

**Generated on:** This page was generated by TSDR on 2025-07-19 18:10:24 EDT

**Mark:** REDBOX



**US Serial Number:** 85229213

**Application Filing Date:** Jan. 28, 2011

**US Registration Number:** 4418939

**Registration Date:** Oct. 15, 2013

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

**Status:** Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Apr. 26, 2024

**Publication Date:** Jan. 31, 2012 **Notice of Allowance Date:** Jul. 31, 2012

**Date Cancelled:** Apr. 26, 2024

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## Mark Information

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**Mark Literal Elements:** REDBOX

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S) /NUMBER(S)

**Description of Mark:** The mark consists of the word "redbox" with an arc over the word.

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Design Search Code(s):** 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 2919854, 3082012, 3229436

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## Goods and Services

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**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:** Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental

**International Class(es):** 035 - Primary Class

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

**Class Status:** SECTION 8 - CANCELLED

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

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

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**For:** Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** SECTION 8 - CANCELLED

**First Use:** Jan. 2013

**Use in Commerce:** Jan. 2013

**For:** Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

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

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

**Class Status:** SECTION 8 - CANCELLED

**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 60181

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** The data cannot be loaded

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** James P. Muraff

**Docket Number:** 49021-00017

**Attorney Primary Email Address:** [ipmailbox@mcdonaldhopkins.com](mailto:ipmailbox@mcdonaldhopkins.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** James P. Muraff  
McDonald Hopkins LLC  
300 North LaSalle Street Suite 1400  
CHICAGO, ILLINOIS UNITED STATES 60654

**Phone:** 3126421480

**Fax:** 216-348-5474

**Correspondent e-mail:** [ipmailbox@mcdonaldhopkins.com](mailto:ipmailbox@mcdonaldhopkins.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 26, 2024	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
Oct. 15, 2022	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
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	
Apr. 16, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	



Apr. 16, 2020	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.
Apr. 16, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL
Feb. 19, 2020	TEAS SECTION 8 & 15 RECEIVED
Feb. 19, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED
Feb. 19, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED
Feb. 19, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
Feb. 19, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
Feb. 19, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED
Oct. 15, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED
Oct. 05, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY
Oct. 15, 2013	REGISTERED-PRINCIPAL REGISTER
Sep. 11, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED
Sep. 10, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED
Sep. 10, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED
Aug. 06, 2013	STATEMENT OF USE PROCESSING COMPLETE
Jul. 29, 2013	USE AMENDMENT FILED
Jul. 29, 2013	TEAS STATEMENT OF USE RECEIVED
Feb. 12, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED
Feb. 11, 2013	SOU EXTENSION 1 GRANTED
Jan. 30, 2013	SOU EXTENSION 1 FILED
Feb. 11, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL
Jan. 30, 2013	SOU TEAS EXTENSION RECEIVED
Jul. 31, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT
Jun. 15, 2012	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED
Feb. 29, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED
Jan. 31, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED
Jan. 31, 2012	PUBLISHED FOR OPPOSITION
Jan. 11, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED
Dec. 28, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED
Dec. 28, 2011	ASSIGNED TO LIE
Dec. 06, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER
Dec. 06, 2011	EXAMINER'S AMENDMENT ENTERED
Dec. 06, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED
Dec. 06, 2011	EXAMINERS AMENDMENT E-MAILED
Dec. 06, 2011	EXAMINERS AMENDMENT -WRITTEN
Dec. 05, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN
Nov. 28, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER
Nov. 04, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED
Nov. 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE
Nov. 03, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED
Aug. 03, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY
May 03, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED
May 03, 2011	NON-FINAL ACTION E-MAILED
May 03, 2011	NON-FINAL ACTION WRITTEN
Apr. 26, 2011	ASSIGNED TO EXAMINER
Feb. 03, 2011	NOTICE OF DESIGN SEARCH CODE MAILED
Feb. 02, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED
Feb. 01, 2011	NEW APPLICATION ENTERED

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** TMEG LAW OFFICE 108

**Date in Location:** Apr. 16, 2020

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## Assignment Abstract Of Title Information

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## Summary

Total Assignments: 6

Registrant: Redbox Automated Retail, LLC

### Assignment 1 of 6

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 2 of 6

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 3 of 6

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](#)

Documents: \_\_\_\_\_

**Assignor**

**Name:** [BANK OF AMERICA, N.A.](#)  
**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**Execution Date:** Sep. 27, 2016  
**State or Country Where Organized:** UNITED STATES

**Assignee**

**Name:** [REDBOX AUTOMATED RETAIL, LLC](#)  
**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

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

**Correspondent**

**Correspondent Name:** VENISA DARK, HAYNES AND BOONE LLP

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

**Domestic Representative - Not Found**

**Assignment 4 of 6**

**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](#)  
**Legal Entity Type:** LIMITED LIABILITY COMPANY

**Execution Date:** Oct. 20, 2017  
**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  
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 5 of 6**

**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](#)  
**Legal Entity Type:** BANK

**Execution Date:** Aug. 11, 2022

**State or Country Where Organized:** UNITED STATES

**Assignee**

**Name:** [REDBOX AUTOMATED RETAIL, LLC](#)  
**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

Address: ONE TOWER LANE  
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 6 of 6**

**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** JAVIER J. RAMOS  
**Name:**

**Correspondent** 1850 K STREET, NW, SUITE 1100  
**Address:** MILBANK, LLP  
WASHINGTON, DC 20006

**Domestic Representative - Not Found**

**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Saturday, October 15, 2022 01:36 AM  
**To:** XXXX  
**Subject:** Official USPTO Courtesy Reminder: Trademark Registration Maintenance Documents Must Be Filed Before Deadline for U.S. Trademark Registration No. 4418939 REDBOX (Stylized/Design)

## 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.** 85229213  
**U.S. Registration No.** 4418939  
**U.S. Registration Date:** October 15, 2013  
**Mark:** REDBOX (Stylized/Design)  
**Owner:** Redbox Automated Retail, LLC  
**Docket/Reference No.** 49021-00017

**Issue Date:** October 15, 2022

**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 October 16, 2023. For an additional fee, the owner can file within the 6-month grace period that ends on April 15, 2024.

If ownership of the registration or the owner's name has changed, the owner can use the [Electronic Trademark Assignment System \(ETAS\)](#) 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.](#)

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

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

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

This reminder notice is being sent only as a courtesy to trademark owners who maintain a current email address with the USPTO. Failure by the USPTO to send a reminder or non-receipt of a reminder does not excuse a trademark owner from meeting the statutory obligations for maintaining a registration.

