\$machin*[bi,ti]

Session started 4/16/07 12:07:49 PM

Session finished 4/16/07 12:15:31 PM

Total search duration 0 minutes 6 seconds

Session duration 7 minutes 42 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77074924

From: TMDesignCodeComments
Sent: Tuesday, January 9, 2007 00:08 AM
To: XXXX
Subject: Notice of Design Search Code for Serial Number: 77074924

ATTORNEY REFERENCE NUMBER: 019638.7007

The USPTO may assign design search codes, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>.

You are not required to respond to this notice. However, if you would like to suggest additions or changes to the design search codes assigned to your mark, please send an email to TMDesignCodeComments@USPTO.GOV or call 1-800-786-9199 to speak to a Customer Service representative. No fee is necessary. (Please include the serial number of your application on ALL correspondence with the USPTO.) The USPTO will review your request and update the record if appropriate.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

Design search codes assigned to the referenced serial number are listed below.

DESIGN SEARCH CODES:

15.01.10 - Vending machines

Trademark/Service Mark Application, Principal Register

Serial Number: 77074924
Filing Date: 01/03/2007

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77074924
MARK INFORMATION	
*MARK	\\TICRS2\EXPORT14\779\750\77975075\LM2Copy\77074924\1\APP1\APP2.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	red
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of red used on vending machines and services.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	811 x 971
APPLICANT INFORMATION	
*OWNER OF MARK	Redbox Automated Retail, LLC
*STREET	One Tower Lane
INTERNAL ADDRESS	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
EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
*STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
DESCRIPTION	vending machines
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2002

FIRST USE IN COMMERCE DATE	At least as early as 07/31/2002
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\779\750\77975075\LM2Copy\7707492\4\1\APP1\APP3.JPG
SPECIMEN DESCRIPTION	photo of vending machine

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS	035
DESCRIPTION	vending services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2002
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2002
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\779\750\77975075\LM2Copy\7707492\4\1\APP1\APP4.JPG
SPECIMEN DESCRIPTION	website page

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS	041
DESCRIPTION	automated entertainment content rental services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2002
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2002
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\779\750\77975075\LM2Copy\7707492\4\1\APP1\APP5.JPG
SPECIMEN DESCRIPTION	website page

ADDITIONAL STATEMENTS SECTION

PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2988869, 3082012, and 2919854.
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ATTORNEY INFORMATION

NAME	James P. Muraff
ATTORNEY DOCKET NUMBER	019638.7007
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	2 North LaSalle Street
INTERNAL ADDRESS	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	Robert E. Browne, John A. Cullis, Michael A. Carrillo, Lee J. Eulgen, Maurice E. Finnegan III, Lawrence E. James, Jr., Michael G. Kelber, William J. Lenz, Hillary A. Mann, Antony J. McShane, Sarah E. Smith, Thomas E. Williams, Thomas C. McDonough
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CORRESPONDENCE INFORMATION

NAME	James P. Muraff
FIRM NAME	Neal, Gerber & Eisenberg LLP
STREET	2 North LaSalle Street
INTERNAL ADDRESS	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	3
FEE PER CLASS	325
TOTAL FEE DUE	975

SIGNATURE INFORMATION

SIGNATURE	/Gregg Kaplan/
SIGNATORY'S NAME	Gregg Kaplan
SIGNATORY'S POSITION	Chief Executive Officer
DATE SIGNED	01/03/2007

FILING INFORMATION SECTION

SUBMIT DATE	Wed Jan 03 11:37:24 EST 2007
TEAS STAMP	USPTO/BAS-XX.XXX.XXX.XX-2 0070103113724460451-77074 924-36049187b97cd5f841841 8ce9bc3462d45d-DA-3274-20 070102160442672512

Trademark/Service Mark Application, Principal Register

Serial Number: 77074924
Filing Date: 01/03/2007

To the Commissioner for Trademarks:

MARK: (Stylized and/or Design, see [mark](#))

The applicant claims color as a feature of the mark, namely, red. The mark consists of red used on vending machines and services. The applicant, Redbox Automated Retail, LLC, a limited liability company legally organized under the laws of Delaware, having an address of Suite 1200, One Tower Lane, Oakbrook Terrace, Illinois, United States, 60181, 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 009: vending machines

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 009, the mark was first used at least as early as 07/31/2002, and first used in commerce at least as early as 07/31/2002, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) photo of vending machine.

[Specimen File1](#)

International Class 035: vending services

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 035, the mark was first used at least as early as 07/31/2002, and first used in commerce at least as early as 07/31/2002, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) website page.

