

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 Email Address: mail@ipcounselors.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Annmary Ittan
Epstein Drangel LLP
60 East 42nd Street, Suite 1250
New York, NEW YORK UNITED STATES 10165

Phone: 212.292.5390

Fax: 212.292.5391

Correspondent e-mail: mail@ipcounselors.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
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 Documents: [assignment-tm-3181-0337.pdf](#)

Assignor

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

Execution Date: Sep. 28, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

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

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

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

Correspondent

Correspondent Name: KEVIN G. SMITH

Correspondent Address: 2100 PENNSYLVANIA AVENUE
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 Where Organized: DELAWARE

Assignee

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

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

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

Correspondent

Correspondent Name: JAMES P. MURAFF

Correspondent Address: TWO NORTH LASALLE STREET
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 Where Organized: DELAWARE

Assignee

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

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place of Organization Found

Address: 231 S. LASALLE STREET
CHICAGO, ILLINOIS 60697

Correspondent

Correspondent Name: RYAN G. MOSHELL

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

Domestic Representative - Not Found

Assignment 4 of 9

Conveyance: AMENDED AND RESTATED SECURITY AGREEMENT

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

Pages: 8

Date Recorded: Jul. 26, 2011

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

Assignor

Name: [REDBOX AUTOMATED RETAIL, LLC](#)
Execution Date: Jul. 15, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF AMERICA, N.A.](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION
State or Country Where Organized: UNITED STATES
Address: 901 MAIN STREET
MAIL CODE: TX1-492-14-14
DALLAS, TEXAS 75202

Correspondent

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

Domestic Representative - Not Found

Assignment 5 of 9

Conveyance: SECURITY INTEREST
Reel/Frame: [5885/0027](#) Pages: 8
Date Recorded: Sep. 27, 2016
Supporting Documents: [assignment-tm-5885-0027.pdf](#)

Assignor

Name: [REDBOX AUTOMATED RETAIL, LLC](#)
Execution Date: Sep. 27, 2016
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Assignee

Name: [JEFFERIES FINANCE LLC, AS COLLATERAL AGENT](#)
Legal Entity Type: BANK
State or Country Where Organized: UNITED STATES
Address: 520 MADISON AVENUE
NEW YORK, NEW YORK 10022

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY
Correspondent Address: 1090 VERMONT AVENUE, NW
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 Documents: [assignment-tm-5885-0636.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)
Execution Date: Sep. 27, 2016
Legal Entity Type: NATIONAL BANKING ASSOCIATION
State or Country Where Organized: UNITED STATES

Assignee

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

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

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

Correspondent

Correspondent Name: VENISA DARK, HAYNES AND BOONE LLP

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

Domestic Representative - Not Found

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 Name: KRISTIN YOHANNAN, ESQ.

Correspondent Address: 1850 K STREET, NW, SUITE 1100
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 Name: EPSTEIN DRANGEL LLP

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

Domestic Representative - Not Found

Assignment 9 of 9

Conveyance: SECURITY INTEREST

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

Pages: 19

Date Recorded: Sep. 13, 2022

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

Assignor

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

Execution Date: Aug. 11, 2022

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

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

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [A SHARP INC.](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: [CRACKLE PLUS, LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [HALCYON TELEVISION, LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [LANDMARK STUDIO GROUP LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [POWERSLAM, LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

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

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

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

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [TOFG LLC](#)

Execution Date: Aug. 11, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

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

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

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

Correspondent

Correspondent Name: JAVIER J. RAMOS

Correspondent Address: 1850 K STREET, NW, SUITE 1100
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.

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
MARK SECTION	
MARK	REDBOX (standard characters, see https://tmng-al.uspto.gov/resting2/api/img/78201199/large)
OWNER SECTION(current)	
NAME	REDBOX AUTOMATED RETAIL, LLC
MAILING ADDRESS	One Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
OWNER SECTION(proposed)	
STATEMENT TEXT	By submission of this request, the undersigned requests that the following be made of record for the owner/holder:
NAME	REDBOX AUTOMATED RETAIL, LLC
MAILING ADDRESS	One Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
ATTORNEY SECTION (current)	
NAME	James P. Muraff
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	McDonald Hopkins LLC
STREET	300 North LaSalle Street Suite 1400