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

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

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

## Change Address or Representation Form

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85229213
<b>REGISTRATION NUMBER</b>	4418939
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>MARK SECTION</b>	
<b>MARK</b>	REDBOX (stylized and/or with design, see <a href="https://tmng-al.uspto.gov/resting2/api/img/8522921_3/large">https://tmng-al.uspto.gov/resting2/api/img/8522921_3/large</a> )
<b>OWNER SECTION(current)</b>	
<b>NAME</b>	Redbox Automated Retail, LLC
<b>MAILING ADDRESS</b>	One Tower Lane, Suite 1200
<b>CITY</b>	Oakbrook Terrace
<b>STATE</b>	Illinois
<b>STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	60181
<b>EMAIL</b>	XXXX
<b>ATTORNEY SECTION(current)</b>	
<b>NAME</b>	James P. Muraff
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	XXX
<b>YEAR OF ADMISSION</b>	XXXX
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	XX
<b>FIRM NAME</b>	NEAL, GERBER & EISENBERG LLP
<b>STREET</b>	2 N LASALLE ST STE 1700
<b>CITY</b>	CHICAGO
<b>STATE</b>	Illinois
<b>STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>POSTAL/ZIP CODE</b>	60602-4000
<b>PHONE</b>	312-269-8000
<b>FAX</b>	312-269-1747
<b>EMAIL</b>	trademarks@ngelaw.com
<b>DOCKET/REFERENCE NUMBER(S)</b>	19638.02T6
<b>CORRESPONDENCE SECTION(current)</b>	

NAME	James P. Muraff
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademarks@ngelaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	19638.02T6
<b>OWNER SECTION(proposed)</b>	
STATEMENT TEXT	By submission of this request, the undersigned requests that the following be made of record for the owner/holder:
NAME	Redbox Automated Retail, LLC
MAILING ADDRESS	One Tower Lane, Suite 900
CITY	Oakbrook Terrace
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60181
EMAIL	XXXX
<b>ATTORNEY SECTION (proposed)</b>	
STATEMENT TEXT	By submission of this request, the undersigned appoints the following new attorney, is newly appearing as the attorney, or updates the information of an existing attorney of record:
NAME	James P. Muraff
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	McDonald Hopkins LLC
OTHER APPOINTED ATTORNEY(S)	David B. Cupar, Scott Slaby, David T. Movius, Todd A. Benni, Matthew J. Cavanagh, Joseph J. Crimaldi, Mark J. Masterson, Mark C. Guinto, Robert C. Baraona, Julie Micalizzi and Lindsie A. Everett
STREET	300 North LaSalle Street Suite 1400
CITY	CHICAGO
STATE	Illinois
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	60654
PHONE	3126421480
FAX	216-348-5474
EMAIL	ipmailbox@mcdonaldhopkins.com
DOCKET/REFERENCE NUMBER(S)	49021-00017
<b>CORRESPONDENCE SECTION (proposed)</b>	
NAME	James P. Muraff
PRIMARY EMAIL ADDRESS FOR	ipmailbox@mcdonaldhopkins.com



<b>CORRESPONDENCE</b>	
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>DOCKET/REFERENCE NUMBER(S)</b>	49021-00017
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/James P. Muraff/
<b>SIGNATORY NAME</b>	James P. Muraff
<b>SIGNATORY DATE</b>	07/02/2020
<b>SIGNATORY POSITION</b>	Attorney of record, Illinois bar member
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Jul 02 15:00:54 ET 2020
<b>TEAS STAMP</b>	USPTO/CAR-XXX.XX.XX.XXX-2 0200702150054105723-85551 440-710f0b79cd5724aec4ca0 a17155552a9248e198d0a7889 f63ce060e6ec26dc8fa1-N/A- N/A-20200702145939867774

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## Change Address or Representation Form

To the Commissioner for Trademarks:

**MARK:** REDBOX (stylized and/or with design, see [https://tmng-al.uspto.gov/resting2/api/img/8522921\\_3/large](https://tmng-al.uspto.gov/resting2/api/img/8522921_3/large))  
**SERIAL NUMBER:** 85229213  
**REGISTRATION NUMBER:** 4418939

### Owner Section (Current) :

Redbox Automated Retail, LLC  
One Tower Lane, Suite 1200  
Oakbrook Terrace, Illinois 60181  
United States  
XXXX

### Attorney Section (Current):

James P. Muraff of NEAL, GERBER & EISENBERG LLP  
XX bar, admitted in XXXX, bar membership no. XXX, is located at  
2 N LASALLE ST STE 1700  
CHICAGO, Illinois 60602-4000  
United States  
312-269-8000  
312-269-1747  
Email Address: trademarks@ngelaw.com  
Docket Reference Number(s): 19638.02T6.

### 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): 19638.02T6

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): 49021-00017

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): 49021-00017

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: 85229213

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

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

5723-85551440-710f0b79cd5724aec4ca0a1715

5552a9248e198d0a7889f63ce060e6ec26dc8fa1

-N/A-N/A-20200702145939867774

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Thursday, April 16, 2020 11:00 PM  
**To:** XXXX  
**Subject:** Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 4418939: REDBOX (Stylized/Design):  
Docket/Reference No. 19638.02T6

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**U.S. Serial Number:** 85229213  
**U.S. Registration Number:** 4418939  
**U.S. Registration Date:** Oct 15, 2013  
**Mark:** REDBOX (Stylized/Design)  
**Owner:** Redbox Automated Retail, LLC

Apr 16, 2020

## 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 ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

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

**Class(es):**  
035, 038, 041

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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## REQUIREMENTS FOR MAINTAINING REGISTRATION

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

### Requirements in the First Ten Years

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

### Requirements in Successive Ten-Year Periods

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

### Grace Period Filings

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

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

To check the status of this registration, go to [https://tsdr.uspto.gov/#caseNumber=85229213&caseSearchType=US\\_APPLICATION&caseType=DEFAULT&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=85229213&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to [https://tsdr.uspto.gov/#caseNumber=85229213&caseSearchType=US\\_APPLICATION&caseType=DEFAULT&searchType=documentSearch](https://tsdr.uspto.gov/#caseNumber=85229213&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=documentSearch) NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

