

**Generated on:** This page was generated by TSDR on 2025-07-19 18:41:43 EDT

**Mark:** REDBOX

# REDBOX

**US Serial Number:** 78201199

**Application Filing Date:** Jan. 08, 2003

**US Registration Number:** 2988869

**Registration Date:** Aug. 30, 2005

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Sep. 24, 2015

**Publication Date:** Jun. 07, 2005

## Mark Information

**Mark Literal Elements:** REDBOX

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

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## 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:** Automated DVD rental services

**International Class(es):** 041 - Primary Class

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

**Class Status:** ACTIVE

**First Use:** Mar. 31, 2003

**Use in Commerce:** Mar. 31, 2003

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Filed ITU:** Yes

**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: CORPORATION

State or Country DELAWARE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Annmary Ittan Docket Number: 5407-554  
Attorney Primary [mail@ipcounselors.com](mailto:mail@ipcounselors.com) Attorney Email Yes  
Email Address: Authorized:

### Correspondent

Correspondent: Annmary Ittan  
Name/Address: 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@ipcounselors.com](mailto:mail@ipcounselors.com) Correspondent e- Yes  
mail: mail Authorized:

### Domestic Representative - Not Found

## Prosecution History

| Date          | Description   | Proceeding Number |
|---------------|---|-------------------|
| Aug. 30, 2024 | COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED        |                   |
| 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                     |                   |
| Oct. 05, 2016 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY         |                   |
| Sep. 24, 2015 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED             |                   |
| Sep. 24, 2015 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)           |                   |
| Sep. 24, 2015 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED       |                   |
| Sep. 24, 2015 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL              |                   |
| Aug. 26, 2015 | TEAS SECTION 8 & 9 RECEIVED                               |                   |
| Aug. 03, 2011 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY         |                   |
| Mar. 17, 2011 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.        |                   |
| Mar. 16, 2011 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL              |                   |
| Mar. 01, 2011 | TEAS SECTION 8 & 15 RECEIVED                              |                   |
| Dec. 11, 2008 | TEAS CHANGE OF CORRESPONDENCE RECEIVED                    |                   |
| Jul. 16, 2008 | TEAS CHANGE OF CORRESPONDENCE RECEIVED                    |                   |
| Nov. 16, 2007 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY         |                   |
| Nov. 29, 2006 | TEAS CHANGE OF CORRESPONDENCE RECEIVED                    |                   |
| Oct. 23, 2006 | TEAS CHANGE OF CORRESPONDENCE RECEIVED                    |                   |
| Apr. 21, 2006 | ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED                 |                   |
| Apr. 21, 2006 | TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED      |                   |
| Aug. 30, 2005 | REGISTERED-PRINCIPAL REGISTER                             |                   |
| Jun. 07, 2005 | PUBLISHED FOR OPPOSITION                                  |                   |
| May 18, 2005  | NOTICE OF PUBLICATION                                     |                   |
| Feb. 18, 2005 | LAW OFFICE PUBLICATION REVIEW COMPLETED                   |                   |
| Feb. 11, 2005 | ASSIGNED TO LIE   |                   |
| Feb. 09, 2005 | APPROVED FOR PUB - PRINCIPAL REGISTER                     |                   |
| Feb. 09, 2005 | EXAMINERS AMENDMENT E-MAILED                              |                   |

Feb. 09, 2005 EXAMINERS AMENDMENT -WRITTEN  
Feb. 02, 2005 FINAL REFUSAL E-MAILED  
Feb. 02, 2005 FINAL REFUSAL WRITTEN  
Jan. 03, 2005 AMENDMENT FROM APPLICANT ENTERED  
Dec. 13, 2004 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Dec. 13, 2004 PAPER RECEIVED  
Oct. 07, 2004 NON-FINAL ACTION E-MAILED  
Oct. 07, 2004 NON-FINAL ACTION WRITTEN  
Sep. 29, 2004 AMENDMENT FROM APPLICANT ENTERED  
Aug. 24, 2004 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Sep. 13, 2004 USE AMENDMENT ACCEPTED  
Sep. 03, 2004 AMENDMENT FROM APPLICANT ENTERED  
Aug. 16, 2004 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Sep. 01, 2004 AMENDMENT FROM APPLICANT ENTERED  
Aug. 16, 2004 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Sep. 01, 2004 AMENDMENT TO USE PROCESSING COMPLETE  
Aug. 16, 2004 USE AMENDMENT FILED  
Aug. 24, 2004 PAPER RECEIVED  
Aug. 16, 2004 TEAS AMENDMENT OF USE RECEIVED  
Feb. 28, 2004 NON-FINAL ACTION E-MAILED  
Feb. 28, 2004 ASSIGNED TO EXAMINER  
Nov. 18, 2003 ASSIGNED TO EXAMINER  
Sep. 30, 2003 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Sep. 30, 2003 PAPER RECEIVED  
Jun. 18, 2003 NON-FINAL ACTION E-MAILED  
Jun. 17, 2003 ASSIGNED TO EXAMINER

## TM Staff and Location Information

### TM Staff Information - None

### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 24, 2015

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 9

Registrant: Future Property Management, Inc.

### Assignment 1 of 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3181/0337](#)

Pages: 4

Date Recorded: Oct. 25, 2005

Supporting [assignment-tm-3181-0337.pdf](#)  
Documents:

### Assignor

Name: [FUTURE PROPERTY MANAGEMENT, INC.](#)

Execution Date: Sep. 28, 2005

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

### Assignee

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

State or Country: DELAWARE  
Where Organized:

Address: ONE MCDONALD'S PLAZA  
OAK BROOK, ILLINOIS 60523

### Correspondent

Correspondent: KEVIN G. SMITH  
Name:

**Correspondent** 2100 PENNSYLVANIA AVENUE  
**Address:** SUITE 800  
WASHINGTON, DC 20037

**Domestic Representative - Not Found**

**Assignment 2 of 9**

**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE THE ENTITY STATUS OF THE ASSIGNEE FROM CORPORATION TO LIMITED LIABILITY COMPANY PREVIOUSLY RECORDED ON REEL 003181 FRAME 0337. ASSIGNOR(S) HEREBY CONFIRMS THE TRANSFER AND ASSIGNMENT OF THE ENTIRE INTEREST AND GOODWILL.

**Reel/Frame:** [3657/0240](#)

**Pages:** 12

**Date Recorded:** Nov. 08, 2007

**Supporting Documents:** [assignment-tm-3657-0240.pdf](#)

**Assignor**

**Name:** [FUTURE PROPERTY MANAGEMENT](#)

**Execution Date:** Sep. 28, 2005

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

**Assignee**

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

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country** DELAWARE  
**Where Organized:**

**Address:** ONE MCDONALD'S PLAZA  
OAK BROOK, ILLINOIS 60523

**Correspondent**

**Correspondent** JAMES P. MURAFF  
**Name:**

**Correspondent** TWO NORTH LASALLE STREET  
**Address:** CHICAGO, IL 60602

**Domestic Representative - Not Found**

**Assignment 3 of 9**

**Conveyance:** SECURITY INTEREST

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

**Pages:** 8

**Date Recorded:** Mar. 13, 2009

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

**Assignor**

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

**Execution Date:** Mar. 09, 2009

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country** DELAWARE  
**Where Organized:**

**Assignee**

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

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

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

**Address:** 231 S. LASALLE STREET  
CHICAGO, ILLINOIS 60697

**Correspondent**

**Correspondent** RYAN G. MOSHELL  
**Name:**

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

**Domestic Representative - Not Found**

**Assignment 4 of 9**

**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 5 of 9**

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 VERNONT AVENUE, NW  
Address: WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 6 of 9**

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 7 of 9**

Conveyance: SECURITY INTEREST

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

Pages: 7

Date Recorded: Oct. 20, 2017

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

**Assignor**

Name: [REDBOX AUTOMATED RETAIL LLC](#)

Execution Date: Oct. 20, 2017

Legal Entity Type: LIMITED LIABILITY COMPANY

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 8 of 9**

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 9 of 9****Conveyance:** SECURITY INTERESTReel/Frame: [7846/0182](#)**Pages:** 19**Date Recorded:** Sep. 13, 2022Supporting [assignment-tm-7846-0182.pdf](#)  
Documents:**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](#)**Execution Date:** Aug. 11, 2022**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country** DELAWARE  
**Where Organized:**Name: [SCREEN MEDIA VENTURES, LLC](#)**Execution Date:** Aug. 11, 2022**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country** DELAWARE  
**Where Organized:**Name: [TOFG LLC](#)**Execution Date:** Aug. 11, 2022**Legal Entity Type:** LIMITED LIABILITY COMPANY**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**

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Friday, August 30, 2024 01:30:20 EDT  
**To:** XXXX  
**Subject:** Official USPTO Notification: U.S. Trademark Application SN 78201199 -- Docket/Reference No. 5407-554

## USPTO COURTESY REMINDER

### TRADEMARK REGISTRATION MAINTENANCE DOCUMENT(S) UNDER SECTIONS 8 AND 9 MUST BE FILED BEFORE DEADLINE OR REGISTRATION WILL BE CANCELLED/EXPIRED

**U.S. Application Serial No.** 78201199

**U.S. Registration No.** 2988869

**U.S. Registration Date:** August 30, 2005

**Mark:** REDBOX

**Owner:** REDBOX AUTOMATED RETAIL, LLC

**Docket/Reference No.** 5407-554

**Issue Date:** August 30, 2024

**Required submission.** The owner of the trademark registration must file a [Declaration of Use and/or Excusable Nonuse and an Application for Renewal under Sections 8 and 9 of the Trademark Act](#) (Sections 8 and 9 Declaration) between now and September 02, 2025. For an additional fee, the owner can file within the 6-month grace period that ends on March 02, 2026.

**If ownership of the registration or the owner's name has changed,** the owner can use [Assignment Center](#) to record the change. More information on changes of ownership/owner name is available on the [USPTO website](#).

[Click here for more information about maintaining a trademark registration.](#)

**Identity verification requirement.** Registration maintenance documents must be filed using the trademark electronic filing system, [unless a limited exception applies](#). In order to use the trademark electronic filing system, [filers must allow adequate time to complete the identity verification process](#), which may require as long as three weeks to complete. For information about how to complete identity verification, please see the [Identity verification for trademark filers webpage](#).

**Proof of Use Audit.** The USPTO is conducting an audit program to promote the accuracy and integrity of the trademark register. If a registration is selected for audit, the owner will be required to submit proof of use for additional goods/services for which use is claimed in a Section 8 Declaration. Detailed information about the program is available on the [Proof of Use Audit Program webpage](#).

**Determination of time of receipt by USPTO.** Correspondence transmitted through the Trademark Electronic Application System (TEAS) is considered filed on the date the USPTO receives the transmission in Eastern Time.

**If the owner fails to file a timely Sections 8 and 9 Declaration the registration will be CANCELLED/EXPIRED** and cannot be reinstated.

**This reminder notice is being sent only as a courtesy** to trademark owners who maintain a current email 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 registration.

[Foreign-domiciled owners must have a U.S.-licensed attorney](#) represent them at the USPTO in any post-registration filing.

**Beware of misleading notices sent by private companies about registrations.** Private companies **not** associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices - most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain "@uspto.gov."**

**Direct questions about this notice to the Trademark Assistance Center at 1-800-786-9199 (select option 1) or [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov).**

## Change Address or Representation Form

**The table below presents the data as entered.**

| Input Field   | Entered  |
|---|--|
| <b>SERIAL NUMBER</b>                                    | 78201199   |
| <b>REGISTRATION NUMBER</b>                              | 2988869  |
| <b>LAW OFFICE ASSIGNED</b>                              | LAW OFFICE 115   |
| <b>MARK SECTION</b>                                     |  |
| <b>MARK</b>   | REDBOX (standard characters, see <a href="https://tmng-al.uspto.gov/resting2/api/img/78201199/large">https://tmng-al.uspto.gov/resting2/api/img/78201199/large</a> ) |
| <b>OWNER SECTION(current)</b>                           |  |
| <b>NAME</b>   | REDBOX AUTOMATED RETAIL, LLC   |
| <b>MAILING ADDRESS</b>                                  | One Tower Lane, Suite 900  |
| <b>CITY</b>   | Oakbrook Terrace   |
| <b>STATE</b>  | Illinois   |
| <b>STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b> | United States  |
| <b>ZIP/POSTAL CODE</b>                                  | 60181  |
| <b>EMAIL</b>  | XXXX   |
| <b>OWNER SECTION(proposed)</b>                          |  |
| <b>STATEMENT TEXT</b>                                   | By submission of this request, the undersigned requests that the following be made of record for the owner/holder:   |
| <b>NAME</b>   | REDBOX AUTOMATED RETAIL, LLC   |
| <b>MAILING ADDRESS</b>                                  | One Tower Lane, Suite 900  |
| <b>CITY</b>   | Oakbrook Terrace   |
| <b>STATE</b>  | Illinois   |
| <b>STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b> | United States  |
| <b>ZIP/POSTAL CODE</b>                                  | 60181  |
| <b>EMAIL</b>  | XXXX   |
| <b>ATTORNEY SECTION (current)</b>                       |  |
| <b>NAME</b>   | James P. Muraff  |
| <b>ATTORNEY BAR MEMBERSHIP NUMBER</b>                   | XXX  |
| <b>YEAR OF ADMISSION</b>                                | XXXX   |
| <b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>              | XX   |
| <b>FIRM NAME</b>  | McDonald Hopkins LLC   |
| <b>STREET</b>   | 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)                       | 49021-00004                   |

#### 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)                       | 5407-554   |

#### 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)                    | 49021-00004                   |

#### CORRESPONDENCE SECTION (proposed)

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

|   |  |
|---|--|
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) | NOT PROVIDED   |
| <b>SIGNATURE SECTION</b>                      |  |
| 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  |
| <b>FILING INFORMATION SECTION</b>             |  |
| SUBMIT DATE                                   | Wed May 03 17:07:33 ET 2023  |
| TEAS STAMP                                    | USPTO/CAR-XXXX:XXX:XXX:XX<br>XX:XXXX:XXXX:XXXX:XXXX-20<br>230503170733652096-770749<br>24-850b5b58ef5c7569e4bf5a<br>dbbf565ab4ab47ddd61e519f1<br>a8e45964c53a0cb934-N/A-N/<br>A-20230419153239573293 |

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## Change Address or Representation Form

To the Commissioner for Trademarks:

**MARK:** REDBOX (standard characters, see <https://tmng-al.uspto.gov/resting2/api/img/78201199/large>)

**SERIAL NUMBER:** 78201199

**REGISTRATION NUMBER:** 2988869

**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](mailto:ipmailbox@mcdonaldhopkins.com)

Docket Reference Number(s):49021-00004.