CITY	CHICAGO
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	60654
PHONE	3126421480
FAX	216-348-5474
EMAIL	ipmailbox@mcdonaldhopkins.com
DOCKET/REFERENCE NUMBER(S)	49021-00004
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
SIGNATURE SECTION	
SIGNATURE	/Frederick W Stein/
SIGNATORY NAME	Frederick W Stein
SIGNATORY DATE	05/03/2023
SIGNATORY POSITION	Chief Legal Officer
ROLE OF AUTHORIZED SIGNATORY	Owner/Holder not represented by an attorney
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION SECTION	
SUBMIT DATE	Wed May 03 17:07:33 ET 2023
TEAS STAMP	USPTO/CAR-XXXX:XXX:XXX:XX XX:XXXX:XXXX:XXXX:XXXX-20 230503170733652096-770749 24-850b5b58ef5c7569e4bf5a dbbf565ab4ab47ddd61e519f1 a8e45964c53a0cb934-N/A-N/ A-20230419153239573293

Change Address or Representation Form

To the Commissioner for Trademarks:

MARK: 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

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@ipcounselors.com

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

Docket Reference Number(s): 5407-554

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):

Annmary 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
MARK SECTION	
MARK	REDBOX (standard characters, see https://teas.uspto.gov/ccr/view/common/No-Image-File.jpg)
OWNER SECTION(current)	
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
ATTORNEY SECTION(current)	
NAME	James P. Muraff
ATTORNEY BAR MEMBERSHIP NUMBER	NOT SPECIFIED
YEAR OF ADMISSION	NOT SPECIFIED
U.S. STATE/ COMMONWEALTH/ TERRITORY	NOT SPECIFIED
FIRM NAME	Neal, Gerber & Eisenberg LLP
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 (
CORRESPONDENCE SECTION(current)	
NAME	James P. Muraff

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademarks@ngelaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	19638.01T2 (
OWNER SECTION(proposed)	
STATEMENT TEXT	By submission of this request, the undersigned requests that the following be made of record for the owner/holder:
NAME	REDBOX AUTOMATED RETAIL, LLC
MAILING ADDRESS	One Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
ATTORNEY SECTION (proposed)	
STATEMENT TEXT	By submission of this request, the undersigned appoints the following new attorney, is newly appearing as the attorney, or updates the information of an existing attorney of record:
NAME	James P. Muraff
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	McDonald Hopkins LLC
OTHER APPOINTED ATTORNEY(S)	David B. Cupar, Scott Slaby, David T. Movius, Todd A. Benni, Matthew J. Cavanagh, Joseph J. Crimaldi, Mark J. Masterson, Mark C. Guinto, Robert C. Baraona, Julie Micalizzi and Lindsie A. Everett
STREET	300 North LaSalle Street Suite 1400
CITY	CHICAGO
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	60654
PHONE	3126421480
FAX	216-348-5474
EMAIL	ipmailbox@mcdonaldhopkins.com
DOCKET/REFERENCE NUMBER(S)	49021-00004
CORRESPONDENCE SECTION (proposed)	
NAME	James P. Muraff
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	ipmailbox@mcdonaldhopkins.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	49021-00004
SIGNATURE SECTION	
SIGNATURE	/James P. Muraff/
SIGNATORY NAME	James P. Muraff
SIGNATORY DATE	07/02/2020
SIGNATORY POSITION	Attorney of record, Illinois bar member
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 02 15:00:54 ET 2020
TEAS STAMP	USPTO/CAR-XXX.XX.XX.XXX-2 0200702150054105723-85551 440-710f0b79cd5724aec4ca0 a17155552a9248e198d0a7889 f63ce060e6ec26dc8fa1-N/A- N/A-20200702145939867774

Change Address or Representation Form

To the Commissioner for Trademarks:

MARK: REDBOX (standard characters, see <https://teas.uspto.gov/cc r/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

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
MARK SECTION	
MARK	REDBOX
ATTORNEY 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
ATTORNEY 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)
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	SPN0-3811514866-20150825110457567696_._Redbox_specimen.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\782\011\78201199\xml1\S890002.JPG

	\\TICRS\EXPORT16\IMAGEOUT16\782\011\78201199\xml1\S890003.JPG
ORIGINAL PDF FILE	SPN0-3811514866-20150825110457567696_. Redbox_specimen_2.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\782\011\78201199\xml1\S890004.JPG
SPECIMEN DESCRIPTION	website
OWNER SECTION (current)	
NAME	REDBOX AUTOMATED RETAIL, LLC
STREET	ONE MCDONALD'S PLAZA
CITY	OAK BROOK
STATE	Illinois
ZIP/POSTAL CODE	60523
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	REDBOX AUTOMATED RETAIL, LLC
STREET	1 Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
ZIP/POSTAL CODE	60181
COUNTRY	United States
LEGAL ENTITY SECTION (current)	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	400
TOTAL FEE PAID	400
SIGNATURE SECTION	
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
FILING INFORMATION	
SUBMIT DATE	Wed Aug 26 11:53:41 EDT 2015
TEAS STAMP	USPTO/S08N09-XX.XXX.X.XX- 20150826115341847006-2988 869-540b78d416ed34772c1bc c8c95a7bb035da94f5477e293 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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Sign In