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

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

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	4418939
<b>REGISTRATION DATE</b>	10/15/2013
<b>SERIAL NUMBER</b>	85229213
<b>MARK SECTION</b>	
<b>MARK</b>	REDBOX (stylized and/or with design, see <a href="#">mark</a> )
<b>ATTORNEY INFORMATION (current)</b>	
<b>NAME</b>	James P. Muraff
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	NOT SPECIFIED
<b>YEAR OF ADMISSION</b>	NOT SPECIFIED
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	NOT SPECIFIED
<b>FIRM NAME</b>	NEAL, GERBER & EISENBERG LLP
<b>STREET</b>	2 N LASALLE ST STE 1700
<b>CITY</b>	CHICAGO
<b>STATE</b>	Illinois
<b>POSTAL CODE</b>	60602-4000
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>PHONE</b>	312-269-8000
<b>FAX</b>	312-269-1747
<b>EMAIL</b>	trademarks@ngelaw.com
<b>DOCKET/REFERENCE NUMBER</b>	19638.02T6
<b>ATTORNEY INFORMATION (proposed)</b>	
<b>NAME</b>	James P. Muraff
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	XXX
<b>YEAR OF ADMISSION</b>	XXXX
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	XX
<b>FIRM NAME</b>	NEAL, GERBER & EISENBERG LLP
<b>STREET</b>	2 N LASALLE ST STE 1700
<b>CITY</b>	CHICAGO
<b>STATE</b>	Illinois
<b>POSTAL CODE</b>	60602-4000
<b>COUNTRY/REGION/JURISDICTION/U.S.</b>	United States

<b>TERRITORY</b>	
<b>PHONE</b>	312-269-8000
<b>FAX</b>	312-269-1747
<b>EMAIL</b>	trademarks@ngelaw.com
<b>DOCKET/REFERENCE NUMBER</b>	19638.02T6
<b>CORRESPONDENCE INFORMATION (current)</b>	
<b>NAME</b>	JAMES P. MURAFF
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	trademarks@ngelaw.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>DOCKET/REFERENCE NUMBER</b>	19638.02T6
<b>CORRESPONDENCE INFORMATION (proposed)</b>	
<b>NAME</b>	James P. Muraff
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	trademarks@ngelaw.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>DOCKET/REFERENCE NUMBER</b>	19638.02T6
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>GOODS OR SERVICES</b>	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\852\292\85229213\xml2 \ 8150002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	photo of vending machine kiosk
<b>INTERNATIONAL CLASS</b>	038
<b>GOODS OR SERVICES</b>	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\852\292\85229213\xml2 \ 8150003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	photo of vending machine kiosk
<b>INTERNATIONAL CLASS</b>	041
<b>GOODS OR SERVICES</b>	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\852\292\85229213\xml2 \ 8150004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	photo of vending machine kiosk

<b>OWNER SECTION (current)</b>	
NAME	Redbox Automated Retail, LLC
MAILING ADDRESS	One Tower Lane, Suite 1200
CITY	Oakbrook Terrace
STATE	Illinois
ZIP/POSTAL CODE	60181
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
<b>OWNER SECTION (proposed)</b>	
NAME	Redbox Automated Retail, LLC
MAILING ADDRESS	One Tower Lane, Suite 1200
CITY	Oakbrook Terrace
STATE	Illinois
ZIP/POSTAL CODE	60181
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
<b>LEGAL ENTITY SECTION (current)</b>	
TYPE	limited liability company
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Delaware
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	3
NUMBER OF CLASSES PAID	3
COMBINED §§ 8 & 15 FILING FEE PER CLASS	975
GRACE PERIOD FEE FOR §8	300
TOTAL FEE PAID	1275
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Sam Banayan/
SIGNATORY'S NAME	Sam Banayan
SIGNATORY'S POSITION	Director, legal
DATE SIGNED	02/18/2020
PAYMENT METHOD	DA
<b>FILING INFORMATION</b>	
SUBMIT DATE	Wed Feb 19 09:53:25 ET 2020
TEAS STAMP	USPTO/S08N15-XX.XX.XXX.XX X-20200219095325852247-44 18939-7105c3be84f8839c4fd d3596553455addae8aea38798 182ff52d51df234ff9186-DA-

	53255532-2020021715274982 1149
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## Combined Declaration of Use and Incontestability under Sections 8 & 15

### To the Commissioner for Trademarks:

**REGISTRATION NUMBER:** 4418939

**REGISTRATION DATE:** 10/15/2013

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

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

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

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

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

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

For International Class 035, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental; **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/**all** services, or to indicate membership in the collective membership organization, 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/services, or to indicate membership in the collective membership organization, 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(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photo of vending machine kiosk.

[Specimen File1](#)

For International Class 038, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks; **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/**all** services, or to indicate membership in the collective membership organization, 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/services, or to indicate membership in the collective membership organization, 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(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photo of vending machine kiosk.

[Specimen File1](#)

For International Class 041, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing

facilities for DVD, movie, and video game rental; **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/**all** services, or to indicate membership in the collective membership organization, 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/services, or to indicate membership in the collective membership organization, 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(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photo of vending machine kiosk.

[Specimen File1](#)

The owner's/holder's current attorney information: James P. Muraff. James P. Muraff of NEAL, GERBER & EISENBERG LLP, is located at

2 N LASALLE ST STE 1700  
CHICAGO, Illinois 60602-4000  
United States

The docket/reference number is 19638.02T6.

The phone number is 312-269-8000.

The fax number is 312-269-1747.

The email address is trademarks@ngelaw.com

The owner's/holder's proposed attorney information: James P. Muraff. James P. Muraff of NEAL, GERBER & EISENBERG LLP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

2 N LASALLE ST STE 1700  
CHICAGO, Illinois 60602-4000  
United States

The docket/reference number is 19638.02T6.

The phone number is 312-269-8000.

The fax number is 312-269-1747.

The email address is trademarks@ngelaw.com

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 Information (current):**

JAMES P. MURAFF  
PRIMARY EMAIL FOR CORRESPONDENCE: trademarks@ngelaw.com  
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 19638.02T6.

**Correspondence Information (proposed):**

James P. Muraff  
PRIMARY EMAIL FOR CORRESPONDENCE: trademarks@ngelaw.com  
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 19638.02T6.

**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).

A fee payment in the amount of \$1275 will be submitted with the form, representing payment for 3 class(es), plus any additional grace period fee, if necessary.