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@pcounselors.com](mailto:mail@pcounselors.com)

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

Docket Reference Number(s): 5407-554

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): 49021-00004

**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): 5407-554

**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: 78201199

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                                    | 78201199   |
| REGISTRATION NUMBER                              | 2988869  |
| LAW OFFICE ASSIGNED                              | LAW OFFICE 115   |
| <strong>MARK SECTION</strong>                    |  |
| MARK   | REDBOX (standard characters, see <a href="https://teas.uspto.gov/cr/view/common/No-Image-File.jpg">https://teas.uspto.gov/cr/view/common/No-Image-File.jpg</a> ) |
| <strong>OWNER SECTION(current)</strong>          |  |
| NAME   | REDBOX AUTOMATED RETAIL, LLC   |
| MAILING ADDRESS                                  | 1 Tower Lane, Suite 900  |
| CITY   | Oakbrook Terrace   |
| STATE  | Illinois   |
| STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY | United States  |
| ZIP/POSTAL CODE                                  | 60181  |
| <strong>ATTORNEY SECTION(current)</strong>       |  |
| 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   |
| INTERNAL ADDRESS                                 | c/o Trademark Administrator  |
| STREET   | Two North LaSalle Street, Suite 1700   |
| CITY   | CHICAGO  |
| STATE  | Illinois   |
| STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY | United States  |
| POSTAL/ZIP CODE                                  | 60602-3801   |
| PHONE  | 312-269-8000   |
| FAX  | 312-269-1747   |
| EMAIL  | trademarks@ngelaw.com  |
| DOCKET/REFERENCE NUMBER(S)                       | 19638.01T2 (   |
| <strong>CORRESPONDENCE SECTION(current)</strong> |  |
| NAME   | James P. Muraff  |

|  |  |
|--|--|
| PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE         | trademarks@ngelaw.com  |
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)    | NOT PROVIDED   |
| DOCKET/REFERENCE NUMBER(S)                       | 19638.01T2 (   |
| <b>OWNER SECTION(proposed)</b>                   |  |
| 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   |
| <b>ATTORNEY SECTION (proposed)</b>               |  |
| 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)                       | 49021-00004  |
| <b>CORRESPONDENCE SECTION (proposed)</b>         |  |
| NAME   | James P. Muraff  |
| PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE         | ipmailbox@mcdonaldhopkins.com  |

|   |   |
|---|---|
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) | NOT PROVIDED  |
| DOCKET/REFERENCE NUMBER(S)                    | 49021-00004   |
| <b>SIGNATURE SECTION</b>                      |   |
| 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   |
| <b>FILING INFORMATION SECTION</b>             |   |
| SUBMIT DATE                                   | Thu Jul 02 15:00:54 ET 2020   |
| TEAS STAMP                                    | USPTO/CAR-XXX.XX.XX.XXX-2<br>0200702150054105723-85551<br>440-710f0b79cd5724aec4ca0<br>a17155552a9248e198d0a7889<br>f63ce060e6ec26dc8fa1-N/A-<br>N/A-20200702145939867774 |

---

## Change Address or Representation Form

To the Commissioner for Trademarks:

**MARK:** REDBOX (standard characters, see <https://teas.uspto.gov/cr/view/common/No-Image-File.jpg>)

**SERIAL NUMBER:** 78201199

**REGISTRATION NUMBER:** 2988869

**Owner Section (Current) :**

REDBOX AUTOMATED RETAIL, LLC

1 Tower Lane, Suite 900

Oakbrook Terrace, Illinois 60181

United States

**Attorney Section (Current):**

James P. Muraff of Neal, Gerber & Eisenberg LLP

is located at

c/o Trademark Administrator

Two North LaSalle Street, Suite 1700

CHICAGO, Illinois 60602-3801

United States

312-269-8000

312-269-1747

Email Address: trademarks@ngelaw.com

Docket Reference Number(s): 19638.01T2 (.

**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): 19638.01T2 (

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): 49021-00004

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): 49021-00004

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: 78201199

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

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Thursday, September 24, 2015 11:01 PM  
**To:** XXXX  
**Subject:** Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 2988869: REDBOX: Docket/Reference No. 19638.01T2 (

**Serial Number:** 78201199  
**Registration Number:** 2988869  
**Registration Date:** Aug 30, 2005  
**Mark:** REDBOX  
**Owner:** REDBOX AUTOMATED RETAIL, LLC

Sep 24, 2015

### **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 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):**  
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 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 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=78201199>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

## 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                  | 2988869                              |
| REGISTRATION DATE                    | 08/30/2005                           |
| SERIAL NUMBER                        | 78201199                             |
| <b>MARK SECTION</b>                  |                                      |
| MARK                                 | REDBOX                               |
| <b>ATTORNEY SECTION (current)</b>    |                                      |
| NAME                                 | James P. Muraff                      |
| FIRM NAME                            | Neal, Gerber & Eisenberg LLP         |
| INTERNAL ADDRESS                     | c/o Trademark Administrator          |
| STREET                               | Two North LaSalle Street, Suite 1700 |
| CITY                                 | CHICAGO                              |
| STATE                                | Illinois                             |
| POSTAL CODE                          | 60602-3801                           |
| 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              | 19638.01T2                           |
| <b>ATTORNEY SECTION (proposed)</b>   |                                      |
| NAME                                 | James P. Muraff                      |
| FIRM NAME                            | Neal, Gerber & Eisenberg LLP         |
| INTERNAL ADDRESS                     | c/o Trademark Administrator          |
| STREET                               | Two North LaSalle Street, Suite 1700 |
| CITY                                 | CHICAGO                              |
| STATE                                | Illinois                             |
| POSTAL CODE                          | 60602-3801                           |
| 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              | 19638.01T2 (7003)     |

**CORRESPONDENCE SECTION (current)**

|                                      |                                      |
|--------------------------------------|--------------------------------------|
| NAME                                 | James P. Muraff                      |
| FIRM NAME                            | Neal, Gerber & Eisenberg LLP         |
| INTERNAL ADDRESS                     | c/o Trademark Administrator          |
| STREET                               | Two North LaSalle Street, Suite 1700 |
| CITY                                 | CHICAGO                              |
| STATE                                | Illinois                             |
| POSTAL CODE                          | 60602-3801                           |
| 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              | 19638.01T2                           |

**CORRESPONDENCE SECTION (proposed)**

|                                      |                                      |
|--------------------------------------|--------------------------------------|
| NAME                                 | James P. Muraff                      |
| FIRM NAME                            | Neal, Gerber & Eisenberg LLP         |
| INTERNAL ADDRESS                     | c/o Trademark Administrator          |
| STREET                               | Two North LaSalle Street, Suite 1700 |
| CITY                                 | CHICAGO                              |
| STATE                                | Illinois                             |
| POSTAL CODE                          | 60602-3801                           |
| 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              | 19638.01T2 (7003)                    |

**GOODS AND/OR SERVICES SECTION**

|                     |                               |
|---------------------|-------------------------------|
| INTERNATIONAL CLASS | 041                           |
| GOODS OR SERVICES   | Automated DVD rental services |

**SPECIMEN FILE NAME(S)**

|                                    |  |
|------------------------------------|--|
| ORIGINAL PDF FILE                  | <a href="#">SPN0-3811514866-20150825110457567696 .. Redbox_specimen.pdf</a>          |
| CONVERTED PDF FILE(S)<br>(2 pages) | <a href="#">\\TICRS\\EXPORT16\\IMAGEOUT16\\782\\011\\78201199\\xml1\\S890002.JPG</a> |
|                                    |  |

|                                       |   |
|---------------------------------------|---|
|                                       | <a href="\\TICRS\EXPORT16\IMAGEOUT16\782\011\78201199\xml1\\$890003.JPG">\\TICRS\EXPORT16\IMAGEOUT16\782\011\78201199\xml1\\$890003.JPG</a>   |
| ORIGINAL PDF FILE                     | <a href="SPN0-3811514866-20150825110457567696_.Redbox_specimen_2.pdf">SPN0-3811514866-20150825110457567696_.Redbox_specimen_2.pdf</a>         |
| CONVERTED PDF FILE(S)<br>(1 page)     | <a href="\\TICRS\EXPORT16\IMAGEOUT16\782\011\78201199\xml1\\$890004.JPG">\\TICRS\EXPORT16\IMAGEOUT16\782\011\78201199\xml1\\$890004.JPG</a>   |
| SPECIMEN DESCRIPTION                  | website   |
| <b>OWNER SECTION (current)</b>        |   |
| NAME                                  | REDBOX AUTOMATED RETAIL, LLC  |
| STREET                                | ONE MCDONALD'S PLAZA  |
| CITY                                  | OAK BROOK   |
| STATE                                 | Illinois  |
| ZIP/POSTAL CODE                       | 60523   |
| COUNTRY                               | United States   |
| <b>OWNER SECTION (proposed)</b>       |   |
| NAME                                  | REDBOX AUTOMATED RETAIL, LLC  |
| STREET                                | 1 Tower Lane, Suite 900   |
| CITY                                  | Oakbrook Terrace  |
| STATE                                 | Illinois  |
| ZIP/POSTAL CODE                       | 60181   |
| COUNTRY                               | United States   |
| <b>LEGAL ENTITY SECTION (current)</b> |   |
| TYPE                                  | corporation   |
| STATE/COUNTRY OF INCORPORATION        | Delaware  |
| <b>PAYMENT SECTION</b>                |   |
| NUMBER OF CLASSES                     | 1   |
| NUMBER OF CLASSES PAID                | 1   |
| SUBTOTAL AMOUNT                       | 400   |
| TOTAL FEE PAID                        | 400   |
| <b>SIGNATURE SECTION</b>              |   |
| SIGNATURE                             | /Frederick W. Stein/  |
| SIGNATORY'S NAME                      | Frederick W. Stein  |
| SIGNATORY'S POSITION                  | Vice President and General Counsel  |
| DATE SIGNED                           | 08/26/2015  |
| PAYMENT METHOD                        | DA  |
| <b>FILING INFORMATION</b>             |   |
| SUBMIT DATE                           | Wed Aug 26 11:53:41 EDT 2015  |
| TEAS STAMP                            | USPTO/S08N09-XX.XXX.X.XX-<br>20150826115341847006-2988<br>869-540b78d416ed34772c1bc<br>c8c95a7bb035da94f5477e293<br>9a6bec6f561ace64d-DA-1457 |

0-20150825164734126120

---

**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:** 2988869

**REGISTRATION DATE:** 08/30/2005

**MARK:** REDBOX

The owner, REDBOX AUTOMATED RETAIL, LLC, a corporation of Delaware, having an address of

1 Tower Lane, Suite 900  
Oakbrook Terrace, Illinois 60181  
United States

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 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) website.

**Original PDF file:**

[SPN0-3811514866-20150825110457567696 . Redbox\\_specimen.pdf](#)

**Converted PDF file(s) (2 pages)**

[Specimen File1](#)

[Specimen File2](#)

**Original PDF file:**

[SPN0-3811514866-20150825110457567696 . Redbox\\_specimen\\_2.pdf](#)

**Converted PDF file(s) (1 page)**

[Specimen File1](#)

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

c/o Trademark Administrator  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois (IL) 60602-3801  
United States

The docket/reference number is 19638.01T2.

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

c/o Trademark Administrator  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois (IL) 60602-3801  
United States

The docket/reference number is 19638.01T2 (7003).

The phone number is 312-269-8000.

The fax number is 312-269-1747.

The email address is trademarks@ngelaw.com.

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

c/o Trademark Administrator  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois (IL) 60602-3801  
United States

The docket/reference number is 19638.01T2.

The registrant's proposed Correspondence Information: James P. Muraff of Neal, Gerber & Eisenberg LLP  
c/o Trademark Administrator  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois (IL) 60602-3801  
United States

The docket/reference number is 19638.01T2 (7003).

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 \$400 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

#### **Declaration**

#### **Section 8: Declaration of Use and/or Excusable Nonuse in Commerce**

*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) 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. ? 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.

#### **Section 9: Application for Renewal**

*The registrant requests that the registration be renewed for the goods/services/collective organization identified above.*

Signature: /Frederick W. Stein/ Date: 08/26/2015

Signatory's Name: Frederick W. Stein

Signatory's Position: Vice President and General Counsel

**Mailing Address (current):**

Neal, Gerber & Eisenberg LLP  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois 60602-3801

**Mailing Address (proposed):**

Neal, Gerber & Eisenberg LLP  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois 60602-3801

Serial Number: 78201199

Internet Transmission Date: Wed Aug 26 11:53:41 EDT 2015

TEAS Stamp: USPTO/S08N09-XX.XXX.X.XX-201508261153418

47006-2988869-540b78d416ed34772c1bcc8c95  
a7bb035da94f5477e2939a6bec6f561ace64d-DA  
-14570-20150825164734126120

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## Movie Information

### Movies Rentals

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[All Comedy Movies](#)  
[All Drama Movies](#)  
[All Family Movies](#)  
[All Horror Movies](#)  
[All Kids Movies](#)  
[All Romance Movies](#)  
[All Sci-Fi & Fantasy Movies](#)  
[All Suspense Movies](#)

### DVD Rentals

[Action Movies](#)  
[Comedy Movies](#)  
[Drama Movies](#)  
[Family Movies](#)  
[Horror Movies](#)  
[Kids Movies](#)  
[Romance Movies](#)  
[Sci-Fi & Fantasy Movies](#)  
[Suspense Movies](#)

### Blu-ray™ Rentals

[Blu-ray™ Action Movies](#)  
[Blu-ray™ Comedy Movies](#)  
[Blu-ray™ Drama Movies](#)  
[Blu-ray™ Family Movies](#)  
[Blu-ray™ Horror Movies](#)  
[Blu-ray™ Kids Movies](#)  
[Blu-ray™ Romance Movies](#)  
[Blu-ray™ Sci-Fi & Fantasy Movies](#)  
[Blu-ray™ Suspense Movies](#)

## Game Information

### Game Rentals

[All Games](#)  
[Playstation 3 Games](#)  
[Wii Games](#)  
[Xbox 360 Games](#)

### Game Genres

[Action Games](#)  
[Fighting Games](#)  
[Music & Party Games](#)  
[Shooter Games](#)  
[Sports Games](#)

## Resources

### Where to Rent

[Redbox Locations](#)  
[Locations by State](#)  
[Mobile](#)  
[Text Club](#)  
[Redbox emails](#)

### Redbox Resources

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[Get a Free Rental](#)  
[Movies Coming Soon](#)  
[Top 20 Movie Rentals](#)  
[Games Coming Soon](#)  
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AND GET MORE OUT OF THE BOX.