[Specimen File1](#)

International Class 041: automated entertainment content rental services

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 041, the mark was first used at least as early as 07/31/2002, and first used in commerce at least as early as 07/31/2002, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) website page.

[Specimen File1](#)

The applicant claims ownership of U.S. Registration Number(s) 2988869, 3082012, and 2919854.

The applicant hereby appoints James P. Muraff and Robert E. Browne, John A. Cullis, Michael A. Carrillo, Lee J. Eulgen, Maurice E. Finnegan III, Lawrence E. James, Jr., Michael G. Kelber, William J. Lenz, Hillary A. Mann, Antony J. McShane, Sarah E. Smith, Thomas E. Williams, Thomas C. McDonough of Neal, Gerber & Eisenberg LLP, Suite 2200, 2 North LaSalle Street, Chicago, Illinois, United States, 60602 to submit this application on behalf of the applicant. The attorney docket/reference number is 019638.7007.

Correspondence Information: James P. Muraff

Suite 2200
2 North LaSalle Street

Chicago, Illinois 60602
312-269-8000(phone)
312-269-1747(fax)
IPDocket@ngelaw.com (authorized)

A fee payment in the amount of \$975 will be submitted with the application, representing payment for 3 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: /Gregg Kaplan/ Date Signed: 01/03/2007