### Declaration

- ☒ Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods/services or to indicate membership in the collective membership organization identified above, as evidenced by the attached specimen(s).
- ☒ Unless the owner has specifically claimed excusable nonuse, the specimen(s) shows the mark as currently used in commerce on or in connection with the goods/services/collective membership organization.
- ☒ The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under 15 U.S.C. § 1062(c), and is still 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.
- ☒ There has been no final decision adverse to the owner's claim of ownership of such mark for such goods/services, or to indicate membership in the collective membership organization, or to the owner's right to register the same or to keep the same on the register.
- ☒ There is no proceeding involving said rights pending and not finally disposed of either in the United States Patent and Trademark Office or in a court.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission and the registration, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Sam Banayan/ Date: 02/18/2020

Signatory's Name: Sam Banayan

Signatory's Position: Director, legal

**Mailing Address (current):**

NEAL, GERBER & EISENBERG LLP  
2 N LASALLE ST STE 1700  
CHICAGO, Illinois 60602-4000

**Mailing Address (proposed):**

NEAL, GERBER & EISENBERG LLP  
2 N LASALLE ST STE 1700  
CHICAGO, Illinois 60602-4000

Serial Number: 85229213

Internet Transmission Date: Wed Feb 19 09:53:25 ET 2020

TEAS Stamp: USPTO/S08N15-XX.XX.XXX.XXX-2020021909532

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553455addae8aea38798182ff52d51df234ff918

6-DA-53255532-20200217152749821149





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**redbox.**

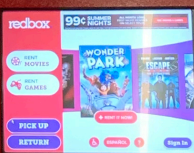


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1 (866) 779-2693

Hablo  
español



Disc  
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and  
return

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ON FIRST NIGHT RENTALS  
SELECT THE \$9.99 BUTTON



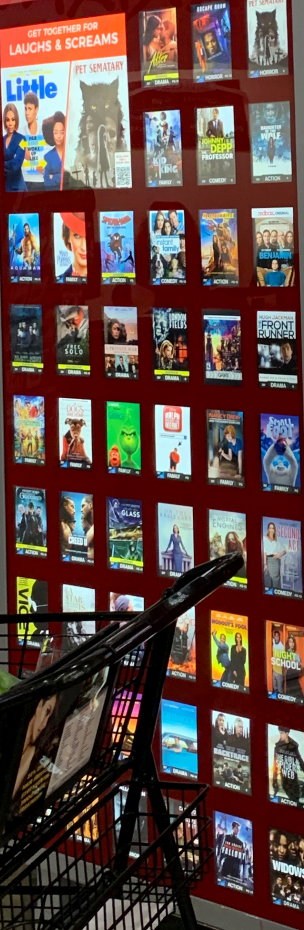
AND  
MORE





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ALARM WILL SOUND

reserve your next movie at **REDBOX.COM**



**redbox.**

**New Release**  
MOVIES & GAMES



**99¢ SUMMER NIGHTS**

ALL MONTH LONG  
ON FIRST NIGHT RENTALS  
SELECT THE \$9.99 BUTTON



VIDEO  
SURVEILLANCE



Disc  
pickup  
and  
return







EMERGENCY EXIT ONLY  
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GET TOGETHER FOR  
LAUGHS & SCREAMS



**redbox.**

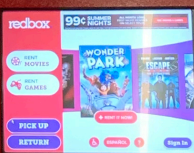


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1 (866) 779-2693

Hablo  
español



Disc  
pickup  
and  
return

**99¢ SUMMER NIGHTS**

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ON FIRST NIGHT RENTALS  
SELECT THE \$9.99 BUTTON



AND  
MORE

**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 4418939**Serial Number:** 85229213**RAM Sale Number:** 4418939**RAM Accounting Date:** 20200219**Total Fees:** \$1275

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	20200219	\$125	3	3	\$375
§15 affidavit	7208	20200219	\$200	3	3	\$600
Grace period combined §8 & 15	7206	20200219	\$100	3	3	\$300

Physical Location: MADCD- NO PHYSICAL FILE

Lost Case Flag: False

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

**Transaction Date:** 20200219





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next movie at **REDBOX.COM**

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LAUGHS & SCREAMS



**redbox.**

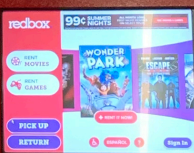


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[www.redbox.com](http://www.redbox.com)

call 1-866-REDBOX3  
1 (866) 779-2693

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español



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and  
return

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AND  
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next movie at **REDBOX.COM**

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LAUGHS & SCREAMS



**redbox.**



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www.redbox.com

call 1-866-REDBOX3  
1 (866) 779-2693

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RETURN

VIDEO SURVEILLANCE

Disc pickup and return

**99¢ SUMMER NIGHTS**

ALL MONTH LONG  
ON FIRST MONTH RENTALS  
SELECT THE \$99 BUTTON



AND MORE

## Change Address or Representation Form

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85229213
<b>MARK SECTION</b>	
<b>MARK</b>	REDBOX (stylized and/or with design, see <a href="https://tmng-al.uspto.gov/resting2/api/img/85229213/large">https://tmng-al.uspto.gov/resting2/api/img/85229213/large</a> )
<b>OWNER SECTION(proposed)</b>	
<b>STATEMENT TEXT</b>	By submission of this request, the undersigned requests that the following be made of record for the owner/holder:
<b>NAME</b>	Redbox Automated Retail, LLC
<b>EMAIL</b>	XXXX
<b>STATEMENT TEXT</b>	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.
<b>NAME</b>	James P. Muraff
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	XXX
<b>YEAR OF ADMISSION</b>	XXXX
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	XX
<b>FIRM NAME</b>	NEAL, GERBER & EISENBERG LLP
<b>STREET</b>	2 N LASALLE ST STE 1700
<b>CITY</b>	CHICAGO
<b>STATE</b>	Illinois
<b>STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>POSTAL/ZIP CODE</b>	60602-4000
<b>PHONE</b>	312-269-8000
<b>FAX</b>	312-269-1747
<b>EMAIL</b>	trademarks@ngelaw.com
<b>DOCKET/REFERENCE NUMBER(S)</b>	19638.02T6
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	James P. Muraff
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	trademarks@ngelaw.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>DOCKET/REFERENCE NUMBER(S)</b>	19638.02T6

SIGNATURE SECTION	
SIGNATURE	/Sam Banayan/
SIGNATORY NAME	Sam Banayan
SIGNATORY DATE	02/18/2020
SIGNATORY POSITION	Director, legal
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Feb 19 09:53:25 ET 2020
TEAS STAMP	USPTO/S08N15-XX.XX.XXX.XX X-20200219095325852247-44 18939-7105c3be84f8839c4fd d3596553455addae8aea38798 182ff52d51df234ff9186-DA- 53255532-2020021715274982 1149