Once you join, we'll treat you to:

- ▶ A free one-night rental for every 10 rentals.\*
- ▶ A free one-night rental for your birthday.
- ▶ A free one-night rental on your Redbox Play Pass anniversary.
- ▶ Surprise rewards and exclusives.

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\* Credit expires 60 days after issuance. Payment card required to use the credit. See add'l governing [terms](#).

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**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 2988869**Serial Number:** 78201199**RAM Sale Number:** 2988869**RAM Accounting Date:** 20150826**Total Fees:** \$400

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

| <b><u>Transaction</u></b>                    | <b><u>Fee Code</u></b> | <b><u>Transaction Date</u></b> | <b><u>Fee per Class</u></b> | <b><u>Number of Classes</u></b> | <b><u>Number of Classes Paid</u></b> | <b><u>Total Fee</u></b> |
|--|------------------------|--------------------------------|-----------------------------|---------------------------------|--------------------------------------|-------------------------|
| §8 affidavit<br>Application for Renewal (§9) | 7205<br>7201           | 20150826<br>20150826           | \$100<br>\$300              | 1<br>1                          | 1<br>1                               | \$100<br>\$300          |

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

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

**Transaction Date:** 20150826

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[All Family Movies](#)  
[All Horror Movies](#)  
[All Kids Movies](#)  
[All Romance Movies](#)  
[All Sci-Fi & Fantasy Movies](#)  
[All Suspense Movies](#)

### DVD Rentals

[Action Movies](#)  
[Comedy Movies](#)  
[Drama Movies](#)  
[Family Movies](#)  
[Horror Movies](#)  
[Kids Movies](#)  
[Romance Movies](#)  
[Sci-Fi & Fantasy Movies](#)  
[Suspense Movies](#)

### Blu-ray™ Rentals

[Blu-ray™ Action Movies](#)  
[Blu-ray™ Comedy Movies](#)  
[Blu-ray™ Drama Movies](#)  
[Blu-ray™ Family Movies](#)  
[Blu-ray™ Horror Movies](#)  
[Blu-ray™ Kids Movies](#)  
[Blu-ray™ Romance Movies](#)  
[Blu-ray™ Sci-Fi & Fantasy Movies](#)  
[Blu-ray™ Suspense Movies](#)

## Game Information

### Game Rentals

[All Games](#)  
[Playstation 3 Games](#)  
[Wii Games](#)  
[Xbox 360 Games](#)

### Game Genres

[Action Games](#)  
[Fighting Games](#)  
[Music & Party Games](#)  
[Shooter Games](#)  
[Sports Games](#)

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- ▶ A free one-night rental for your birthday.
- ▶ A free one-night rental on your Redbox Play Pass anniversary.
- ▶ Surprise rewards and exclusives.

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\* Credit expires 60 days after issuance. Payment card required to use the credit. See add'l governing [terms](#).

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**NOTICE OF ACCEPTANCE AND  
ACKNOWLEDGEMENT OF §§8 & 15  
DECLARATION**  
**MAILING DATE: Mar 17, 2011**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER:** 2988869  
**MARK:** REDBOX  
**OWNER:** REDBOX AUTOMATED RETAIL, LLC

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

FIRST-CLASS MAIL  
U.S POSTAGE  
PAID

James P. Muraff  
Neal, Gerber & Eisenberg LLP  
Two North LaSalle Street, Suite 1700  
c/o Trademark Administrator  
CHICAGO, IL 60602-3801

## Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

| Input Field                          | Entered   |
|--------------------------------------|---|
| REGISTRATION NUMBER                  | 2988869   |
| REGISTRATION DATE                    | 08/30/2005  |
| SERIAL NUMBER                        | 78201199  |
| <b>MARK SECTION</b>                  |   |
| MARK                                 | REDBOX  |
| <b>ATTORNEY SECTION (current)</b>    |   |
| NAME                                 | James P. Muraff, Joseph T. Bernstein, Daniel N. Christus, Jeffrey R. Gargano, Matthew J. Gryzlo, Brent A Hawkins, Richard C. Himelhoch, Peter M. Klobuchar, Linda A. Kuczma, Kathleen A. Lyons, Monique A. Morneau, Paul J. Nykaza, Avani C. Patel, Bradley F. Rademaker, Keith V. Rockey, Gregory G. Schlenz, Peter M. Siavelis, Roger H. Stein, Maurice E. Teixeira |
| FIRM NAME                            | NEAL GERBER EISENBERG, LLP  |
| INTERNAL ADDRESS                     | TWO NORTH LASALLE STREET  |
| STREET                               | SUITE 2200  |
| CITY                                 | CHICAGO   |
| STATE                                | Illinois  |
| POSTAL CODE                          | 60602-3801  |
| COUNTRY                              | United States   |
| PHONE                                | 312-269-8000  |
| FAX                                  | 312-269-1747  |
| EMAIL                                | IPDocket@ngelaw.com   |
| AUTHORIZED TO COMMUNICATE VIA E-MAIL | Yes   |
| <b>ATTORNEY SECTION (proposed)</b>   |   |
| NAME                                 | James P. Muraff   |
| FIRM NAME                            | Neal, Gerber & Eisenberg LLP  |
| INTERNAL ADDRESS                     | c/o Trademark Administrator   |
| STREET                               | Two North LaSalle Street, Suite 1700  |
| CITY                                 | CHICAGO   |
| STATE                                | Illinois  |
| POSTAL CODE                          | 60602-3801  |
| 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              | 19638.01T2                      |
| OTHER APPOINTED ATTORNEY             | all other attorneys of the firm |

**CORRESPONDENCE SECTION (current)**

|                                      |  |
|--------------------------------------|--|
| NAME                                 | JAMES P. MURAFF, JOSEPH T. BERNSTEIN, DA |
| FIRM NAME                            | NEAL GERBER EISENBERG, LLP               |
| INTERNAL ADDRESS                     | TWO NORTH LASALLE STREET                 |
| STREET                               | SUITE 2200                               |
| CITY                                 | CHICAGO                                  |
| STATE                                | Illinois                                 |
| POSTAL CODE                          | 60602-3801                               |
| COUNTRY                              | United States                            |
| PHONE                                | 312-269-8000                             |
| FAX                                  | 312-269-1747                             |
| EMAIL                                | IPDocket@ngelaw.com                      |
| AUTHORIZED TO COMMUNICATE VIA E-MAIL | Yes                                      |

**CORRESPONDENCE SECTION (proposed)**

|                                      |                                      |
|--------------------------------------|--------------------------------------|
| NAME                                 | James P. Muraff                      |
| FIRM NAME                            | Neal, Gerber & Eisenberg LLP         |
| INTERNAL ADDRESS                     | c/o Trademark Administrator          |
| STREET                               | Two North LaSalle Street, Suite 1700 |
| CITY                                 | CHICAGO                              |
| STATE                                | Illinois                             |
| POSTAL CODE                          | 60602-3801                           |
| 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              | 19638.01T2                           |

**GOODS AND/OR SERVICES SECTION**

|                              |   |
|------------------------------|---|
| INTERNATIONAL CLASS          | 041   |
| GOODS OR SERVICES            | Automated DVD rental services   |
| <b>SPECIMEN FILE NAME(S)</b> |   |
| ORIGINAL PDF FILE            | <a href="#"><u>SPN0-6385229130-170946931_.REDBOX-renewal.pdf</u></a>                |
| CONVERTED PDF FILE(S)        | <a href="#"><u>\TICRS\EXPORT11\IMAGEOUT11\782\011\78201199\xml7\8150002.JPG</u></a> |

|  |   |
|--|---|
| (1 page)                               |   |
| <b>SPECIMEN DESCRIPTION</b>            |   |
| photograph of vending machine          |   |
| <b>OWNER SECTION (current)</b>         |   |
| NAME                                   | REDBOX AUTOMATED RETAIL, LLC  |
| STREET                                 | ONE MCDONALD'S PLAZA  |
| CITY                                   | OAK BROOK   |
| STATE                                  | Illinois  |
| ZIP/POSTAL CODE                        | 60523   |
| COUNTRY                                | United States   |
| <b>OWNER SECTION (proposed)</b>        |   |
| NAME                                   | REDBOX AUTOMATED RETAIL, LLC  |
| STREET                                 | One Tower Lane, Suite 1200  |
| CITY                                   | Oakbrook Terrace  |
| STATE                                  | Illinois  |
| ZIP/POSTAL CODE                        | 60181   |
| COUNTRY                                | United States   |
| <b>LEGAL ENTITY SECTION (current)</b>  |   |
| TYPE                                   | corporation   |
| STATE/COUNTRY OF INCORPORATION         | Delaware  |
| <b>LEGAL ENTITY SECTION (proposed)</b> |   |
| TYPE                                   | limited liability company   |
| <b>PAYMENT SECTION</b>                 |   |
| NUMBER OF CLASSES                      | 1   |
| NUMBER OF CLASSES PAID                 | 1   |
| SUBTOTAL AMOUNT                        | 300   |
| TOTAL FEE PAID                         | 300   |
| <b>SIGNATURE SECTION</b>               |   |
| SIGNATURE                              | /Frederick W. Stein/  |
| SIGNATORY'S NAME                       | Frederick W. Stein  |
| SIGNATORY'S POSITION                   | Vice President and General Counsel  |
| DATE SIGNED                            | 03/01/2011  |
| PAYMENT METHOD                         | DA  |
| <b>FILING INFORMATION</b>              |   |
| SUBMIT DATE                            | Tue Mar 01 20:17:13 EST 2011  |
| TEAS STAMP                             | USPTO/S08N15-XX.XX.XXX.XX<br>X-20110301201713870949-29<br>88869-4806ff477bfa2ffa681<br>b18edf18d8195a0-DA-7315-2<br>0110226170946931552 |



## Combined Declaration of Use and Incontestability under Sections 8 & 15

To the Commissioner for Trademarks:

**REGISTRATION NUMBER:** 2988869

**REGISTRATION DATE:** 08/30/2005

**MARK:** REDBOX

The owner, REDBOX AUTOMATED RETAIL, LLC, a limited liability company, having an address of

One Tower Lane, Suite 1200  
Oakbrook Terrace, Illinois 60181  
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 041, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Automated DVD rental services; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

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

**Original PDF file:**

[SPN0-6385229130-170946931 .. REDBOX-renewal.pdf](#)

**Converted PDF file(s) (1 page)**

[Specimen File1](#)

The registrant's current Attorney Information: James P. Muraff, Joseph T. Bernstein, Daniel N. Christus, Jeffrey R. Gargano, Matthew J. Gryzlo, Brent A Hawkins, Richard C. Himelhoch, Peter M. Klobuchar, Linda A. Kuczma, Kathleen A. Lyons, Monique A. Morneau, Paul J. Nykaza, Avani C. Patel, Bradley F. Rademaker, Keith V. Rockey, Gregory G. Schlenz, Peter M. Siavelis, Roger H. Stein, Maurice E. Teixeira of NEAL GERBER EISENBERG, LLP

TWO NORTH LASALLE STREET  
SUITE 2200  
CHICAGO, Illinois (IL) 60602-3801  
United States (USX)

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

c/o Trademark Administrator  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois (IL) 60602-3801  
United States (USX)

The docket/reference number is 19638.01T2.

The phone number is 312-269-8000.

The fax number is 312-269-1747.

The email address is trademarks@ngelaw.com.

The registrant's current Correspondence Information: JAMES P. MURAFF, JOSEPH T. BERNSTEIN, DA of NEAL GERBER EISENBERG, LLP

TWO NORTH LASALLE STREET  
SUITE 2200  
CHICAGO, Illinois (IL) 60602-3801  
United States (USX)

The registrant's proposed Correspondence Information: James P. Muraff of Neal, Gerber & Eisenberg LLP  
c/o Trademark Administrator  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois (IL) 60602-3801  
United States (USX)

The docket/reference number is 19638.01T2.