Signatory's Name: Gregg Kaplan

Signatory's Position: Chief Executive Officer

RAM Sale Number: 3274

RAM Accounting Date: 01/03/2007

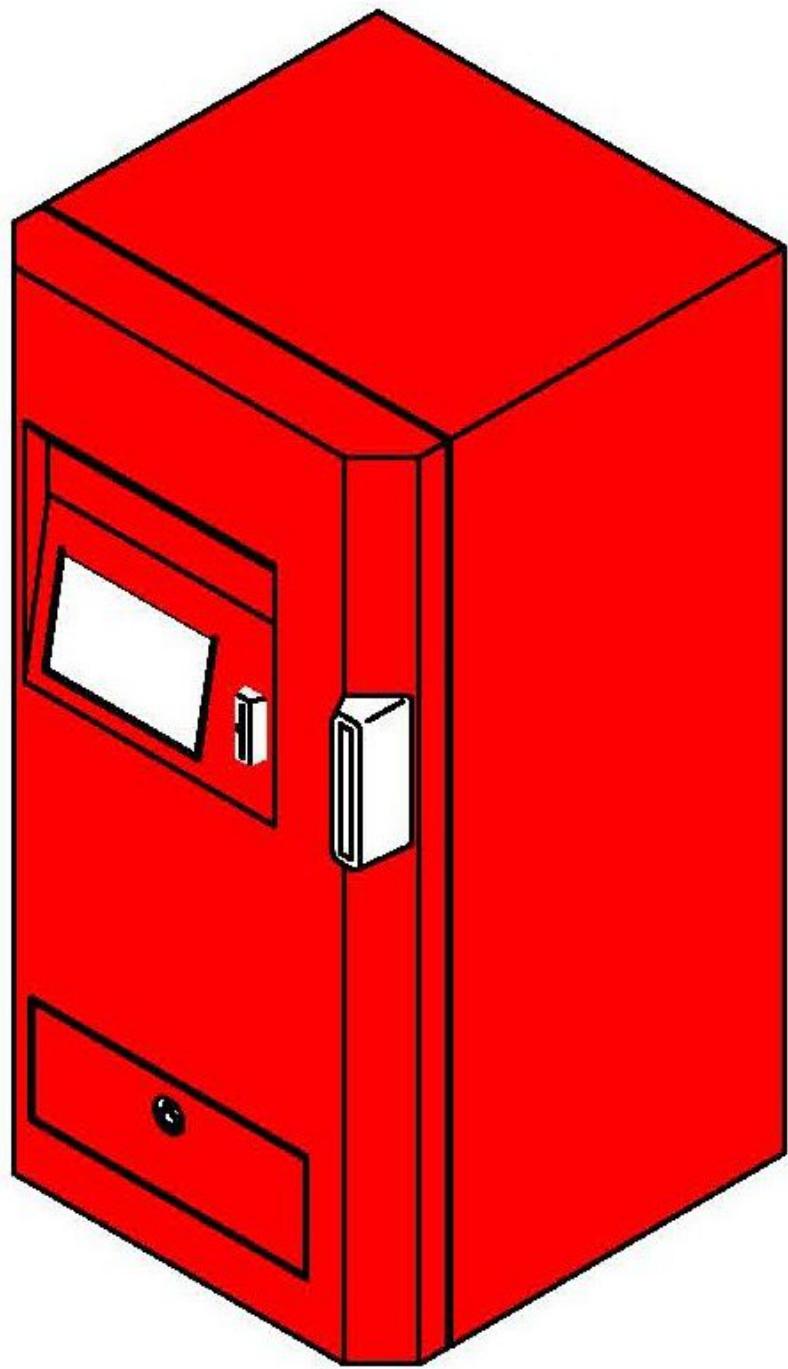
Serial Number: 77074924

Internet Transmission Date: Wed Jan 03 11:37:24 EST 2007

TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XX-2007010311372446

0451-77074924-36049187b97cd5f8418418ce9b

c3462d45d-DA-3274-20070102160442672512





HELP | PRESS | B2B

The screenshot shows the redbox website homepage. At the top, there is a dark red header bar with the redbox logo on the left and four navigation links: 'THE BIG PICTURE', 'REDBOX TITLES', 'REDBOX LOCATIONS', and 'RENT ONLINE'. To the right of these links are links for 'Welcome to redbox!', 'Get a Free Rental', 'Log-in', and 'Create an Account'. Below the header is a large banner with the text 'redbox DVD rental. \$1 a night with no late fees ever.' and a 'RENT NOW' button. The main content area features three columns of text and images. The first column, 'CPIOUS.', shows a redbox kiosk with the text: 'Just a buck a night. All new releases every Tuesday and no late fees ever. Huzzah!'. The second column, 'UBIQUITOUS.', shows a redbox kiosk in a grocery store with the text: 'At select grocery stores, McDonald's and other likely places close to you.' The third column, 'RIGHTEOUS.', shows a map with redbox kiosks marked and a dotted line connecting them, with the text: 'Rent at any redbox. Or online to pick up at any redbox. Then return to any redbox you want.' Each column has a 'MORE INFO' button at the bottom.

<http://www.redbox.com/home.aspx>

1/2/2007

redbox

THE BIG PICTURE

REDBOX TITLES

REDBOX LOCATIONS

RENT ONLINE

Welcome to redbox! [Get a Free Rental](#) | [Log-in](#) | [Create an Account](#)

WELCOME TO A WHOLE NEW WAY TO INTERFACE WITH REDBOX, FRIENDS.

Now you can rent redbox DVDs online right from this very website.

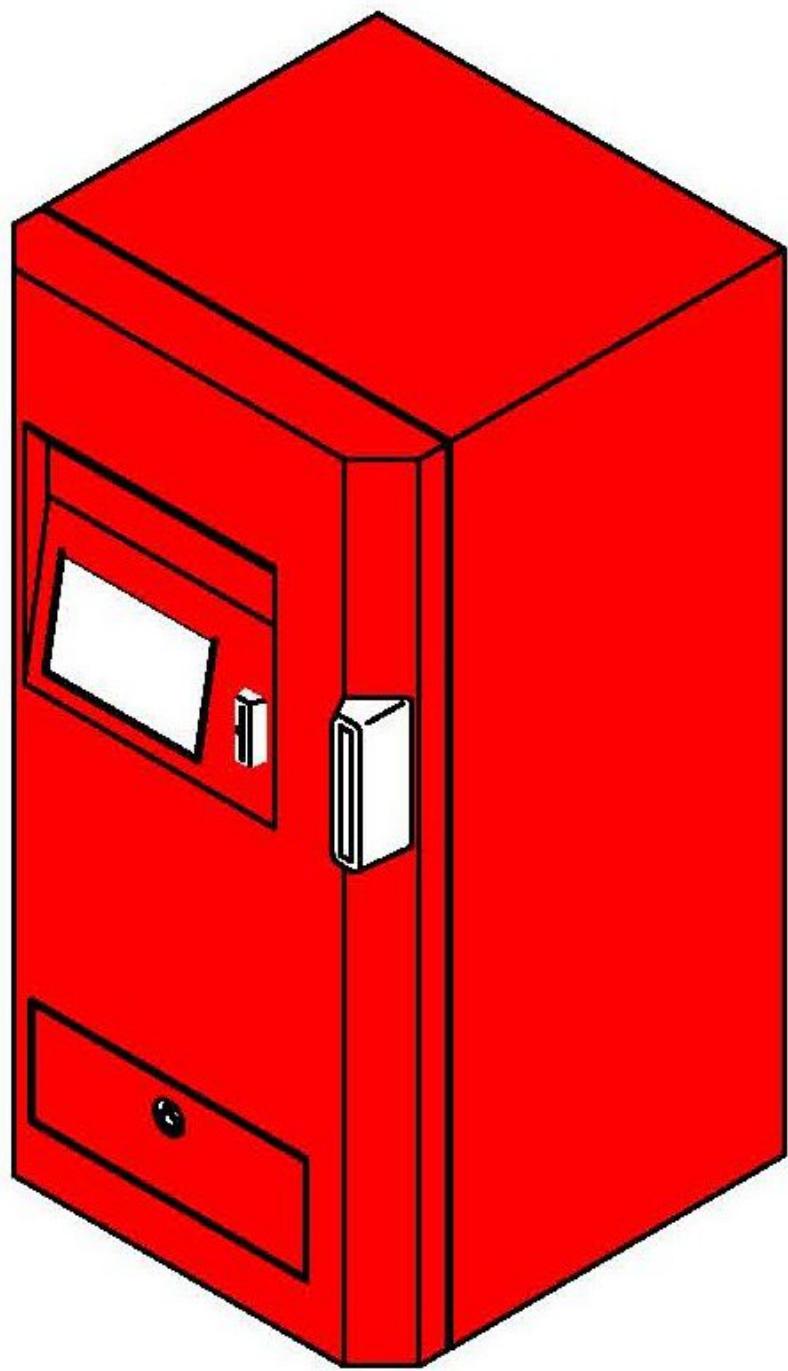
Then pick it up, knowing your title will be waiting for you, safe and secure at the redbox of your choosing. It's still just \$1 a night.