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## Change Address or Representation Form

To the Commissioner for Trademarks:

**MARK:** REDBOX (stylized and/or with design, see [https://tmng-al.uspto.gov/resting2/api/img/8522921\\_3/large](https://tmng-al.uspto.gov/resting2/api/img/8522921_3/large))  
**SERIAL NUMBER:** 85229213

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  
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 NEAL, GERBER & EISENBERG LLP  
XX bar, admitted in XXXX, bar membership no. XXX, is located at  
2 N LASALLE ST STE 1700  
CHICAGO, Illinois 60602-4000  
United States  
312-269-8000  
312-269-1747  
trademarks@ngelaw.com  
Docket Reference Number(s): 19638.02T6

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: trademarks@ngelaw.com  
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED  
Docket Reference Number(s): 19638.02T6

Signature: /Sam Banayan/ Date: 02/18/2020  
Signatory's Name: Sam Banayan  
Signatory's Position: Director, legal

Serial Number: 85229213  
Internet Transmission Date: Wed Feb 19 09:53:25 ET 2020  
TEAS Stamp: USPTO/S08N15-XX.XX.XXX.XXX-2020021909532  
5852247-4418939-7105c3be84f8839c4 added 3596  
553455 added 8aea38798182ff52d51df234ff918  
6-DA-53255532-20200217152749821149

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Monday, October 15, 2018 01:05 AM  
**To:** XXXX  
**Subject:** Official USPTO Courtesy Reminder of Required Trademark Registration Maintenance Filing Under Section 8: U.S. Trademark RN 4418939: REDBOX (Stylized/Design): Docket/Reference No. 19638.02T6

---

**U.S. Serial Number:** 85229213  
**U.S. Registration Number:** 4418939  
**U.S. Registration Date:** Oct 15, 2013  
**Mark:** REDBOX (Stylized/Design)  
**Owner:** Redbox Automated Retail, LLC

Oct 15, 2018

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

**WARNING: Your trademark registration will be CANCELLED if you do not file the required document below during the specified statutory time period.**

The above-identified registration registered on Oct 15, 2013. Therefore, the owner of the registration must file a Declaration of Use and/or Excusable Nonuse under §8 of the Trademark Act anytime between now and Oct 15, 2019. For an additional fee, the owner may file the declaration within the six-month grace period that ends on Apr 15, 2020. See 15 U.S.C. §1058. The current fee for filing a declaration under §8 is \$125 per class if the filing is made via the Trademark Electronic Application System ("TEAS") and \$225 if the filing is made on paper, and the additional fee for filing during the six-month grace period is \$100 per class if the filing is made via TEAS and \$200 if the filing is made on paper. 37 C.F.R. §2.6.

If the registration meets the requirements of §15 of the Trademark Act, the owner may additionally file an optional Declaration of Incontestability under §15. See 15 U.S.C. §1065. The current fee for filing a declaration under §15 is \$200 per class if the filing is made via TEAS and \$300 per class if the filing is made on paper. 37 C.F.R. §2.6.

To expedite processing, the owner is encouraged to file through the USPTO's official website using TEAS. Official forms for filing Declarations of Use and/or Excusable Nonuse under §8 and Combined Declarations of Use and Incontestability under §§8 and 15 are available through TEAS at <https://www.uspto.gov/trademarks-application-process/filing-online/registration-maintenancerenewalcorrection-forms>.

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

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

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

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

To check the status of this registration, go to [https://tsdr.uspto.gov/#caseNumber=85229213&caseSearchType=US\\_APPLICATION&caseType=DEFAULT&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=85229213&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199.

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



# United States of America

United States Patent and Trademark Office



redbox

**Reg. No. 4,418,939**

**Registered Oct. 15, 2013**

**Int. Cls.: 35, 38, and 41**

**SERVICE MARK**

**PRINCIPAL REGISTER**

REDBOX AUTOMATED RETAIL, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
ONE TOWER LANE, SUITE 1200  
OAKBROOK TERRACE, IL 60181

FOR: DISTRIBUTORSHIP SERVICES IN THE FIELD OF VIDEO GAMES, DVD'S FEATURING MOVIES, ONLINE RETAIL STORE SERVICES FEATURING PRE-RECORDED VIDEOS FEATURING ENTERTAINMENT IN THE NATURE OF MOVIES, MOTION PICTURE FILMS, TELEVISION PROGRAMS, AUTOMATED RETAIL SERVICES, NAMELY, PROVIDING RETAIL FACILITIES FEATURING AUTOMATED RETAIL VENDING MACHINES FEATURING ENTERTAINMENT CONTENT, MEDIA, DVDS, MOVIES AND VIDEO GAMES, FOR PURCHASE AND RENTAL, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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

FOR: VIDEO-ON-DEMAND TRANSMISSION SERVICES, VIDEO BROADCASTING, TRANSMISSION OF VOICE, DATA, IMAGES, DATA SIGNALS, MESSAGES AND INFORMATION BY ELECTRONIC COMMUNICATIONS NETWORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-0-2013; IN COMMERCE 1-0-2013.

FOR: RENTAL OF VIDEO RECORDINGS BY MEANS OF COMMUNICATIONS NETWORKS, AND PROVIDING INFORMATION IN THE FIELD OF ENTERTAINMENT BY MEANS OF COMMUNICATIONS NETWORKS; PROVIDING FACILITIES FOR DVD, MOVIE, AND VIDEO GAME RENTAL, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

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

OWNER OF U.S. REG. NOS. 2,919,854, 3,082,012, AND 3,229,436.

THE MARK CONSISTS OF THE WORD "REDBOX" WITH AN ARC OVER THE WORD.

SN 85-229,213, FILED 1-28-2011.