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 \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

#### **Declaration**

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

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

Signature: /Frederick W. Stein/ Date: 03/01/2011

Signatory's Name: Frederick W. Stein

Signatory's Position: Vice President and General Counsel

**Mailing Address (current):**

NEAL GERBER EISENBERG, LLP  
SUITE 2200  
CHICAGO, Illinois 60602-3801

**Mailing Address (proposed):**

Neal, Gerber & Eisenberg LLP  
Two North LaSalle Street, Suite 1700  
CHICAGO, Illinois 60602-3801

Serial Number: 78201199

Internet Transmission Date: Tue Mar 01 20:17:13 EST 2011

TEAS Stamp: USPTO/S08N15-XX.XX.XXX.XXX-2011030120171

3870949-2988869-4806ff477bfa2ffa681b18ed  
f18d8195a0-DA-7315-20110226170946931552



**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 2988869**Serial Number:** 78201199**RAM Sale Number:** 7315**RAM Accounting Date:** 20110302**Total Fees:** \$300

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

| <b><u>Transaction</u></b> | <b><u>Fee Code</u></b> | <b><u>Transaction Date</u></b> | <b><u>Fee per Class</u></b> | <b><u>Number of Classes</u></b> | <b><u>Number of Classes Paid</u></b> | <b><u>Total Fee</u></b> |
|---------------------------|------------------------|--------------------------------|-----------------------------|---------------------------------|--------------------------------------|-------------------------|
| §8 affidavit              | 7205                   | 20110301                       | \$100                       | 1                               | 1                                    | \$100                   |
| §15 affidavit             | 7208                   | 20110301                       | \$200                       | 1                               | 1                                    | \$200                   |

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

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

**Transaction Date:** 20110301



## Change Of Correspondence Address

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**The table below presents the data as entered.**

| Input Field                             | Entered   |
|---|---|
| <b>SERIAL NUMBER</b>                    | 78201199  |
| <b>REGISTRATION NUMBER</b>              | 2988869   |
| <b>LAW OFFICE ASSIGNED</b>              | LAW OFFICE 115  |
| <b>MARK SECTION</b>                     |   |
| <b>MARK</b>                             | REDBOX  |
| <b>CORRESPONDENCE SECTION (current)</b> |   |
| <b>ORIGINAL ADDRESS</b>                 | <p>Roger H. Stein<br/>         Ungaretti &amp; Harris LLP<br/>         Suite 3500<br/>         70 West Madison Street<br/>         Chicago Illinois 60602-4224<br/>         United States<br/>         312-523-2557<br/>         312-977-4400<br/>         ipdocket@uhlaw.com</p>   |
| <b>NEW CORRESPONDENCE ADDRESS</b>       |   |
| <b>NEW ADDRESS</b>                      | <p>James P. Muraff, Joseph T. Bernstein, Daniel N. Christus, Jeffrey R. Gargano, Matthew J. Gryzlo, Brent A Hawkins, Richard C. Himelhoch, Peter M. Klobuchar, Linda A. Kuczma, Kathleen A. Lyons, Monique A. Morneau, Paul J. Nykaza, Avani C. Patel, Bradley F. Rademaker, Keith V. Rockey, Gregory G. Schlenz, Peter M. Siavelis, Roger H. Stein, Maurice E. Teixeira<br/>         Neal Gerber Eisenberg, LLP<br/>         Suite 2200<br/>         Two North LaSalle Street<br/>         Chicago<br/>         Illinois<br/>         United States<br/>         60602-3801<br/>         312-269-8000<br/>         312-269-1747<br/>         IPDocket@ngelaw.com</p> |
| <b>SIGNATURE SECTION</b>                |   |
| <b>SIGNATURE</b>                        | /Roger H. Stein/  |
| <b>SIGNATORY NAME</b>                   | Roger H. Stein  |
| <b>SIGNATORY DATE</b>                   | 12/11/2008  |
| <b>SIGNATORY POSITION</b>               | Attorney  |
| <b>FILING INFORMATION SECTION</b>       |   |
| <b>SUBMIT DATE</b>                      | Thu Dec 11 12:13:31 EST 2008  |
| <b>TEAS STAMP</b>                       | USPTO/CCA-XX.X.XXX.XXX-20<br>081211121331226642-785142<br>82-400294ef6b1655961cc3f9   |

f8c5ac89420e8-N/A-N/A-200  
81211120943684317

## Change Of Correspondence Address

---

**The table below presents the data as entered.**

| Input Field                             | Entered  |
|---|--|
| <b>SERIAL NUMBER</b>                    | 78201199   |
| <b>REGISTRATION NUMBER</b>              | 2988869  |
| <b>LAW OFFICE ASSIGNED</b>              | LAW OFFICE 115   |
| <b>MARK SECTION</b>                     |  |
| <b>MARK</b>                             | REDBOX   |
| <b>CORRESPONDENCE SECTION (current)</b> |  |
| <b>ORIGINAL ADDRESS</b>                 | James P. Muraff<br>Neal, Gerber & Eisenberg LLP<br>2 North LaSalle Street<br>Chicago Illinois 60602<br>United States<br>312-2691747<br>312-269-8000<br>IPdocket@ngelaw.com                   |
| <b>NEW CORRESPONDENCE ADDRESS</b>       |  |
| <b>NEW ADDRESS</b>                      | Roger H. Stein<br>Ungaretti & Harris LLP<br>Suite 3500<br>70 West Madison Street<br>Chicago<br>Illinois<br>United States<br>60602-4224<br>312-977-4400<br>312-523-2557<br>ipdocket@uhlaw.com |
| <b>SIGNATURE SECTION</b>                |  |
| <b>SIGNATURE</b>                        | /Roger H. Stein/   |
| <b>SIGNATORY NAME</b>                   | Roger H. Stein   |
| <b>SIGNATORY DATE</b>                   | 07/16/2008   |
| <b>SIGNATORY POSITION</b>               | Attorney   |
| <b>FILING INFORMATION SECTION</b>       |  |
| <b>SUBMIT DATE</b>                      | Wed Jul 16 13:16:54 EDT 2008   |
| <b>TEAS STAMP</b>                       | USPTO/CCA-XX.X.XXX.XXX-20<br>080716131654602847-784885<br>38-400cf1350d8df66a69e227<br>84fb96fe32a22-N/A-N/A-200<br>80716130945889019  |

NEAL ■ GERBER ■ EISENBERG

James P. Muraff  
Attorney at Law

Tel 312.269.8034  
Fax 312.269.1747  
jmuraff@ngelaw.com

August 24, 2007

Mr. Brian Rady  
Chief Financial Officer  
Redbox Automated Retail, LLC  
One Tower Lane, Suite 1200  
Oakbrook Terrace, IL 60181

Re: Corrective Assignment Recordations needed for U.S. Trademark Registrations  
Reg. No. 2,919,854 for REDBOX in Class 9  
Reg. No. 2,988,869 for REDBOX in Class 41  
Reg. No. 3,082,012 for REDBOX in Class 35  
Our Refs.: 019638-01T1, 019638-01T2, 019638-01T3

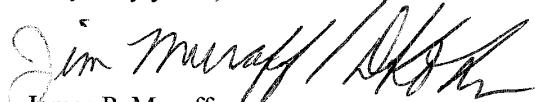
Dear Brian:

During a routine file review, we noticed that the assignment documents that had been prepared by Redbox's prior attorneys, which were recorded at reel/frame 003181/0337 and reel/frame 003181/0328 on October 25, 2005, incorrectly listed Redbox Automated Retail, LLC as a corporation of Delaware, rather than as a limited liability company of Delaware. This error should be corrected, as the U.S. Patent and Trademark Office (PTO) is often very picky about these types of details. Thus, in order to have this error corrected in the U.S. Patent and Trademark Office (USPTO) records, we must file a signed affidavit which identifies the errors and requests that the errors be corrected.

Please review the enclosed affidavit carefully, and if it is correct, please sign and date it in the places indicated and return it to me for filing with the PTO.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

  
James P. Muraff

JPM:dlk  
Enclosure

NGEDOCS: 1455290.1



08-27-2007  
U.S. Patent & TMO&TM Mail Rpt Dt #72

## **AFFIDAVIT**

I, Brian Rady, Chief Financial Officer of Redbox Automated Retail, LLC, hereby declare the following:

1. Redbox Automated Retail, LLC is now and has always been a limited liability company organized and operating under the laws of the State of Delaware.
2. The trademark assignment, executed on September 28, 2005 and recorded at reel/frame 003181/0337, between Future Property Management, Inc. (Assignor) and Redbox Automated Retail, LLC (Assignee) erroneously stated that Redbox Automated Retail, LLC was a Delaware corporation. Similarly, the trademark assignment, executed on September 28, 2005 and recorded at reel/frame 003181/0328, between McDonald's Corporation (Assignor) and Redbox Automated Retail, LLC (Assignee) erroneously stated that Redbox Automated Retail, LLC was a Delaware corporation..
3. The trademarks assigned and recorded at reel/frame 003181/0337 were: REDBOX Registration No. 2,988,869 and REDBOX Registration No. 2,919,854. The trademark assigned and recorded at reel/frame 003181/0328 was REDBOX Registration No. 3,082,012.
4. The error stating that Redbox Automated Retail, LLC was a corporation of Delaware was inadvertent and that error was repeated in both of the recordation cover sheets.
5. We wish to correct the entity type for Redbox Automated Retail, LLC from a corporation of Delaware to a limited liability company of Delaware in the records of the U.S. Patent and Trademark Office.
6. Since the Assignor, Future Property Management, Inc., is no longer operating as a company, we make this request for correction as the Assignee.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Brian Rady

Chief Financial Officer, Redbox Automated  
Retail, LLC

## Change Of Correspondence Address

---

**The table below presents the data as entered.**

| Input Field                             | Entered   |
|---|---|
| <b>SERIAL NUMBER</b>                    | 78201199  |
| <b>REGISTRATION NUMBER</b>              | 2988869   |
| <b>LAW OFFICE ASSIGNED</b>              | LAW OFFICE 115  |
| <b>MARK SECTION</b>                     |   |
| <b>MARK</b>                             | REDBOX  |
| <b>CORRESPONDENCE SECTION (current)</b> |   |
| <b>ORIGINAL ADDRESS</b>                 | James P. Muraff<br>Neal, Gerber & Eisenberg LLP<br>Suite 2200<br>2 North LaSalle Street<br>Chicago Illinois 60602<br>United States<br>312-269-1747<br>312-269-8000<br>IPDocket@ngelaw.com |
| <b>NEW CORRESPONDENCE ADDRESS</b>       |   |
| <b>NEW ADDRESS</b>                      | James P. Muraff<br>Neal, Gerber & Eisenberg LLP<br>2 North LaSalle Street<br>Chicago<br>Illinois<br>United States<br>60602<br>312-269-8000<br>312-2691747<br>IPDocket@ngelaw.com          |
| <b>SIGNATURE SECTION</b>                |   |
| <b>SIGNATURE</b>                        | /James P. Muraff/   |
| <b>SIGNATORY NAME</b>                   | James P. Muraff   |
| <b>SIGNATORY DATE</b>                   | 11/29/2006  |
| <b>SIGNATORY POSITION</b>               | Attorney of Record  |
| <b>FILING INFORMATION SECTION</b>       |   |
| <b>SUBMIT DATE</b>                      | Wed Nov 29 16:58:05 EST 2006  |
| <b>TEAS STAMP</b>                       | USPTO/CCA-XX.XXX.XX.XXX-2<br>0061129165805492824-76270<br>515-35012cbc6c13ee1a3407b<br>c451208a81af42-N/A-N/A-20<br>061129164642071831  |

## Change Of Correspondence Address

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**The table below presents the data as entered.**

| Input Field                             | Entered  |
|---|--|
| <b>SERIAL NUMBER</b>                    | 78201199   |
| <b>REGISTRATION NUMBER</b>              | 2988869  |
| <b>LAW OFFICE ASSIGNED</b>              | LAW OFFICE 115   |
| <b>MARK SECTION</b>                     |  |
| <b>MARK</b>                             | REDBOX   |
| <b>CORRESPONDENCE SECTION (current)</b> |  |
| <b>ORIGINAL ADDRESS</b>                 | James P. Muraff<br>Wallenstein Wagner & Rockey, Ltd.<br>311 South Wacker Drive, 53rd Floor<br>Chicago Illinois 60606-6630<br>United States<br>312-554-3301<br>312-554-3300<br>docket@wwrfirm.com |
| <b>NEW CORRESPONDENCE ADDRESS</b>       |  |
| <b>NEW ADDRESS</b>                      | James P. Muraff<br>Neal, Gerber & Eisenberg LLP<br>Suite 2200<br>2 North LaSalle Street<br>Chicago<br>Illinois<br>United States<br>60602<br>312-269-8000<br>312-269-1747<br>IPDocket@ngelaw.com  |
| <b>SIGNATURE SECTION</b>                |  |
| <b>SIGNATURE</b>                        | /James P Muraff/   |
| <b>SIGNATORY NAME</b>                   | James P. Muraff  |
| <b>SIGNATORY DATE</b>                   | 10/23/2006   |
| <b>SIGNATORY POSITION</b>               | Attorney   |
| <b>FILING INFORMATION SECTION</b>       |  |
| <b>SUBMIT DATE</b>                      | Mon Oct 23 15:20:50 EDT 2006   |
| <b>TEAS STAMP</b>                       | USPTO/CCA-XXX.XXX.XXX.XX-<br>20061023152050152899-7886<br>6011-35031929865da1b75402<br>c1e73a71522392-N/A-N/A-20<br>061023145140218823   |

## Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

| Input Field            | Entered   |
|------------------------|---|
| SERIAL NUMBER          | 78201199  |
| REGISTRATION NUMBER    | 2988869   |
| LAW OFFICE ASSIGNED    | LAW OFFICE 115  |
| MARK SECTION           |   |
| MARK                   | REDBOX  |
| ATTORNEY SECTION       |   |
| ORIGINAL ADDRESS       | CYNTHIA CLARKE WEBER<br>SUGHRUE MION, PLLC.<br>S-7258<br>2100 Pennsylvania Ave.<br>Washington DC USA 20037-3213<br>202-293-7860<br>202-663-7927<br>trademark@sughrue.com  |
| CORRESPONDENCE SECTION |   |
| ORIGINAL ADDRESS       | CYNTHIA CLARKE WEBER<br>SUGHRUE MION, PLLC.<br>S-7258<br>2100 Pennsylvania Ave.<br>Washington DC USA 20037-3213<br>202-293-7860<br>202-663-7927<br>trademark@sughrue.com  |
| NEW ATTORNEY ADDRESS   |   |
| 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                   | James P. Muraff, Joseph T. Bernstein, Daniel N. Christus, Jeffrey R. Gargano, Matthew J. Gryzlo, Brent A Hawkins, Richard C. Himelhoch, Peter M. Klobuchar, Linda A. Kuczma, Kathleen A. Lyons, Monique A. Morneau, Paul J. Nykaza, Avani C. Patel, Bradley F. Rademaker, Keith V. Rockey, Gregory G. Schlenz, Peter M. Siavelis, Roger H. Stein, Maurice E. Teixeira |
| FIRM NAME              | Wallenstein Wagner & Rockey, Ltd.   |
| STREET                 | 311 South Wacker Drive, 53rd Floor  |
| CITY                   | Chicago   |
| STATE                  | Illinois  |
| COUNTRY                | United States   |
| POSTAL/ZIP CODE        | 60606-6630  |

|   |                    |
|---|--------------------|
| PHONE   | 312-554-3300       |
| FAX   | 312-554-3301       |
| EMAIL   | docket@wwrfirm.com |
| ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL | YES                |

#### NEW CORRESPONDENCE ADDRESS

|                                      |                                    |
|--------------------------------------|------------------------------------|
| NAME                                 | James P. Muraff                    |
| FIRM NAME                            | Wallenstein Wagner & Rockey, Ltd.  |
| STREET                               | 311 South Wacker Drive, 53rd Floor |
| CITY                                 | Chicago                            |
| STATE                                | Illinois                           |
| COUNTRY                              | United States                      |
| POSTAL/ZIP CODE                      | 60606-6630                         |
| PHONE                                | 312-554-3300                       |
| FAX                                  | 312-554-3301                       |
| EMAIL                                | docket@wwrfirm.com                 |
| AUTHORIZED TO COMMUNICATE VIA E-MAIL | YES                                |

#### SIGNATURE SECTION

|                    |                |
|--------------------|----------------|
| SIGNATURE          | /gregg kaplan/ |
| SIGNATORY NAME     | Gregg Kaplan   |
| SIGNATORY DATE     | 04/26/2006     |
| SIGNATORY POSITION | CEO            |

#### FILING INFORMATION SECTION

|             |   |
|-------------|---|
| SUBMIT DATE | Wed Apr 26 09:34:33 EDT 2006  |
| TEAS STAMP  | USPTO/RAA-XX.XX.XXX.X-200<br>60426093433228743-7820119<br>9-320cfad36e921de04f8b377<br>f3dea38-N/A-N/A-200604211<br>01530001495 |

## Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

**MARK:** REDBOX

**SERIAL NUMBER:** 78201199

**REGISTRATION NUMBER:** 2988869

### **The original attorney**

CYNTHIA CLARKE WEBER

SUGHRUE MION, PLLC.