Or, if you're old school, continue to frequent your favorite redbox for the excitement of the person-to-redbox rental experience. It's up to you. Have fun.

YES, I BELIEVE I WILL INITIATE AN ONLINE REDBOX RENTAL NOW:

[START WITH TITLES](#) [START WITH LOCATION](#)

Get a Free Rental | Create Account | The Big Picture | Redbox Titles | Redbox Locations | Rent Online | Help | Press | B2B





HELP | PRESS | B2B

The screenshot shows the redbox website homepage. At the top, there is a dark red header bar with the redbox logo on the left and four navigation links: 'THE BIG PICTURE', 'REDBOX TITLES', 'REDBOX LOCATIONS', and 'RENT ONLINE'. To the right of these links are links for 'Welcome to redbox!', 'Get a Free Rental', 'Log-in', and 'Create an Account'. Below the header is a large banner with the text 'redbox DVD rental. \$1 a night with no late fees ever.' and a 'RENT NOW' button. The main content area features three columns of text and images. The first column, 'CPIOUS.', shows a redbox kiosk in a public space and states: 'Just a buck a night. All new releases every Tuesday and no late fees ever. Huzzah!' The second column, 'UBIQUITOUS.', shows a redbox kiosk in a grocery store and states: 'At select grocery stores, McDonald's and other likely places close to you.' The third column, 'RIGHTEOUS.', shows a map with multiple redbox kiosks marked and a dotted line connecting them, stating: 'Rent at any redbox. Or online to pick up at any redbox. Then return to any redbox you want.'

redbox DVD rental. \$1 a night with no late fees ever.

RENT NOW

Just a buck a night. All new releases every Tuesday and no late fees ever. Huzzah!

CPIOUS.

At select grocery stores, McDonald's and other likely places close to you.

UBIQUITOUS.

RIGHTEOUS.