CARYN GLASSER, EXAMINING ATTORNEY



  
Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

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

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	09/12/2013		
PUB DATE	01/31/2012		
STATUS	819-SU - REGISTRATION REVIEW COMPLETE		
STATUS DATE	09/10/2013		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

--	--

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	03/31/2003	FIRST USE IN COMMERCE DATE	03/31/2003	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	01/00/2013	FIRST USE IN COMMERCE DATE	01/00/2013	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	03/31/2003	FIRST USE IN COMMERCE DATE	03/31/2003	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "redbox" with an arc over the word.
PSEUDO MARK	RED BOX
OWNER OF US REG NOS	2919854 3082012 3229436

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/11/2013	SUNA	E	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	037
09/10/2013	REGV	O	LAW OFFICE REGISTRATION REVIEW COMPLETED	036
09/10/2013	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	035

08/06/2013	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	034
07/29/2013	IUAF	S	USE AMENDMENT FILED	033
07/29/2013	EISU	I	TEAS STATEMENT OF USE RECEIVED	032
02/12/2013	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	031
02/11/2013	EX1G	S	EXTENSION 1 GRANTED	030
01/30/2013	EXT1	S	EXTENSION 1 FILED	029
02/11/2013	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	028
01/30/2013	EEXT	I	TEAS EXTENSION RECEIVED	027
07/31/2012	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	026
06/15/2012	ETOP	T	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	025
02/29/2012	ETOF	T	EXTENSION OF TIME TO OPPOSE RECEIVED	024
01/31/2012	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	023
01/31/2012	PUBO	A	PUBLISHED FOR OPPOSITION	022
01/11/2012	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	021
12/28/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	020
12/28/2011	ALIE	A	ASSIGNED TO LIE	019
12/06/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	018
12/06/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	017
12/06/2011	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	016
12/06/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	015
12/06/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	014
12/05/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	013
11/28/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
11/04/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
11/03/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
08/03/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	008
05/03/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
05/03/2011	GNRT	F	NON-FINAL ACTION E-MAILED	006
05/03/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
04/26/2011	DOCK	D	ASSIGNED TO EXAMINER	004
02/03/2011	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
02/02/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/01/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE

### PRIOR OWNER INFORMATION

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

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

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.

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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	09/12/2013		
PUB DATE	01/31/2012		
STATUS	819-SU - REGISTRATION REVIEW COMPLETE		
STATUS DATE	09/10/2013		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

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ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

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DESCRIPTION TEXT	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	03/31/2003	FIRST USE IN COMMERCE DATE	03/31/2003	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	01/00/2013	FIRST USE IN COMMERCE DATE	01/00/2013	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	03/31/2003	FIRST USE IN COMMERCE DATE	03/31/2003	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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OWNER OF US REG NOS	2919854 3082012 3229436

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12/06/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	017
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12/06/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	015
12/06/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	014
12/05/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	013
11/28/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
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11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
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05/03/2011	GNRT	F	NON-FINAL ACTION E-MAILED	006
05/03/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
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02/02/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/01/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE

### PRIOR OWNER INFORMATION

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



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

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, September 11, 2013 00:11 AM  
**To:** XXXX  
**Subject:** Trademark Serial Number 85229213 : Official USPTO Notice of Acceptance of Statement of Use

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NOTICE OF ACCEPTANCE OF STATEMENT OF USE

**Serial Number:** 85229213  
**Mark:** REDBOX(STYLIZED/DESIGN)  
**Owner:** Redbox Automated Retail, LLC  
**Docket/Reference Number:** 19638.02T6

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

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

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

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85229213>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	08/07/2013		
PUB DATE	01/31/2012		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	08/06/2013		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

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PARTY TYPE	20-OWNER AT PUBLICATION
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CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	03/31/2003	FIRST USE IN COMMERCE DATE	03/31/2003	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	01/00/2013	FIRST USE IN COMMERCE DATE	01/00/2013	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	03/31/2003	FIRST USE IN COMMERCE DATE	03/31/2003	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "redbox" with an arc over the word.
PSEUDO MARK	RED BOX
OWNER OF US REG NOS	2919854 3082012 3229436

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/06/2013	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	034
07/29/2013	IUAF	S	USE AMENDMENT FILED	033
07/29/2013	EISU	I	TEAS STATEMENT OF USE RECEIVED	032

02/12/2013	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	031
02/11/2013	EX1G	S	EXTENSION 1 GRANTED	030
01/30/2013	EXT1	S	EXTENSION 1 FILED	029
02/11/2013	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	028
01/30/2013	EEXT	I	TEAS EXTENSION RECEIVED	027
07/31/2012	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	026
06/15/2012	ETOP	T	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	025
02/29/2012	ETOF	T	EXTENSION OF TIME TO OPPOSE RECEIVED	024
01/31/2012	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	023
01/31/2012	PUBO	A	PUBLISHED FOR OPPOSITION	022
01/11/2012	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	021
12/28/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	020
12/28/2011	ALIE	A	ASSIGNED TO LIE	019
12/06/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	018
12/06/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	017
12/06/2011	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	016
12/06/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	015
12/06/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	014
12/05/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	013
11/28/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
11/04/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
11/03/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
08/03/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	008
05/03/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
05/03/2011	GNRT	F	NON-FINAL ACTION E-MAILED	006
05/03/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
04/26/2011	DOCK	D	ASSIGNED TO EXAMINER	004
02/03/2011	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
02/02/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/01/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE

### PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181

ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.



P rylhv

J dp hv

J liwv

Search for Movies & Games

0

1 Find your movie.

2 Pick a pickup spot.

3 Reserve it.

HEY THERE!

DID YOU KNOW?

POPULAR PICKS

What's coming soon?

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SEE THE LIST

Vlj qk s

Qhz #hhdvhr

Vh# ruh

Prw#rsxdu

Vh# ruh

Frp lqj#rrq

Vh# ruh

Ihdwxuhg# dp hv

Vh# ruh

Like

Enza Solano Ketcham, Stefanie Wheelchel Cornwall and 5,124,486 others like this.

J hw# rpkd #khe lv#gg#shf b# dqrxqfhp hqw#h (v#g#vdljkw# rxu#krql

J hw#q#h#hger (#p dlvw#gg#rxw#h# wchlvw# #hch#erxw#h# #hhdvhr#gg# shf b# ihu1

Frqhf# l#hger (#g#dfherm# h#h# dvhq#j#gg# dqw# #hch#urp #rx#

Enter your mobile number # Vlj Qk s#

Enter your email address # Vlj Qk s#

http://www.redbox.com/

7/22/2013

7/22/2013

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**1**

**SIGN UP NOW FOR THE 1-MONTH FREE TRIAL\*.**  
(NO VERIZON COMMITMENT NEEDED)



**2**

**ENJOY 4 FABULOUS DVD CREDITS AT THE KIOSK**



**3**

**STREAM OUR LIBRARY OF HITS INSTANTLY**



**4**

**WATCH MOVIES WHEREVER, WHENEVER!**

**redbox instant™**  
by **verizon**

\*One month free trial offer for new subscribers only. You can cancel anytime during the 1 month trial to avoid charges. If you like our service and don't cancel during the trial period, your subscription will renew automatically at the then current monthly subscription rate plus taxes. Streaming requires 500 Kbps for SD and 3 Mbps for HD or faster and is available on select devices. Rental and movie purchases are excluded. Additional rental nights beyond the 4 one-night DVD credits a month will be charged at the standard daily rental rates at the box. Use of the 4 one-night DVD credits are subject to additional terms. No separate Verizon service required. ©2013 Verizon and Redbox Digital Entertainment Services, LLC. All Rights Reserved.