S-7258

2100 Pennsylvania Ave.

Washington DC USA 20037-3213

202-293-7860

202-663-7927

trademark@sughrue.com

### **Original Correspondence Address :**

CYNTHIA CLARKE WEBER

SUGHRUE MION, PLLC.

2100 Pennsylvania Ave.

Washington DC USA 20037-3213

202-293-7860

202-663-7927

trademark@sughrue.com

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:

### **Newly Appointed Attorney:**

James P. Muraff, Joseph T. Bernstein, Daniel N. Christus, Jeffrey R. Gargano, Matthew J. Gryzlo, Brent A Hawkins, Richard C. Himelhoch, Peter M. Klobuchar, Linda A. Kuczma, Kathleen A. Lyons, Monique A. Morneau, Paul J. Nykaza, Avani C. Patel, Bradley F. Rademaker, Keith V. Rockey, Gregory G. Schlenz, Peter M. Siavelis, Roger H. Stein, Maurice E. Teixeira

Wallenstein Wagner & Rockey, Ltd.

311 South Wacker Drive, 53rd Floor

Chicago, Illinois 60606-6630

United States

312-554-3300

312-554-3301

312-554-3301

### **The following is to be used as the correspondence address:**

James P. Muraff

Wallenstein Wagner & Rockey, Ltd.

311 South Wacker Drive, 53rd Floor

Chicago, Illinois 60606-6630

United States

312-554-3300

312-554-3301

docket@wwrfirm.com

Signature: /gregg kaplan/ Date: 04/26/2006

Signatory's Name: Gregg Kaplan

Signatory's Position: CEO

Serial Number: 78201199

Internet Transmission Date: Wed Apr 26 09:34:33 EDT 2006

TEAS Stamp: USPTO/RAA-XX.XX.XXX.X-200604260934332287

43-78201199-320cfad36e921de04f8b377f3dea

38-N/A-N/A-20060421101530001495

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 2,988,869  
Registered Aug. 30, 2005

**SERVICE MARK  
PRINCIPAL REGISTER**

**REDBOX**

FUTURE PROPERTY MANAGEMENT, INC. (DE-  
Laware Corporation)  
1013 CENTRE ROAD  
WILMINGTON, DE 19805

FIRST USE 3-31-2003; IN COMMERCE 3-31-2003.

SER. NO. 78-201,199, FILED 1-8-2003.

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

BARBARA GAYNOR, EXAMINING ATTORNEY



**NOTICE OF PUBLICATION UNDER §12(a)**  
**MAILING DATE: May 18, 2005**  
**PUBLICATION DATE: Jun 7, 2005**

The mark identified below will be published in the Official Gazette on Jun 7, 2005. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER:** 78201199  
**MARK:** REDBOX  
**OWNER:** Future Property Management, Inc.

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

FIRST-CLASS MAIL  
U.S POSTAGE  
PAID

CYNTHIA CLARKE WEBER  
SUGHRUE MION, PLLC.  
2100 PENNSYLVANIA AVE  
WASHINGTON DC, 20037 3213

**To:** Future Property Management, Inc. ([trademark@sughrue.com](mailto:trademark@sughrue.com))  
**Subject:** TRADEMARK APPLICATION NO. 78201199 - REDBOX - S-7258  
**Sent:** 2/9/2005 11:40:54 AM  
**Sent As:** ECOM115@USPTO.GOV  
**Attachments:**

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/201199

**APPLICANT:** Future Property Management, Inc.

**\*78201199\***

**CORRESPONDENT ADDRESS:**

CYNTHIA CLARKE WEBER  
SUGHRUE MION, PLLC.  
2100 Pennsylvania Ave.  
Washington DC USA 20037-3213

**RETURN ADDRESS:**

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

**MARK:** REDBOX

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

**CORRESPONDENT'S REFERENCE/DOCKET NO :** S-7258

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**

[trademark@sughrue.com](mailto:trademark@sughrue.com)

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 78/201199

## EXAMINER'S AMENDMENT

In accordance with the authorization granted by Kevin Smith on February 9, 2005, the application has been AMENDED as indicated below. Please note that if the identification of goods or services has been amended below, any future amendments must be in accordance with 37 C.F.R. 2.71(a); TMEP section 1402.07(e). No response is necessary unless there is an objection to the amendment. If there is an objection to the amendment, the applicant should notify the examining attorney immediately.

### Recitation and Classification of Services

The recitation and classification of services are amended to read as follows: Automated DVD rental services, in International Class 41.

### **NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS); or

(2) \$375 per international class if filed on paper.

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

#### **NOTICE: TRADEMARK OPERATION RELOCATION**

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/Barbara A. Gaynor/  
Barbara A. Gaynor  
Trademark Examining Attorney  
Law Office 115  
(571) 272-9164

\*\*\* User:bgaynor \*\*\*

| #  | Total | Dead | Live | Live | Status/ | Search  |
|----|-------|------|------|------|---------|---|
|    |       |      |      |      |         | Marks   |
|    |       |      |      | Docs | Images  | Duration  |
| 01 | 8116  | N/A  | 0    | 0    | 0:01    | *box*[bi,ti]  |
| 02 | 670   | N/A  | 0    | 0    | 0:03    | 1 and ("041" or a or b or "200")[ic]  |
| 03 | 315   | 0    | 315  | 150  | 0:05    | 2 not dead[lid]   |
| 04 | 279   | 0    | 1    | 1    | P/0:02  | (1 and (dvd or renting or rental or lease or leasing or rented or leased or videotape or video)[gs]) not (3 or dead[lid]) |
| 05 | 265   | 0    | 265  | 124  | 0:01    | 4 not (*boxer* or *boxing*)[bi,ti]  |

Session started 2/9/2005 11:01:44 AM

Session finished 2/9/2005 11:40:37 AM

Total search duration 0 minutes 12 seconds

Session duration 38 minutes 53 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78201199

**To:** Future Property Management, Inc. ([trademark@sughrue.com](mailto:trademark@sughrue.com))  
**Subject:** TRADEMARK APPLICATION NO. 78201199 - REDBOX - S-7258  
**Sent:** 2/2/2005 12:06:55 PM  
**Sent As:** ECOM115@USPTO.GOV  
**Attachments:** [Attachment - 1](#)

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/201199

**APPLICANT:** Future Property Management, Inc.

**\*78201199\***

**CORRESPONDENT ADDRESS:**

CYNTHIA CLARKE WEBER  
SUGHRUE MION, PLLC.  
2100 Pennsylvania Ave.  
Washington DC USA 20037-3213

**RETURN ADDRESS:**

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

**MARK:** REDBOX

**CORRESPONDENT'S REFERENCE/DOCKET NO :** S-7258

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/201199

This letter responds to the applicant's communication filed on December 13, 2004.

The applicant (1) amended the recitation of services; and (2) submitted a substitute specimen. No. (1) is acceptable. Further, in light of the applicant's amended recitation of services, the refusal under Section 2(d) is hereby *withdrawn*.

### **Substitute Specimen**

The substitute specimen does not show use of the mark for any Class 35 services identified in the amendment to allege use. The applicant has identified its services as "VENDING SERVICES, NAMELY, PROVIDING RETAIL FACILITIES FEATURING VENDING MACHINES OFFERING DVDs." The substitute specimen, however, shows the use of the mark REDBOX in conjunction with automated DVD rental services. As explained in the October 7, 2004 Office action, DVD rental services are classified in International Class 41, not International Class 35. The sign on the machine pictured in the substitute specimen advertises "\$1.00 DVD rental." From the applicant's website at [www.redboxdvd.com](http://www.redboxdvd.com) (copy attached):

### **ABOUT REBOX [SIC]**

**Redbox Automated DVD Rental is one of the leading automated retail providers of new release DVD rentals** in high traffic, convenient locations. A self service transaction from an ATM style kiosk provides consumers the most sought after box office hits in about 30 seconds with a credit or debit card swipe. Established in 2002, **there are over 140 Redbox Automated DVD Rental locations** in McDonald's Restaurants, supermarket chains, and office/service complexes.

[emphasis added].

Accordingly, the applicant must submit a specimen showing use of the mark for the Class 35 vending services specified. 37 C.F.R. §§2.56 and 2.76(b)(2); TMEP §1104.09(e). The applicant **must** verify, with an affidavit or a declaration under 37 C.F.R. §2.20, that the applicant used the substitute specimen in commerce **prior to filing the amendment to allege use**. 37 C.F.R. §2.59(b)(1). The statement supporting use of the substitute specimen must read as follows:

The applicant used the substitute specimen in commerce prior to filing the amendment to allege use.

In the alternative, the applicant may withdraw the amendment to allege use. 37 C.F.R. §2.76(h). The Office will *not* refund the fee for filing an amendment to allege use that is withdrawn, and the papers and specimen(s) filed with the amendment to allege use will remain part of the record. The applicant may authorize the examining attorney to issue an examiner's amendment that withdraws the amendment to allege use. TMEP §1104.10.

If the applicant withdraws the amendment to allege use, the application will be processed as an intent-to-use application subject to publication and issuance of a notice of allowance. After issuance of the notice of allowance, the applicant must file a statement of use. TMEP §1104.10.

If the applicant withdraws the amendment to allege use, the examining attorney will withdraw any requirements or refusals specifically related to use of the mark, such as objections related to the form of the verified statement itself, the agreement of the mark as used on the specimens with the mark shown on the drawing, or the use of the applied-for designation as a trademark or service mark evidenced by the specimen. TMEP §1104.10.

For the foregoing reasons, the requirement that the applicant submit an acceptable Class 35 specimen is maintained and made **FINAL**.

If applicant fails to respond to this final action within six months of the mailing date, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final action by:

- (1) submitting a response that fully satisfies all outstanding requirements, if feasible (37 C.F.R. §2.64(a)); and/or
- (2) filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class (37 C.F.R. §§2.6(a)(18) and 2.64(a); TMEP §§715.01 and 1501 *et seq.*; TBMP Chapter 1200).

In certain circumstances, a petition to the Director may be filed to review a final action that is limited to procedural issues, pursuant to 37 C.F.R. §2.63(b)(2). 37 C.F.R. §2.64(a). *See* 37 C.F.R. §2.146(b), TMEP §1704, and TBMP Chapter 1201.05 for an explanation of petitionable matter. The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

If the applicant has any questions concerning this Office action, please telephone the assigned examining attorney.

## **NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS); or
- (2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

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trademark documents) must be sent to:

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

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/Barbara A. Gaynor/  
Barbara A. Gaynor  
Trademark Examining Attorney  
Law Office 115  
(571) 272-9164

**How to respond to this Office Action:**

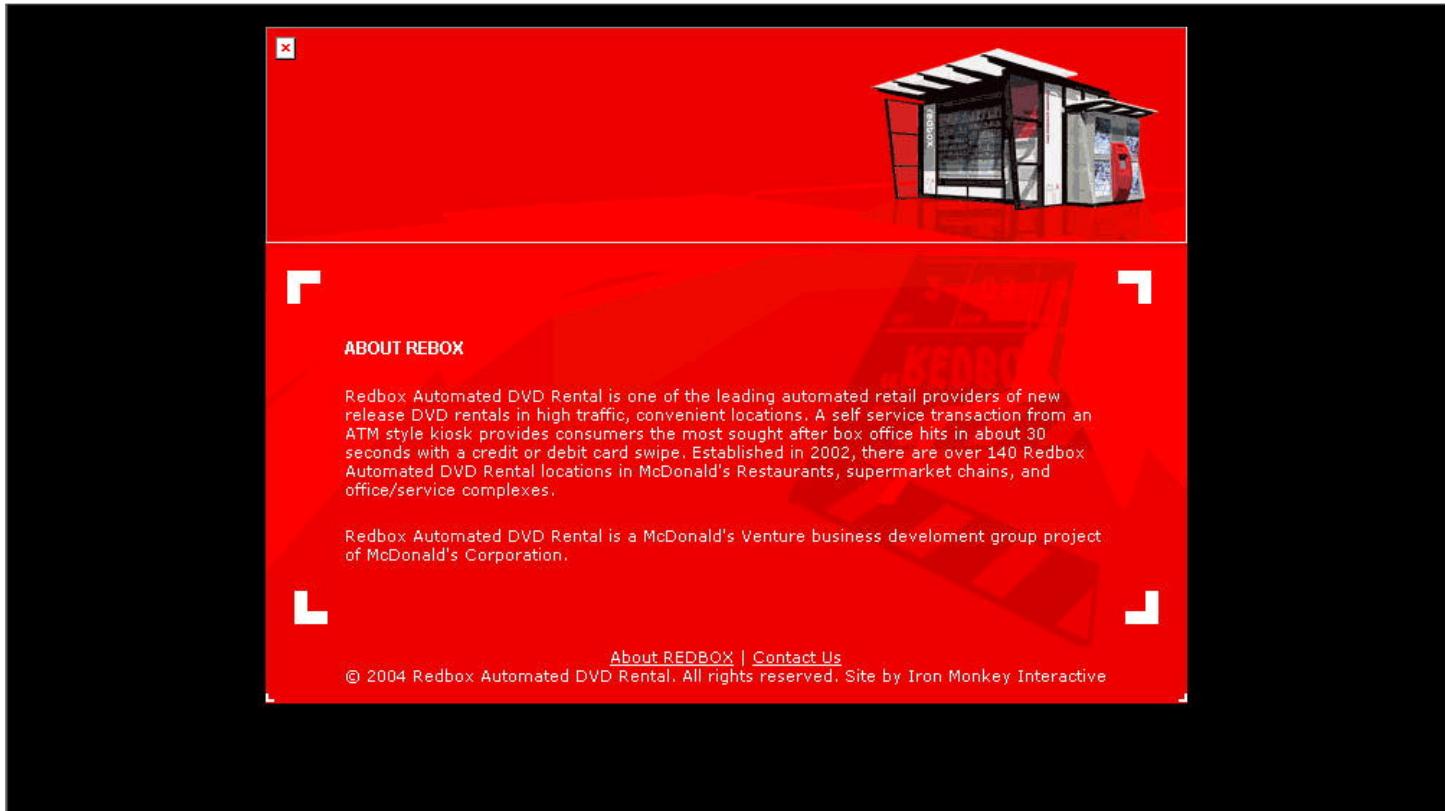
You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm> and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) **CANNOT** currently be filed via TEAS.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

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 ASSIGNED EXAMINING ATTORNEY.**





Attorney Dkt. No.: S-7258

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Future Property Management, Inc.