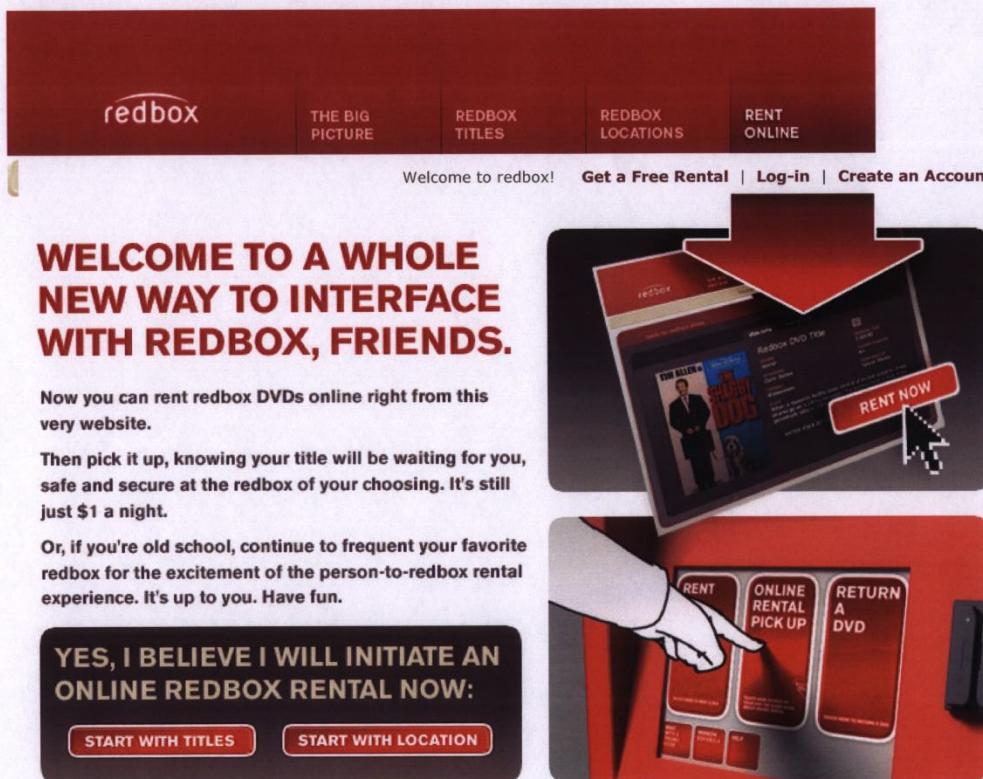
[MORE INFO](http://www.redbox.com/home.aspx)

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<http://www.redbox.com/home.aspx>

1/2/2007



redbox

THE BIG PICTURE REDBOX TITLES REDBOX LOCATIONS RENT ONLINE

Welcome to redbox! [Get a Free Rental](#) | [Log-in](#) | [Create an Account](#)

WELCOME TO A WHOLE NEW WAY TO INTERFACE WITH REDBOX, FRIENDS.

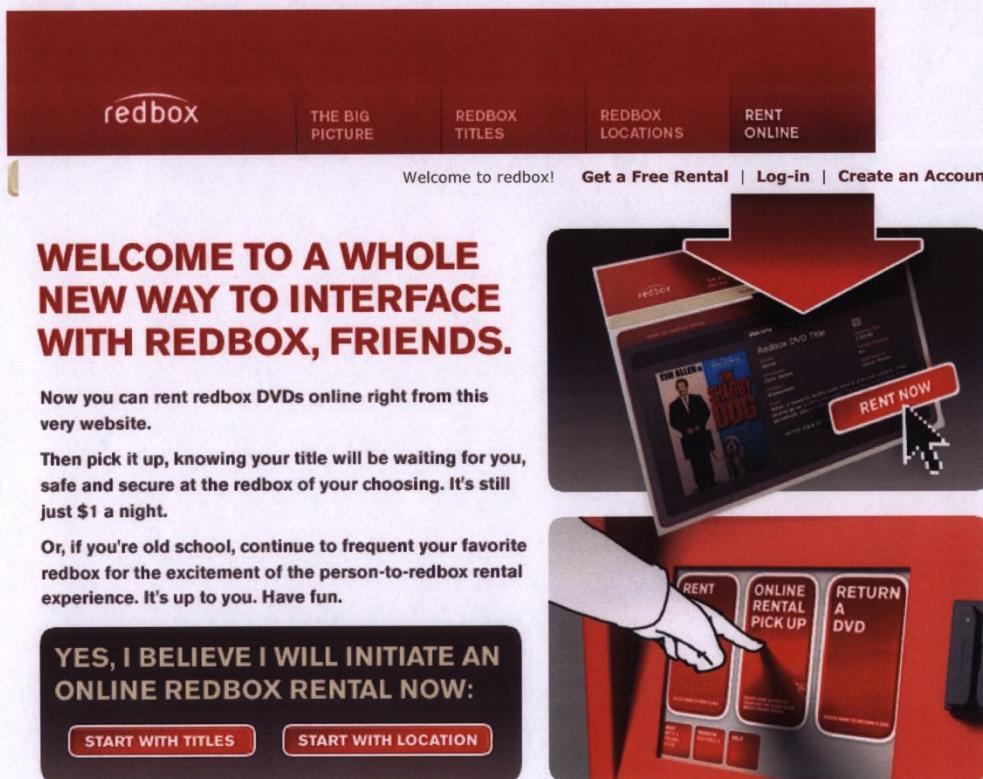
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[Get a Free Rental](#) | [Create Account](#) | [The Big Picture](#) | [Redbox Titles](#) | [Redbox Locations](#) | [Rent Online](#) | [Help](#) | [Press](#) | [B2B](#)