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Renting FAQs  
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Order History  
Favorite Locations  
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Redbox Canada

Get a Free Rental  
Affiliates  
API  
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Redbox Blog

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Inspired by Outerwall™





7/22/2013

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

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85229213
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>MARK FILE NAME</b>	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85229213
<b>LITERAL ELEMENT</b>	REDBOX
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>OWNER SECTION</b>	
<b>NAME</b>	Redbox Automated Retail, LLC
<b>STREET</b>	One Tower Lane, Suite 1200
<b>CITY</b>	Oakbrook Terrace
<b>STATE</b>	Illinois
<b>ZIP/POSTAL CODE</b>	60181
<b>COUNTRY</b>	United States
<b>EMAIL</b>	XXXX
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>CURRENT IDENTIFICATION</b>	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	03/31/2003
<b>FIRST USE IN COMMERCE DATE</b>	03/31/2003
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPN0-50202393-181045565_ www.redbox.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\852\292\85229213\xml5\SOU0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\852\292\85229213\xml5\SOU0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	screen shot of website

INTERNATIONAL CLASS	038
CURRENT IDENTIFICATION	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/00/2013
FIRST USE IN COMMERCE DATE	01/00/2013
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">SPN1-50202393-181045565_ . streaming-redbox.PDF</a>
CONVERTED PDF FILE(S) (2 pages)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\852\292\85229213\xml5\SOU0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\852\292\85229213\xml5\SOU0005.JPG</a>
SPECIMEN DESCRIPTION	screen shot of website
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	03/31/2003
FIRST USE IN COMMERCE DATE	03/31/2003
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">SPN2-3811514866-181045565_ . www.redbox.pdf</a>
CONVERTED PDF FILE(S) (2 pages)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\852\292\85229213\xml5\SOU0006.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\852\292\85229213\xml5\SOU0007.JPG</a>
SPECIMEN DESCRIPTION	screen shot of website
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	3
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	300
TOTAL AMOUNT	300
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Frederick W. Stein/
SIGNATORY'S NAME	Frederick W. Stein
SIGNATORY'S POSITION	Vice President and General Counsel
DATE SIGNED	07/29/2013
SIGNATORY'S PHONE NUMBER	6307568255
FILING INFORMATION	
SUBMIT DATE	Mon Jul 29 15:05:15 EDT 2013



**TEAS STAMP**

USPTO/SOU-XX.XXX.XX.X-201  
30729150515377779-8522921  
3-5008e7e597a8f4986671316  
a2e3c582b7ac715d85914f05d  
76253829b5596eb-DA-1637-2  
0130722181045565675

---

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

To the Commissioner for Trademarks:

**MARK:** REDBOX (Stylized and/or with Design, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85229213>)

**SERIAL NUMBER:** 85229213

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

is submitting the following allegation of use information:

For International Class 035:

Current identification: Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 03/31/2003, and first used in commerce at least as early as 03/31/2003, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen shot of website.

**Original PDF file:**

[SPN0-50202393-181045565 . www.redbox.pdf](#)

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

[Specimen File1](#)

[Specimen File2](#)

For International Class 038:

Current identification: Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/00/2013, and first used in commerce at least as early as 01/00/2013, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen shot of website.

**Original PDF file:**

[SPN1-50202393-181045565 . streaming-redbox.PDF](#)

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

[Specimen File1](#)

[Specimen File2](#)

For International Class 041:

Current identification: Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 03/31/2003, and first used in commerce at least as early as 03/31/2003, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen shot of website.

**Original PDF file:**

[SPN2-3811514866-181045565\\_.www.redbox.pdf](#)

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

[Specimen File1](#)

[Specimen File2](#)

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

A fee payment in the amount of \$300 will be submitted with the form, representing payment for the allegation of use for 3 classes.

**Declaration**

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

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

Signature: /Frederick W. Stein/ Date Signed: 07/29/2013

Signatory's Name: Frederick W. Stein

Signatory's Position: Vice President and General Counsel

Signatory's Phone: 6307568255

RAM Sale Number: 85229213

RAM Accounting Date: 07/30/2013

Serial Number: 85229213

Internet Transmission Date: Mon Jul 29 15:05:15 EDT 2013

TEAS Stamp: USPTO/SOU-XX.XXX.XX.X-201307291505153777

79-85229213-5008e7e597a8f4986671316a2e3c

582b7ac715d85914f05d76253829b5596eb-DA-1

637-20130722181045565675

P rylhv

J dp hv

J liwv

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POPULAR PICKS

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Qhz #hhdvhr

Vh# ruh

Prw#rsxdu

Vh# ruh

Frp lqj#rrq

Vh# ruh

Ihdwxuhg# dp hv

Vh# ruh

Like

Enza Solano Ketcham, Stefanie Wheelchel Cornwall and 5,124,486 others like this.

J hwp rpkd #khe lv#gg#shf b#  
dqrxqfhp hqw#h (v#g#vdljkw# rxu#krql

J hwtq#h#hger (#p dlvw#gg#rxw#h#  
wchlvw# #hch#erxw#h# #hhdvhr#gg#  
shf b# ihu1

Frqhf# lk#hger (#g#dfherm# h#h#  
dvhq#j#gg# dqw# #hch#urp #rx#

Enter your mobile number # Vlj Qk s#

Enter your email address # Vlj Qk s#

http://www.redbox.com/

7/22/2013

7/22/2013

# 4 DVD CREDITS EVERY MONTH + STREAMING LIBRARY OF HITS



New releases at the kiosk



Play movies instantly

All just  
**\$8**  
a month

**START YOUR FREE TRIAL**

With subscription\*. Click "New Account" on the next page to get started.