Serial No. 78/201,199

Filed: January 8, 2003

Mark: RED BOX

Trademark Examining Attorney  
Barbara A. Gaynor  
Law Office 115

**BOX RESPONSES NO FEE**  
Commissioner for Trademarks  
P. O. Box 1451  
Alexandria, Virginia 22313-1451

SIR:

This is in response to the Office Action dated October 7, 2004. After careful consideration of its contents and correspondence with Applicant, counsel responds as follows.

**AMENDMENT**

Please delete the recitation of services in its entirety and insert the following in lieu thereof:

VENDING SERVICES, NAMELY, PROVIDING RETAIL  
FACILITIES FEATURING VENDING MACHINES OFFERING  
DVDs, in International Class 35.

**REMARKS**

By the above Amendment, Applicant has clarified its recitation of services per the request of the Examining Attorney. It is noted that Applicant's previous effort in this regard was not accepted because its proposed recitation included the term "rental." Applicant has now reverted to its prior recitation of services; however, rather than stating that its vending machines offer a wide variety of consumer products, Applicant has narrowed the scope of its offerings to DVDs only. It is believed that Applicant's proposed amendment narrowing the products offered through its vending services is within the scope of the application as previously amended and should therefore be acceptable.

12-13-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #77

The Examining Attorney has refused the specimen of use submitted to support the application holding that it does not depict Applicant's retail facilities. Applicant submits herewith a substitute specimen in the nature of a photograph of Applicant's facilities featuring its vending machines. The substitute specimen is supported by a Substitute Specimen Declaration executed by Applicant's managing counsel.

The only remaining issue is the maintenance of the prior Section 2(d) refusal based on Registration No. 2498298 for the mark THE BIG RED BOX covering an online retail ordering services and mail order services in the areas of gifts for men, women and children. Applicant incorporates the arguments relative to the viability of this citation from its Amendment of August 23, 2004. It is believed that Applicant's services as amended and as evidenced by the specimen of record are clearly distinguishable from the services noted in the cited registration, such that the citation should be withdrawn consistent with the foregoing argument and support submitted in Applicant's Amendment of August 23, 2004.

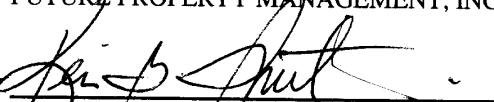
In view of the above Amendment and Remarks, it is respectfully requested that the refusal under Section 2(d) be withdrawn and the application, as amended, be passed to publication as a use based case in International Class 35 at the earliest opportunity.

If further information is required, the Examining Attorney is encouraged to contact undersigned counsel by telephone at the number listed below.

Respectfully submitted,

FUTURE PROPERTY MANAGEMENT, INC.

By:

  
Kevin G. Smith  
Attorney for Applicant  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202  
Telephone: (202) 293-7060

Dated: December 13, 2004.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Registration of:

Future Property Management, Inc. : Barbara A. Gaynor  
Serial No. 78/201199 : Trademark Examining Attorney

Filing Date: January 8, 2003 :

Mark: REDBOX :

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**SUBSTITUTE SPECIMEN DECLARATION**

The undersigned declares that she is **Managing Counsel** of Registrant, Future Property Management, Inc., a corporation of the State of Delaware, having its principal place of business at 1013 Centre Road, Wilmington, Delaware, 19805, and is properly authorized to execute this document on behalf of the Registrant;

That the substitute specimen submitted herewith to the U.S. Patent and Trademark Office for the above-captioned REDBOX trademark was in use on or in connection with the goods/services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted specimen, during the relevant period for filing the Statement of Use.

That the facts set forth herein are true; and that all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document.

Future Property Management, Inc.

By:



Name: Sheila Lehr

Title: Managing Counsel

Date:

December 3, 2004



**To:** Future Property Management, Inc. ([trademark@sughrue.com](mailto:trademark@sughrue.com))  
**Subject:** TRADEMARK APPLICATION NO. 78201199 - REDBOX - S-7258  
**Sent:** 10/7/2004 10:48:58 AM  
**Sent As:** ECOM115@USPTO.GOV  
**Attachments:**

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/201199

**APPLICANT:** Future Property Management, Inc.

**\*78201199\***

**CORRESPONDENT ADDRESS:**

CYNTHIA CLARKE WEBER  
SUGHRUE MION, PLLC.  
2100 Pennsylvania Ave.  
Washington DC USA 20037-3213

**RETURN ADDRESS:**

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

**MARK:** REDBOX

**CORRESPONDENT'S REFERENCE/DOCKET NO :** S-7258

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/201199

This letter responds to the applicant's amendment to allege use filed on August 16, 2004 and the applicant's communication filed on August 24, 2004.

The applicant (1) filed an amendment to allege use; (2) amended the recitation of services; and (3) argued against the Section 2(d) refusal. For the following reasons, none of the foregoing is acceptable.

**1. Amended Recitation of Services**

The applicant amended the recitation of services from "VENDING SERVICES, NAMELY, PROVIDING RETAIL FACILITIES FEATURING VENDING MACHINES OFFERING A WIDE VARIETY OF CONSUMER PRODUCTS" to "VENDING SERVICES, NAMELY, PROVIDING RETAIL FACILITIES FEATURING AUTOMATED DVD RENTAL." The wording "rental" in the recitation of services is too broad because it could include services classified in other classes, specifically International Class 41. Vending machine services are classified in International Class 35 because they are analogous to retail store services. When consumers purchase goods from a vending machine, they own those goods, similar to what happens when goods are purchased in a department store or grocery store. However, when goods are "rented," consumers do not own the goods that are rented, they merely are using them for a period of time. In a rental situation, consumers never have title to the goods rented. It is inconsistent for the applicant to identify its services as both a vending service and a DVD rental service. Vending services are in Class 35, and DVD rental services are classified in Class 41.

Accordingly, the proposed amendment to the identification cannot be accepted because the wording "DVD RENTAL" refers to services that are not within the scope of the identification that was set forth in the application as amended on September 30, 2003. While the identification of

goods and/or services may be amended to clarify or limit the goods and/or services, additions to the identification or a broadening of the scope of the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §§1402.06 *et seq.* and 1402.07. Therefore, this wording should be deleted from the recitation of services.

The applicant may amend the recitation to adopt the services identified in the September 30, 2003 amendment: VENDING SERVICES, NAMELY, PROVIDING RETAIL FACILITIES FEATURING VENDING MACHINES OFFERING A WIDE VARIETY OF CONSUMER PRODUCTS.

## 2. Specimen

The specimen does not show use of the mark for any Class 35 services identified in the amendment to allege use. The applicant has identified its services as retail vending services. However, the applicant's specimen shows the use of the mark in conjunction with a DVD rental service. See subsection 1 above for a discussion of the difference between retail vending services and DVD rental services. From the applicant's specimen: "rent new releases here" and "automated dvd rental." DVD rental services are classified in International Class 41, not International Class 35.

Accordingly, the applicant must submit a specimen showing use of the mark for the Class 35 services specified. 37 C.F.R. §§2.56 and 2.76(b)(2); TMEP §1104.09(e). The applicant **must** verify, with an affidavit or a declaration under 37 C.F.R. §2.20, that the applicant used the substitute specimen in commerce prior to filing the amendment to allege use. 37 C.F.R. §2.59(b)(1). The statement supporting use of the substitute specimen must read as follows:

The applicant used the substitute specimen in commerce prior to filing the amendment to allege use.

If an amendment of the datesâ€¢ofâ€¢use is necessary in order to state the correct dates of first use, the applicant must verify the amendment with an affidavit or a declaration in accordance with 37 C.F.R. §2.20. 37 C.F.R. §2.71(c); TMEP §§903.05 and 1104.09(d).

## 3. Refusal Under Section 2(d) – Likelihood of Confusion

In light of the foregoing uncertainty as to the applicant's services, the refusal under Section 2(d) is **CONTINUED** for the reasons specified in the February 28, 2004 Office action.

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

## **NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004**

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at [www.uspto.gov](http://www.uspto.gov).

/Barbara A. Gaynor/  
Barbara A. Gaynor  
Trademark Examining Attorney  
Law Office 115  
(571) 272-9164

## **How to respond to this Office Action:**

You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://teas.uspto.gov/V2.0/oa242/WIZARD.htm>) and follow the instructions therein, but you must wait until at least 72 hours after receipt if the

office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) **CANNOT** currently be filed via TEAS.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

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 ASSIGNED EXAMINING ATTORNEY.**

## NOTE TO THE FILE

SERIAL NUMBER: 78201199

DATE: 10/07/2004

NAME: bgaynor

### NOTE:

- Checked LEXIS/NEXIS
- Searched internet using [insert search engine or web site]
- Checked with Law Library re surname.
- Checked geographic significance.
- Checked with translations branch.
- Checked ID and classification with ID/Class - Aug. 24, 2004 proposed amendment
- Checked ID with Senior Attorney/Managing Attorney
- Telephoned attorney/applicant leaving message re: \_\_\_\_\_
- Telephoned attorney/applicant, application was signed on \_\_\_\_\_
- Personal interview conducted with attorney/applicant re \_\_\_\_\_
- Attorney/applicant called to discuss \_\_\_\_\_
- Bulky specimens with examiner.
- Acronym website searched.
- Changed Tradeups to add.\_\_\_\_\_
- Changed Tradeups to delete.\_\_\_\_\_
- OTHER (insert reason for Note)

---

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
[www.uspto.gov](http://www.uspto.gov)

## NOTICE OF ACCEPTANCE OF AMENDMENT TO USE

Sep 14, 2004

TM15

ATTORNEY  
REFERENCE NUMBER:

S-7258

CYNTHIA CLARKE WEBER  
SUGHRUE MION, PLLC.  
2100 Pennsylvania Ave.  
Washington DC USA 20037-3213

SERIAL NUMBER: 78/201199  
MARK: REDBOX  
OWNER: Future Property Management, Inc.

---

The Amendment to Allege Use (AAU) filed for the trademark application identified above has been accepted as meeting the minimum requirements of 37 C.F.R. § 2.76(e). The application will be returned to the examining attorney for a substantive review of the Amendment to Allege Use.

Filing an Amendment to Allege Use does not relieve the applicant of the duty to file a response to any outstanding office action or to take any other action required in the case, including filing a Notice of Appeal.

For further information please check the USPTO web site at [www.uspto.gov](http://www.uspto.gov) or call the Trademark Assistance Center at 703-308-9000.

CIP  
AUG 23 2004

Attorney Dkt. No.: S-7258

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Future Property Management, Inc.

Serial No. 78/201,199

Filed: January 8, 2003

Mark: RED BOX

Commissioner for Trademarks  
BOX RESPONSES NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Trademark Examining Attorney  
Barbara A. Gaynor  
Law Office 115

SIR:

This is in response to the Office Action dated February 28, 2004. After careful consideration of its contents and correspondence with Applicant, counsel responds as follows.

AMENDMENT

Please delete the original recitation of services and insert the following in lieu thereof:

VENDING SERVICES, NAMELY, PROVIDING RETAIL  
FACILITIES FEATURING AUTOMATED DVD RENTAL, in  
International Class 35.

REMARKS

The Examining Attorney has initially refused registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), citing U.S. Registration No. 2,498,298 for the mark THE BIG RED BOX, for "providing online retail ordering services and mail ordering services in the areas of gifts for men, women and children, comprising original artwork, books, ceramics, clothing and imprinted fabrics, home decorations, glassware, novelty gift items, pet accessories, household items, gifts to aid the physically challenged, decorative note paper, pens and pencils, sports and recreational goods, auto maintenance and comfort goods, travel aids, photo albums, party favors, kitchen gadgets, candy, condiments, non-alcoholic beverages, gift baskets, bridal gifts and wedding organizers, candles, incense, sewing and craft kits,



08-24-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #39

activity games, personal care products, collectibles, special occasion gifts and seasonal/holiday gifts and decorations.” Applicant submits that its services, specifically, “vending services, namely providing retail facilities featuring automated DVD rental” are significantly different than the retail and online services featuring a wide variety of gifts for men, women and children. Most notable is the fact that applicant’s services are provided in a distinct brick and mortar facility as opposed to the internet or mail order retail service. In addition, the products offered by applicant, specifically, the automated rental of DVDs, are clearly unrelated to any of the goods and services offered for online or mail order sale by the cited registrant.

While the Examining Attorney correctly states that the Section 2(d) analysis requires a two step approach, applicant submits that the second step in this analysis requires deeper consideration than initially provided by the Examining Attorney. While the marks themselves may have similar components, the key analysis requires that the goods and services be considered for relatedness as well as the activities surrounding their marketing such that confusion as to origin of those services is likely. Applicant submits that the activities surrounding the marketing of applicant’s vending services are significantly different than those of the mail order and online retail ordering services provided by the cited registrant.

It is well-settled that the goods must be closely related to support a finding of likelihood of confusion. Amcor, Inc. v. Amcor Industries, Inc., 210 USPQ 70, 78 (TTAB 1981). Even when the marks are nearly identical, if the goods of the respective marks are not closely related or directly competitive, then confusion is not likely. See, e.g., Quartz Radiation Corp. v. Comm / Scope Co., 1 USPQ2d 1668 (TTAB 1986). Therefore, if the goods in question are not closely related or marketed in such a manner as to preclude any “mistaken belief” about the origin of the goods, then confusion is not likely. See, e.g., Local Trademarks, Inc. v. Handy Boys, Inc., 16 USPQ2d 1156 (TTAB 1990).

The primary issue for the Examining Attorney is whether there is significant overlap between applicant’s goods and services and those of the cited registrant. Generally, where the trade channels

differ and do not lead to the same target purchasers, there is less likelihood of confusion. Even if there were some market overlap, the mere movement of goods through the same overlapping channels will not necessarily result in a likelihood of confusion. If an overlap is considered *de minimis*, then a likelihood of confusion should be viewed as unlikely. See Electronic Design & Sales, Inc. v. Electronic Data Systems Corp., 21 USPQ2d 1388 (Fed. Cir. 1992).