Movie Information

Movies Rentals

- All Movies
- All Action Movies
- 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

- How Redbox Works
- Get a Free Rental
- Movies Coming Soon
- Top 20 Movie Rentals
- Games Coming Soon
- Welcome to Redbox

About Redbox

- Company Information
- Contact Redbox
- Investor Relations
- Facts About Redbox

News and Events

- Press Releases
- Redbox Jobs
- Media Center

Support

Account Details

- Access Your Redbox Account
- Password Reset
- Rental History
- Online Credit

Customer Service

- Help Center
- Promo Code FAQs
- Renting FAQs
- Contact Redbox

More Redbox

- Join Us on Facebook
- Follow Us on Twitter
- Redblog
- Redbox Developer Connection

Redbox Policy

- Privacy Policy
- Terms of Use

Find

- New Movies
- Video Games
- Redbox Locations
- Redbox Gifts
- Redbox Play Pass
- Sitemap

About Us

- Media Center
- Careers

Help

- Help Center
- Contact Us

Redbox Accounts

- My Account Info
- My Rentals
- Create an Account


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GET THE REDBOX PLAY PASS 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.

[GET MY PASS](#)

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

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- Video Games
- Redbox Locations
- Redbox Gifts
- Redbox Play Pass
- Sitemap

About Us





- Media Center
- Careers



Help


- Help Center
- Contact Us

Redbox Accounts

- My Account Info
- My Rentals
- Create an Account



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 Use of this service and this website constitutes acceptance of our [Rental Terms](#), [Rewards Terms](#), [Terms of Use](#) and [Privacy Policy](#).

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)

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

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- 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

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- Locations by State
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- Welcome to Redbox

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- Investor Relations
- Facts About Redbox

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- Press Releases
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- Redbox Developer Connection

Redbox Policy

- Privacy Policy
- Terms of Use

Find

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- Video Games
- Redbox Locations
- Redbox Gifts
- Redbox Play Pass
- Sitemap

About Us

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Help

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GET THE REDBOX PLAY PASS 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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- [Video Games](#)
- [Redbox Locations](#)
- [Redbox Gifts](#)
- [Redbox Play Pass](#)
- [Sitemap](#)

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Redbox Accounts

- [My Account Info](#)
- [My Rentals](#)
- [Create an Account](#)



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 Use of this service and this website constitutes acceptance of our [Rental Terms](#), [Rewards Terms](#), [Terms of Use](#) and [Privacy Policy](#).

Side - 1



**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

Side - 2

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

FIRST-CLASS MAIL
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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
MARK SECTION	
MARK	REDBOX
ATTORNEY SECTION (current)	
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. Morneault, 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
ATTORNEY 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
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
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-6385229130-170946931_._REDBOX-renewal.pdf
CONVERTED PDF FILE(S)	\\TICRS\EXPORT11\IMAGEOUT11\782\011\78201199\xml7\8150002.JPG

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

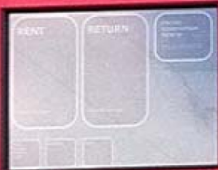
DVD RENTALS

redbox.

\$1 DVD \$1
RENTALS

rent and return at any redbox location

Hablo español



\$1.00
PER NIGHT
DVD
RENTAL

redbox

\$1.50
PER NIGHT
BLU-RAY

LOOK ON TOUCH SCREEN FOR MORE TITLES

RESERVE ONLINE AT REDBOX.COM



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)