The Trademark Trial and Appeal Board in the past has found no likelihood of confusion even with respect to identical marks applied to goods or services in a common industry where it can be shown that the respective goods would not be encountered by the same class of purchasers. See Borg-Warner Chemicals, Inc. v. Helena Chemical Co., 225 USPQ 222 (TTAB 1983) (BLENDEX for chemicals not confusingly similar to BLENDEX for synthetic resins); In re Fesco, Inc., 219 USPQ 437 (TTAB 1983) (FESCO & Design for distributorship services in the field of farm equipment and machinery versus FESCO for a variety of fertilizer processing machinery and equipment not confusingly similar); Chase Brass & Copper Co., Inc. v. Special Springs, Inc., 199 USPQ 243 (TTAB 1978) (BLUE DOT for springs for engine distributors versus BLUE DOT for brass rods, both products in new automobile manufacture, no confusingly similar); and Autac, Inc. v. Walco Systems, Inc., 195 USPQ 11 (TTAB 1977) (AUTAC for thermocouple automatic temperature regulators for brushless wire pre-heaters versus AUTAC for retractile electric cords, both products used in the wire manufacturing industry, not confusingly similar).

Moreover, courts have consistently interpreted the likelihood of confusion standard as requiring much more than a “possibility” of confusion. McGregor-Doniger Inc. v. Drizzle, Inc., 599 F.2d 1126 (2d Cir. 1979) (an “appreciable number of ordinary prudent purchasers are likely to be misled, or indeed simply confused”); International Association of Machinists & Aerospace Workers v. Winship Green Nursing Center, 103 F.3d 196 (1<sup>st</sup> Cir. 1996) (“the law has long demanded a showing that the allegedly infringing conduct carries with it a likelihood of confounding an appreciable number of reasonably prudent purchasers exercising ordinary care”); Estee Lauder Inc. v. The Gap, Inc., 108 F.3d 1503 (2d Cir. 1997) (“likelihood of confusion means a probability of confusion; it is not sufficient if confusion is

merely ‘possible’’); Elvis Presley Enterprises Inc. v. Capece, 141 F.3d 188 (5<sup>th</sup> Cir. 1998) (“likelihood of confusion is synonymous with a probability of confusion, which is more than a mere possibility of confusion.”). The present mark, therefore, can be distinguished from the cited registration based on the dissimilarity of the goods associated with the respective services and the dissimilarity of the trade channels and purchasing conditions. The fact that the source and content of applicant’s mark and the cited mark are different eliminates the probability (not possibility) of confusion between applicant’s mark and the cited registration.

The Examining Attorney is advised that applicant has recently submitted an Amendment to Allege Use and supporting specimen. It is respectfully submitted that the Examining Attorney can now compare the nature and use of applicant’s mark in association with the specimens, which will allow a much better analysis of those circumstances surrounding the marketing of applicant’s services. In view of the fact that applicant has provided a very limited product line available via its vending services, which clearly distinguishes the goods offered through applicant’s vending services from any of those offered through the cited registrant’s online or mail order sale services, such that the likelihood of confusion now supports applicant, the Section 2(d) refusal should be withdrawn and the application passed to publication based on use of the mark.

If further information is required, the Examining Attorney is encouraged to contact undersigned counsel by telephone at the number listed below.

Respectfully submitted,

FUTURE PROPERTY MANAGEMENT, INC.

By:

  
Kevin G. Smith  
Attorney for Applicant  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202  
Telephone: (202) 293-7060

Dated: August 28, 2004.

## Amendment to Allege Use Filing

The table below presents the data as entered.

| Input Field                          | Entered   |
|--------------------------------------|---|
| <b>SERIAL NUMBER</b>                 | 78201199  |
| <b>LAW OFFICE ASSIGNED</b>           | LAW OFFICE 115  |
| <b>NOTICE OF ALLOWANCE</b>           | NO  |
| <b>EXTENSION OF USE</b>              | NO  |
| <b>MARK SECTION</b>                  |   |
| MARK                                 | REDBOX  |
| <b>OWNER SECTION (current)</b>       |   |
| NAME                                 | Future Property Management, Inc.  |
| STREET                               | 1013 Centre Road  |
| CITY                                 | Wilmington  |
| STATE                                | DE  |
| ZIP/POSTAL CODE                      | 19805   |
| COUNTRY                              | US  |
| <b>OWNER SECTION (proposed)</b>      |   |
| NAME                                 | Future Property Management, Inc.  |
| STREET                               | 1013 Centre Road  |
| CITY                                 | Wilmington  |
| STATE                                | DE  |
| ZIP/POSTAL CODE                      | 19805   |
| COUNTRY                              | US  |
| PHONE                                | 630-623-8648  |
| FAX                                  | 630-623-5011  |
| EMAIL                                | XXXX  |
| <b>GOODS AND/OR SERVICES SECTION</b> |   |
| INTERNATIONAL CLASS                  | 043   |
| KEEP EXISTING GOODS AND/OR SERVICES  | YES   |
| FIRST USE ANYWHERE DATE              | 03/31/2003  |
| FIRST USE IN COMMERCE DATE           | 03/31/2003  |
| SPECIMEN FILE NAME(S)                | <a href="\\tcrs\\EXPORT10\\IMAGEOUT 10\\782\\011\\78201199\\xml1\\AAU0002.JPG">\\tcrs\\EXPORT10\\IMAGEOUT 10\\782\\011\\78201199\\xml1\\AAU0002.JPG</a> |
| SPECIMEN DESCRIPTION                 | PROMOTIONAL MATERIALS   |
| <b>PAYMENT SECTION</b>               |   |

|                           |  |
|---------------------------|--|
| NUMBER OF CLASSES         | 1  |
| SUBTOTAL AMOUNT           | 100  |
| TOTAL AMOUNT              | 100  |
| <b>SIGNATURE SECTION</b>  |  |
| SIGNATURE                 | /SHEILA LEHR/  |
| SIGNATORY NAME            | SHEILA LEHR  |
| SIGNATORY DATE            | 08/16/2004   |
| SIGNATORY POSITION        | MANAGING COUNSEL   |
| <b>FILING INFORMATION</b> |  |
| SUBMIT DATE               | Mon Aug 16 11:52:58 EDT 2004   |
| TEAS STAMP                | USPTO/AAU-XXX.XX.XXX.X-20<br>040816115258604016-782011<br>99-200da8793f3b92bc881d15<br>e622401336d9-RAM-891-2004<br>0816114358938132 |

---

**Trademark/Service Mark Amendment to Allege Use  
(15 U.S.C. Section 1051(c))**

To the Commissioner for Trademarks:

# Dollar Menu & Dollar DVDs

rent new  
releases here



©2004 McDonald's Corporation. \$1 each plus tax.



**FEE RECORD SHEET****Serial Number:** 78201199**RAM Sale Number:** 891**Total Fees:** \$100**RAM Accounting Date:** 20040816

| <b><u>Transaction</u></b>     | <b><u>Fee Code</u></b> | <b><u>Transaction Date</u></b> | <b><u>Fee per Class</u></b> | <b><u>Number of Classes</u></b> | <b><u>Total Fee</u></b> |
|-------------------------------|------------------------|--------------------------------|-----------------------------|---------------------------------|-------------------------|
| Amendment to Allege Use (AAU) | 7002                   | 20040816                       | \$100                       | 1                               | \$100                   |

**Transaction Date:** 20040816

# Dollar Menu & Dollar DVDs

rent new  
releases here



©2004 McDonald's Corporation. \$1 each plus tax.



**To:** Future Property Management, Inc. ([trademark@sughrue.com](mailto:trademark@sughrue.com))  
**Subject:** TRADEMARK APPLICATION NO. 78201199 - REDBOX - S-7258  
**Sent:** 2/28/04 8:05:15 PM  
**Sent As:** ECom115  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/201199

**APPLICANT:** Future Property Management, Inc.

**CORRESPONDENT ADDRESS:**

CYNTHIA CLARKE WEBER  
SUGHRUE MION, PLLC.  
2100 Pennsylvania Ave.  
Washington DC USA 20037-3213

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
[ecom115@uspto.gov](mailto:ecom115@uspto.gov)

**MARK:** REDBOX

**CORRESPONDENT'S REFERENCE/DOCKET NO :** S-7258

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/201199

**PLEASE NOTE:** The Office has reassigned this application to the undersigned examining attorney.

This letter responds to the applicant's communication filed on September 30, 2003.

The applicant (1) amended the recitation and classification of services; and (2) explained the significance of the term "RED BOX." Both of the foregoing are acceptable. However, the prior examining attorney deferred a search of Office records until the applicant responded to the issues raised in the June 18, 2003 Office action. Upon the undersigned examining attorney's search of the Office's computerized database of pending and registered marks, the following registration was found. Consequently, registration is now refused as follows:

### **Refusal Under Section 2(d) – Likelihood of Confusion**

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified services, so resembles the mark in U.S. Registration No. 2,498,298 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP §§1207.01 *et seq.* See the enclosed registration.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de*

*Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978). TMEP §§1207.01 *et seq.*

The applicant has applied to register REDBOX (Typed) for “VENDING SERVICES, NAMELY, PROVIDING RETAIL FACILITIES FEATURING VENDING MACHINES OFFERING A WIDE VARIETY OF CONSUMER PRODUCTS.” The registered mark is THE BIG RED BOX (Typed) for “PROVIDING ONLINE RETAIL ORDERING SERVICES AND MAIL ORDER SERVICES IN THE AREAS OF GIFTS FOR MEN, WOMEN, AND CHILDREN COMPRISING ORIGINAL ART WORK, BOOKS, CERAMICS, CLOTHING AND IMPRINTED FABRICS, HOME DECORATIONS, GLASSWARE, NOVELTY GIFT ITEMS, PET ACCESSORIES, HOUSEHOLD ITEMS, GIFTS TO AID THE PHYSICALLY CHALLENGED, DECORATIVE NOTE PAPER, PENS AND PENCILS, SPORTS AND RECREATIONAL GOODS, AUTO MAINTENANCE AND COMFORT GOODS, TRAVEL AIDS, PHOTO ALBUMS, PARTY FAVORS KITCHEN GADGETS, CANDY, CONDIMENTS, NONALCOHOLIC BEVERAGES, GIFT BASKETS, BRIDAL GIFTS AND WEDDING ORGANIZERS, CANDLES AND SCENTS, SEWING AND CRAFT KITS, ACTIVITY GAMES, PERSONAL CARE PRODUCTS, COLLECTIBLES, SPECIAL OCCASION GIFTS AND SEASONAL/HOLIDAY GIFTS AND DECORATIONS.”

The examining attorney must look at the marks in their entireties under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii). In this case, the marks contain the same dominant wording, “RED BOX.” The applicant’s mark consists solely of the wording “RED BOX.” The registrant’s mark consists of the wording “RED BOX” preceded by the wording “THE BIG.” When the applicant’s mark is compared to a registered mark, “the points of similarity are of greater importance than the points of difference.” *Esso Standard Oil Co. v. Sun Oil Co.*, 229 F.2d 37, 108 USPQ 161 (D.C. Cir.), *cert. denied*, 351 U.S. 973, 109 USPQ 517 (1956). TMEP §1207.01(b).

With respect to a comparison of the applicant’s and the registrant’s services, it is well-settled that the goods/services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods/services come from a common source. *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978). TMEP §1207.01(a)(i). In this case, both the applicant and the registrant provide retail services. The applicant provides “retail facilities featuring vending machines.” The registrant provides “online retail ordering services and mail order services.”

Further, the examining attorney must determine whether there is a likelihood of confusion on the basis of the goods/services identified in the application and registration. If the application describes the goods/services broadly and there are no limitations as to their nature, type, channels of trade or classes of purchasers, it is presumed that the application encompasses all goods/services of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. TMEP §1207.01(a)(iii). In this case, it is presumed that the applicant’s vending machines offering “a wide variety of consumer products” include the specific “consumer products” identified in the registration, *e.g.*, novelty gift items, household items, decorative note paper, pens, and pencils, travel aids, candy, condiments, nonalcoholic beverages, personal care products, etc.

The marks contain the same dominant wording. The services are related. The similarities among the marks and the services are so great as to create a likelihood of confusion among consumers. The examining attorney must resolve any doubt as to the issue of likelihood of confusion in favor of the registrant and against the applicant who has a legal duty to select a mark which is totally dissimilar to trademarks already being used. *Burroughs Wellcome Co. v. Warner-Lambert Co* 203 USPQ 191 (TTAB 1979).

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

A prompt response to this Office action will expedite the handling of this matter.

/Barbara A. Gaynor/  
Barbara A. Gaynor  
Examining Attorney  
Law Office 115  
(703) 308-9115 ext. 123

**How to respond to this Office Action:**

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

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 ASSIGNED EXAMINING ATTORNEY.**

**DESIGN MARK**

**Serial Number**  
76151234

**Status**  
REGISTERED

**Word Mark**  
THE BIG RED BOX

**Registration Number**  
2498298

**Date Registered**  
2001/10/16

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
Scogin, Nancy L. DBA The Big Red Box INDIVIDUAL UNITED STATES 11634  
Cripple Creek Drive Corpus Christi TEXAS 78410

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: PROVIDING  
ONLINE RETAIL ORDERING SERVICES AND MAIL ORDER SERVICES IN THE AREAS  
OF GIFTS FOR MEN, WOMEN, AND CHILDREN COMPRISING ORIGINAL ART WORK,  
BOOKS, CERAMICS, CLOTHING AND IMPRINTED FABRICS, HOME DECORATIONS,  
GLASSWARE, NOVELTY GIFT ITEMS, PET ACCESSORIES, HOUSEHOLD ITEMS, GIFTS  
TO AID THE PHYSICALLY CHALLENGED, DECORATIVE NOTE PAPER, PENS AND  
PENCILS, SPORTS AND RECREATIONAL GOODS, AUTO MAINTENANCE AND COMFORT  
GOODS, TRAVEL AIDS, PHOTO ALBUMS, PARTY FAVORS KITCHEN GADGETS, CANDY,  
CONDIMENTS, NONALCOHOLIC BEVERAGES, GIFT BASKETS, BRIDAL GIFTS AND  
WEDDING ORGANIZERS, CANDLES AND SCENTS, SEWING AND CRAFT KITS,  
ACTIVITY GAMES, PERSONAL CARE PRODUCTS, COLLECTIBLES, SPECIAL OCCASION  
GIFTS AND SEASONAL/HOLIDAY GIFTS AND DECORATIONS. First Use:  
1998/11/00. First Use In Commerce: 1998/11/00.

**Filing Date**  
2000/10/20

**Examining Attorney**  
GAST, PAUL FRANCIS

Print: Feb 28, 2004

2498298

**Attorney of Record**

JULIANNE B BOCHINSKI

# THE BIG RED BOX

## NOTE TO THE FILE

SERIAL NUMBER: 78201199

DATE: 02/28/2004

NAME: BGaynor

### NOTE:

- Checked LEXIS/NEXIS
- Searched internet using [insert search engine or web site]
- Checked with Law Library re surname.
- Checked geographic significance.
- Checked with translations branch.
- Checked ID with ID/Class
- Checked ID with Senior Attorney/Managing Attorney
- Telephoned attorney/applicant leaving message re: \_\_\_\_\_
- Telephoned attorney/applicant, application was signed on \_\_\_\_\_
- Personal interview conducted with attorney/applicant re \_\_\_\_\_
- Attorney/applicant called to discuss \_\_\_\_\_
- Bulky specimens with examiner.
- Acronym website searched.
- Changed Tradeups to add.\_\_\_\_\_
- Changed Tradeups to delete.\_\_\_\_\_

OTHER (insert reason for Note) Per Applicant's Sept. 30, 2003 response, the recitation and classification of goods was approved by Jessie Marshall for the applicant's copending application.

\*\*\* User: bgaynor \*\*\*

| #  | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/ Search Duration | Search   |
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Session finished 12/13/03 5:57:23 PM

Total search duration 0 minutes 5 seconds

Session duration 4 minutes 58 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TICRS as Serial Number: 78201199



Attorney Dkt. No.: S-7258

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Future Property Management, Inc.

Serial No. 78/201,199

Trademark Examining Attorney  
Brett Tolpin  
Law Office 115

Filed: January 8, 2003

Mark: RED BOX

Commissioner for Trademarks  
BOX RESPONSES NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

SIR:

This is in response to the Office Action dated June 18, 2003. After careful consideration of its contents and correspondence with Applicant, counsel responds as follows.

**AMENDMENT**

Please delete the original recitation of services and insert the following in lieu thereof:

VENDING SERVICES, NAMELY, PROVIDING RETAIL FACILITIES FEATURING VENDING MACHINES OFFERING A WIDE VARIETY OF CONSUMER PRODUCTS, in International Class 35.

**REMARKS**

Pursuant to the Examining Attorney's request, by the above Amendment, Applicant has clarified the nature of its services and the particular field. This recitation of services has been set forth in several co-pending applications owned by Applicant and it is believed to be appropriate, especially in view of the fact that undersigned counsel developed the recitation for the co-pending applications during a telephone conference with Ms. Jessie Marshall of the U.S. Trademark Office. Therefore, it is submitted that the recitation of services, as amended, should be acceptable.

In response to the Examining Attorney's inquiry, Applicant advises that the term "RED BOX" does not have any significance in the trade or industry, nor are the vending machines offered in association with Applicant's services in the shape of a true square box. Applicant advises that while it is likely that some portion of the vending machines are likely to be of the color red, the machines themselves will not be entirely so colored.

In light of the foregoing, it is respectfully submitted that Applicant has now appropriately addressed all outstanding issues raised by the Examining Attorney, and the instant application should now be in condition for publication. A prompt publication is respectfully requested.

If further information is required, the Examining Attorney is encouraged to contact undersigned counsel by telephone at the number listed below.

Respectfully submitted,

FUTURE PROPERTY MANAGEMENT, INC.

By:

  
Cynthia Clarke Weber  
Attorney for Applicant  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202  
Telephone: (202) 293-7060

Dated: Sept 30, 2003, 2003.

**To:** Future Property Management, Inc. ([trademark@sughrue.com](mailto:trademark@sughrue.com))  
**Subject:** TRADEMARK APPLICATION NO. 78201199 - REDBOX - S-7258  
**Sent:** 6/18/03 8:15:55 PM  
**Sent As:** ECom115  
**Attachments:**

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/201199

**APPLICANT:** Future Property Management, Inc.

**CORRESPONDENT ADDRESS:**

CYNTHIA CLARKE WEBER  
SUGHRUE MION, PLLC.  
2100 Pennsylvania Ave.  
Washington DC USA 20037-3213

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
[ecom115@uspto.gov](mailto:ecom115@uspto.gov)

**MARK:** REDBOX

**CORRESPONDENT'S REFERENCE/DOCKET NO :** S-7258

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/201199

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

## DEFERRED SEARCH OF OFFICE RECORDS

Due to the high volume of potential 2(d) likelihood of confusion and prior pending marks, the examining attorney defers a search of the Office records until the applicant responds. 37 C.F.R. Section 2.61(b); TMEP sections 1105.01 and 1105.02.

## IDENTIFICATION

The recitation of services is unacceptable as indefinite. The applicant must amend the recitation to indicate the nature of the services and their particular field. TMEP section 1301.05.

The applicant may adopt the following recitation of services, if accurate:

Vending machine services in class 35.

The applicant is invited to use the on-line version of the *Trademark Acceptable Identification of Goods and Services Manual* to craft an acceptable identification. The *Manual* is available on the Patent and Trademark Office's home page at [www.uspto.gov/web/offices/tac/doc/gsmanual/](http://www.uspto.gov/web/offices/tac/doc/gsmanual/). The *Manual* includes explanations and notices of classification policy, and provides examples of acceptable identifications.

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. Section 2.71(b); TMEP section 804.09. Therefore, the applicant may not amend to include any services that are not within the scope of the services recited in the present identification.

## **SIGNIFICANCE INQUIRY**

The applicant must indicate whether RED BOX has any significance with respect to the goods. For example, the vending machine is the color red and it is in a rectangular or square form, applicant must indicate so. 37 C.F.R. Section 2.61(b).

/Brett Tolpin/  
Attorney-Advisor (Trademarks)  
Law Office 115  
Phone: (703) 308-9115 x292  
Fax: (703) 872-9875  
ecom115@uspto.gov

### **How to respond to this Office Action:**

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

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**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

\*\*\* User: btolpin \*\*\*

| #  | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/ Search | Search Duration  |
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Session finished 6/18/03 8:02:50 PM

Total search duration 0 minutes 4 seconds

Session duration 4 minutes 25 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TICRS as Serial Number: 78201199

**Drawing Page****Serial Number:**

78201199

**Applicant:**

Future Property Management, Inc.  
1013 Centre Road  
Wilmington DE USA 19805

**Goods and Services:**

VENDING SERVICES, NAMELY PROVIDING ACCESS TO VENDING MACHINES AND FACILITIES FOR SALE OF VARIOUS PRODUCTS

**Mark:**

REDBOX



NO OCR



01-08-2003

**Internet Transmission Date:**

2003/01/08

**Serial Number:**

78201199

**Filing Date:**

2003/01/08



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$335

RAM SALE NUMBER: 114  
RAM ACCOUNTING DATE: 01/09/2003



NO OCR



01-08-2003

|  |  |
|--|--|
| <b>DOCUMENT INFORMATION</b>                            |  |
| <b>TRADEMARK/SERVICEMARK APPLICATION</b>               |  |
| <b>VERSION 1.24</b>                                    |  |
| <b>APPLICANT INFORMATION</b>                           |  |
| NAME   | Future Property Management, Inc.   |
| STREET   | 1013 Centre Road   |
| CITY   | Wilmington   |
| STATE  | DE   |
| COUNTRY  | USA  |
| ZIP/POSTAL CODE  | 19805  |
| <b>APPLICANT ENTITY INFORMATION</b>                    |  |
| CORPORATION:<br>STATE/COUNTRY<br>OF<br>INCORPORATION   | Delaware   |
| <b>TRADEMARK/SERVICEMARK INFORMATION</b>               |  |
| MARK   | REDBOX   |
| TYPED FORM   | Yes  |
| <b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b> |  |
| INTENT TO USE:<br>SECTION 1(b)                         | Yes  |
| INTERNATIONAL<br>CLASS NUMBER                          | 043  |
| LISTING OF GOODS<br>AND/OR SERVICES                    | VENDING SERVICES, NAMELY PROVIDING ACCESS TO VENDING<br>MACHINES AND FACILITIES FOR SALE OF VARIOUS PRODUCTS |
| <b>ATTORNEY INFORMATION</b>                            |  |
| NAME   | Cynthia Clarke Weber   |
| STREET   | 2100 Pennsylvania Ave.   |

78201199

|  |                       |
|--|-----------------------|
| CITY                                   | Washington            |
| STATE                                  | DC                    |
| COUNTRY                                | USA                   |
| ZIP/POSTAL CODE                        | 20037-3213            |
| FIRM NAME                              | SUGHRUE MION, PLLC.   |
| E-MAIL ADDRESS                         | trademark@sughrue.com |
| AUTHORIZE E-MAIL COMMUNICATION         | Yes                   |
| TELEPHONE NUMBER                       | 202-663-7927          |
| FAX NUMBER                             | 202-293-7860          |
| ATTORNEY DOCKET NUMBER                 | S-7258                |
| OTHER APPOINTED ATTORNEY(S)            | SUGHRUE MION, PLLC.   |
| <b>FEE INFORMATION</b>                 |                       |
| TOTAL FEES PAID                        | 335                   |
| NUMBER OF CLASSES PAID                 | 1                     |
| NUMBER OF CLASSES                      | 1                     |
| <b>LAW OFFICE INFORMATION</b>          |                       |
| E-MAIL ADDRESS FOR CORRESPONDENCE      | trademark@sughrue.com |
| <b>SIGNATURE AND OTHER INFORMATION</b> |                       |
| SIGNATURE                              | /Cynthia C. Weber/    |
| DATE                                   | 01/08/2003            |
| NAME                                   | Cynthia Clarke Weber  |

78201199

|                                   |   |
|-----------------------------------|---|
| TITLE                             | Attorney for Applicant  |
| <b>MAILING ADDRESS</b>            |   |
| LINE                              | Cynthia Clarke Weber  |
| LINE                              | SUGHRUE MION, PLLC.   |
| LINE                              | 2100 Pennsylvania Ave.  |
| LINE                              | Washington DC USA 20037-3213  |
| <b>SERIAL NUMBER INFORMATION</b>  |   |
| SERIAL NUMBER                     | 78201199  |
| <b>RAM INFORMATION</b>            |   |
| RAM SALE NUMBER                   | 114   |
| RAM ACCOUNTING DATE               | 01/09/2003  |
| INTERNET TRANSMISSION DATE        | Wed Jan 08 15:49:59 EST 2003  |
| TEAS STAMP                        | USPTO/BAS-12411614-20030108154959815218-78201199-200b5f03d6e6bb87f56f266587f529cf1c0-RAM-114-20030108154241129662 |
| E-MAIL ADDRESS FOR ACKNOWLEDGMENT | trademark@sughrue.com   |

78201199

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<FILING DATE> 01/08/2003

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<TRADEMARK/SERVICEMARK APPLICATION>  
<VERSION 1.24>

**<APPLICANT INFORMATION>**

<NAME> Future Property Management, Inc.  
<STREET> 1013 Centre Road  
<CITY> Wilmington  
<STATE> DE  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 19805

**<APPLICANT ENTITY INFORMATION>**

<CORPORATION: STATE/COUNTRY OF INCORPORATION> Delaware

**<TRADEMARK/SERVICEMARK INFORMATION>**

<MARK> REDBOX  
<TYPED FORM> Yes

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

**<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>**

<INTENT TO USE: SECTION 1(b)> Yes

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

<INTERNATIONAL CLASS NUMBER> 043

<LISTING OF GOODS AND/OR SERVICES> VENDING SERVICES, NAMELY  
PROVIDING ACCESS TO VENDING MACHINES AND FACILITIES FOR SALE OF  
VARIOUS PRODUCTS

**<ATTORNEY INFORMATION>**

<NAME> Cynthia Clarke Weber  
<STREET> 2100 Pennsylvania Ave.  
<CITY> Washington  
<STATE> DC  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 20037-3213  
<FIRM NAME> SUGHRUE MION, PLLC.

<E-MAIL ADDRESS> trademark@sughrue.com  
<AUTHORIZE E-MAIL COMMUNICATION> Yes  
<TELEPHONE NUMBER> 202-663-7927  
<FAX NUMBER> 202-293-7860  
<ATTORNEY DOCKET NUMBER> S-7258  
<OTHER APPOINTED ATTORNEY(S)> SUGHRUE MION, PLLC.

**<FEE INFORMATION>**

<TOTAL FEES PAID> 335  
<NUMBER OF CLASSES PAID> 1  
<NUMBER OF CLASSES> 1

**<LAW OFFICE INFORMATION>**

~The USPTO is authorized to communicate with the applicant's attorney at the below e-mail address~

<E-MAIL ADDRESS FOR CORRESPONDENCE> trademark@sughrue.com

**<SIGNATURE AND OTHER INFORMATION>**

~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> /Cynthia C. Weber/  
<DATE> 01/08/2003  
<NAME> Cynthia Clarke Weber  
<TITLE> Attorney for Applicant

**<MAILING ADDRESS>**

<LINE> Cynthia Clarke Weber  
<LINE> SUGHRUE MION, PLLC.  
<LINE> 2100 Pennsylvania Ave.  
<LINE> Washington DC USA 20037-3213

**<SERIAL NUMBER INFORMATION>**

78201199

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**<RAM INFORMATION>**

<RAM SALE NUMBER> 114

<RAM ACCOUNTING DATE> 01/09/2003

<INTERNET TRANSMISSION DATE> Wed Jan 08 15:49:59 EST 2003

<TEAS STAMP>

USPTO/BAS-12411614-20030108154959815218-78201199-

200b5f03d6e6bb87f56f266587f529cf1c0-RAM-114-20030108154241129662

E-MAIL ADDRESS FOR ACKNOWLEDGMENT> trademark@sughrue.com

78201199

**Drawing Page****Serial Number:**

78201199

**Applicant:**

Future Property Management, Inc.  
1013 Centre Road  
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**Goods and Services:**

VENDING SERVICES, NAMELY PROVIDING ACCESS TO VENDING MACHINES AND FACILITIES FOR SALE OF VARIOUS PRODUCTS

**Mark:**

REDBOX



NO OCR



01-08-2003