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

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

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

Transaction Date: 20110301

Change Of Correspondence Address

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
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	Roger H. Stein Ungaretti & Harris LLP Suite 3500 70 West Madison Street Chicago Illinois 60602-4224 United States 312-523-2557 312-977-4400 ipdocket@uhlraw.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	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. Morneault, Paul J. Nykaza, Avani C. Patel, Bradley F. Rademaker, Keith V. Rockey, Gregory G. Schlenz, Peter M. Siavelis, Roger H. Stein, Maurice E. Teixeira Neal Gerber Eisenberg, LLP Suite 2200 Two North LaSalle Street Chicago Illinois United States 60602-3801 312-269-8000 312-269-1747 IPDocket@ngelaw.com
SIGNATURE SECTION	
SIGNATURE	/Roger H. Stein/
SIGNATORY NAME	Roger H. Stein
SIGNATORY DATE	12/11/2008
SIGNATORY POSITION	Attorney
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Dec 11 12:13:31 EST 2008
TEAS STAMP	USPTO/CCA-XX.X.XXX.XXX-20 081211121331226642-785142 82-400294ef6b1655961cc3f9

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--

Change Of Correspondence Address

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

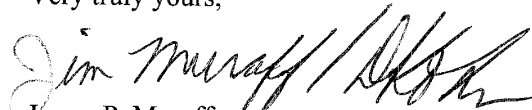
Dear Brian:

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

Change Of Correspondence Address

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
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	James P. Muraff Wallenstein Wagner & Rockey, Ltd. 311 South Wacker Drive, 53rd Floor Chicago Illinois 60606-6630 United States 312-554-3301 312-554-3300 docket@wwrfirm.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	James P. Muraff Neal, Gerber & Eisenberg LLP Suite 2200 2 North LaSalle Street Chicago Illinois United States 60602 312-269-8000 312-269-1747 IPDocket@ngelaw.com
SIGNATURE SECTION	
SIGNATURE	/James P Muraff/
SIGNATORY NAME	James P. Muraff
SIGNATORY DATE	10/23/2006
SIGNATORY POSITION	Attorney
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Oct 23 15:20:50 EDT 2006
TEAS STAMP	USPTO/CCA-XXX.XXX.XXX.XX- 20061023152050152899-7886 6011-35031929865da1b75402 c1e73a71522392-N/A-N/A-20 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 SUGHRUE MION, PLLC. S-7258 2100 Pennsylvania Ave. Washington DC USA 20037-3213 202-293-7860 202-663-7927 trademark@sughrue.com
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	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
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. Morneault, 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 60426093433228743-7820119 9-320cfad36e921de04f8b377 f3dea38-N/A-N/A-200604211 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. Morneault, 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

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

Reg. No. 2,988,869

United States Patent and Trademark Office

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

Side - 1



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.

Side - 2

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

FIRST-CLASS MAIL
U.S POSTAGE
PAID

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

To: Future Property Management, Inc. (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

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

MARK: REDBOX

CORRESPONDENT'S REFERENCE/DOCKET NO : S-7258

CORRESPONDENT EMAIL ADDRESS:
trademark@sughrue.com

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 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:

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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	Marks	Viewed	Viewed	Search	
			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[ld]
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[ld])
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 TIGRS as Serial Number: 78201199

To: Future Property Management, Inc. (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
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MARK: REDBOX

CORRESPONDENT'S REFERENCE/DOCKET NO : S-7258

CORRESPONDENT EMAIL ADDRESS:
trademark@sughrue.com

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 (copy attached):

ABOUT REDBOX [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.

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- (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

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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:

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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.



ABOUT REDBOX

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.

Redbox Automated DVD Rental is a McDonald's Venture business development group project of McDonald's Corporation.

[About REDBOX](#) | [Contact Us](#)

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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

S I R :

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 & TMO/TM Mail Rpt 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.

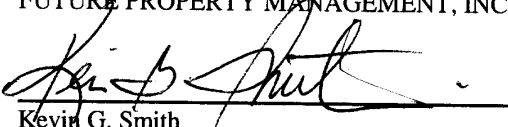
In view of the above Amendment and Remarks, it is respectfully requested that the refusal under Section 2(d) be withdrawn and the application, as amended, be passed to publication as a use based case in International Class 35 at the earliest opportunity.

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

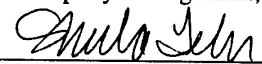

The undersigned declares that she is **Managing Counsel** of Registrant, Future Property Management, Inc., a corporation of the State of Delaware, having its principal place of business at 1013 Centre Road, Wilmington, Delaware, 19805, and is properly authorized to execute this document on behalf of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

CORRESPONDENT EMAIL ADDRESS:
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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 dates of first 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

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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.

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

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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.

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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

NOTICE OF ACCEPTANCE OF AMENDMENT TO USE

Sep 14, 2004

TM15

ATTORNEY
REFERENCE NUMBER:

S-7258

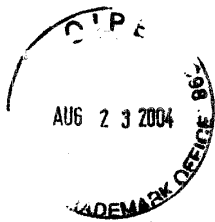
CYNTHIA CLARKE WEBER
SUGHRUE MION, PLLC.
2100 Pennsylvania Ave.
Washington DC USA 20037-3213

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 or call the Trademark Assistance Center at 703-308-9000.



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

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

Trademark Examining Attorney
Barbara A. Gaynor
Law Office 115

S I R :

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 & TMOft/TM Mail RcptDt. #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 minimus*, 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, not 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 (1st 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 (5th 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.

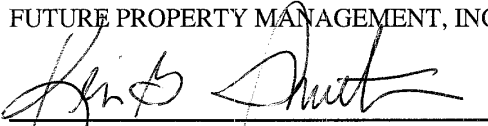
The Examining Attorney is advised that applicant has recently submitted an Amendment to Allege Use and supporting specimen. It is respectfully submitted that the Examining Attorney can now compare the nature and use of applicant's mark in association with the specimens, which will allow a much better 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
SERIAL NUMBER	78201199
LAW OFFICE ASSIGNED	LAW OFFICE 115
NOTICE OF ALLOWANCE	NO
EXTENSION OF USE	NO
MARK SECTION	
MARK	REDBOX
OWNER SECTION (current)	
NAME	Future Property Management, Inc.
STREET	1013 Centre Road
CITY	Wilmington
STATE	DE
ZIP/POSTAL CODE	19805
COUNTRY	US
OWNER SECTION (proposed)	
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
GOODS AND/OR SERVICES SECTION	
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)	\\tirs\EXPORT10\IMAGEOUT 10\782\011\78201199\xml1\AAU0002.JPG
SPECIMEN DESCRIPTION	PROMOTIONAL MATERIALS
PAYMENT SECTION	

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



©2014 McDonald's Corporation. \$1.00 plus tax.



FEE RECORD SHEET

Serial Number: 78201199



RAM Sale Number: 891

Total Fees: \$100

RAM Accounting Date: 20040816

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

Transaction Date: 20040816



Dollar Menu & Dollar DVDs

rent new
releases here



©2014 McDonald's Corporation. \$1.00 plus tax.



To: Future Property Management, Inc. (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

MARK: REDBOX

CORRESPONDENT'S REFERENCE/DOCKET NO : S-7258

CORRESPONDENT EMAIL ADDRESS:
trademark@sughrue.com

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. _____

x 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
01	27870	N/A	0	0	0:01	*red*[bi,ti]
02	8597	N/A	0	0	0:01	*bo{"ckqx"}*[bi,ti]
03	58	30	28	11	0:01	1 and 2
04	15	0	15	3	P/0:02	(2 and (vend or vending or vendor)[gs]) not (3 or dead[ld])

Session started 12/13/03 5:52:25 PM
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 TIGRS 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

Filed: January 8, 2003

Mark: RED BOX

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

Trademark Examining Attorney
Brett Tolpin
Law Office 115

S I R :

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.

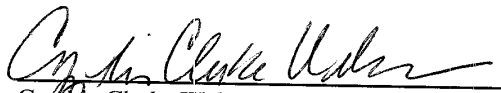
In light of the foregoing, it is respectfully submitted that Applicant has now appropriately addressed all outstanding issues raised by the Examining Attorney, and the instant application should now be in condition for publication. A prompt publication is respectfully requested.

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)
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

MARK: REDBOX

CORRESPONDENT'S REFERENCE/DOCKET NO : S-7258

CORRESPONDENT EMAIL ADDRESS:

trademark@sughrue.com

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/gsmmanual/. 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.

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.

*** User: btolpin ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	8	5	3	1	0:01	*redbox*[bi,ti]
02	26808	N/A	0	0	0:01	*red*[bi,ti]
03	7031	N/A	0	0	0:01	*box*[bi,ti] or boks[bi,ti] or bocks[bi,ti] or bocs[bi,ti]
04	50	28	21	6	0:01	2 and 3

Session started 6/18/03 7:58:25 PM
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 TIGRS 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

DOCUMENT INFORMATION	
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
BASIS FOR FILING AND GOODS/SERVICES INFORMATION	
INTENT TO USE: SECTION 1(b)	Yes
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	
E-MAIL ADDRESS FOR CORRESPONDENCE	trademark@sughrue.com
SIGNATURE AND OTHER INFORMATION	
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	
SERIAL NUMBER	78201199
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

<SERIAL NUMBER> 78201199
<FILING DATE> 01/08/2003

<DOCUMENT INFORMATION>
<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

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

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