**1**

**SIGN UP NOW FOR THE 1-MONTH FREE TRIAL\*.**  
(NO VERIZON COMMITMENT NEEDED)



**2**

**ENJOY 4 FABULOUS DVD CREDITS AT THE KIOSK**



**3**

**STREAM OUR LIBRARY OF HITS INSTANTLY**



**4**

**WATCH MOVIES WHEREVER, WHENEVER!**

**redbox instant™**  
by **verizon**

\*One month free trial offer for new subscribers only. You can cancel anytime during the 1 month trial to avoid charges. If you like our service and don't cancel during the trial period, your subscription will renew automatically at the then current monthly subscription rate plus taxes. Streaming requires 500 Kbps for SD and 3 Mbps for HD or faster and is available on select devices. Rental and movie purchases are excluded. Additional rental nights beyond the 4 one-night DVD credits a month will be charged at the standard daily rental rates at the box. Use of the 4 one-night DVD credits are subject to additional terms. No separate Verizon service required. ©2013 Verizon and Redbox Digital Entertainment Services, LLC. All Rights Reserved.

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Favorite Locations  
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J dp hv


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Search for Movies & Games

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1 Find your movie.



2 Pick a pickup spot.

CHECK OUT

3 Reserve it.

HEY THERE!

DID YOU KNOW?

POPULAR PICKS

What's coming soon?

Get email reminders when your favorite movies are back in stock.

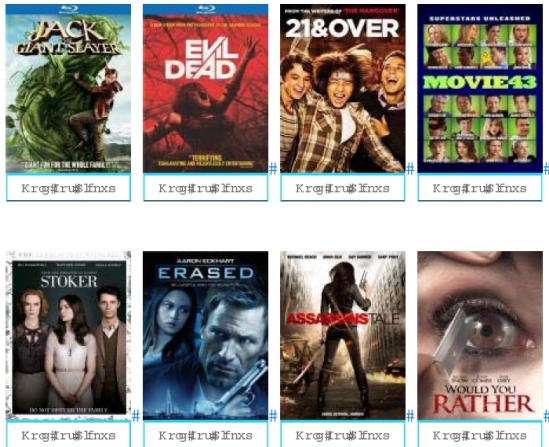
SEE THE LIST

Vlj qk s

#

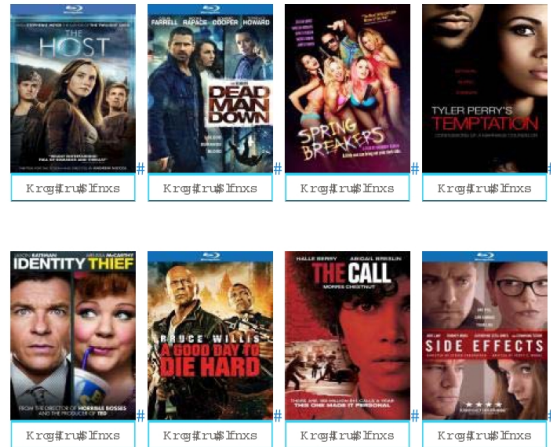
Qhz #hhdvhr

Vh# ruh




Prw#rsxdu

Vh# ruh




Frp lqj#rrq


Vh# ruh



Ihdwxuhg# dp hv


Vh# ruh






Like

Enza Solano Ketcham, Stefanie Wheelchel Cornwall and 5,124,486 others like this.



J hwp rpkd #khe lv#gg#shf b#  
dqrxqfhp hqw#h (v#g#vdljkwz# rxu#krql



J hwtq#h#hger (#p dlvw#gg#rxw#h#  
wchlvw# #hch#erxw#hz #hhdvhrv#gg#  
shf b# ihu1

Frqhf# lk#hger (#g#dfherm# h#h#  
dvhq#j#gg# dqw# #hch#urp #rx#

Enter your mobile number # Vlj Qk s #

Enter your email address # Vlj Qk s #

http://www.redbox.com/

7/22/2013



7/22/2013

## FEE RECORD SHEET

Serial Number: 85229213



RAM Sale Number: 85229213

Total Fees: \$300

RAM Accounting Date: 20130730

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20130729	\$100	3	\$300

Transaction Date: 20130729



---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, February 12, 2013 00:12 AM  
**To:** XXXX  
**Subject:** Trademark Serial Number 85229213 : Official USPTO Notice of Approval of Extension Request

---

NOTICE OF APPROVAL OF EXTENSION REQUEST

**Serial Number:** 85229213  
**Mark:** REDBOX(STYLIZED/DESIGN)  
**Owner:** Redbox Automated Retail, LLC  
**Extension Request Number:** 1  
**Docket/Reference Number:** 19638.02T6  
**Notice of Allowance Date:** Jul 31, 2012

The USPTO issued a Notice of Allowance on **Jul 31, 2012** for the trademark application identified above. Applicant's **FIRST** request for Extension of Time to File a Statement of Use has been **GRANTED**.

**PLEASE NOTE:**

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

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

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

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85229213>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	02/12/2013		
PUB DATE	01/31/2012		
STATUS	730-FIRST EXTENSION - GRANTED		
STATUS DATE	02/11/2013		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

--	--

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Redbox Automated Retail, LLC
ADDRESS	One Tower Lane, Suite 1200 Oakbrook Terrace, IL 60181
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "redbox" with an arc over the word.
PSEUDO MARK	RED BOX
OWNER OF US REG NOS	2919854 3082012 3229436

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
02/12/2013	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	031
02/11/2013	EX1G	S	EXTENSION 1 GRANTED	030
01/30/2013	EXT1	S	EXTENSION 1 FILED	029

02/11/2013	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	028
01/30/2013	EEXT	I	TEAS EXTENSION RECEIVED	027
07/31/2012	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	026
06/15/2012	ETOP	T	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	025
02/29/2012	ETOF	T	EXTENSION OF TIME TO OPPOSE RECEIVED	024
01/31/2012	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	023
01/31/2012	PUBO	A	PUBLISHED FOR OPPOSITION	022
01/11/2012	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	021
12/28/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	020
12/28/2011	ALIE	A	ASSIGNED TO LIE	019
12/06/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	018
12/06/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	017
12/06/2011	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	016
12/06/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	015
12/06/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	014
12/05/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	013
11/28/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
11/04/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
11/03/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
08/03/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	008
05/03/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
05/03/2011	GNRT	F	NON-FINAL ACTION E-MAILED	006
05/03/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
04/26/2011	DOCK	D	ASSIGNED TO EXAMINER	004
02/03/2011	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
02/02/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/01/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE

### PRIOR OWNER INFORMATION

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

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.

## Request for Extension of Time to File a Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85229213
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>MARK SECTION</b>	
<b>MARK</b>	REDBOX (stylized and/or with design)
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Redbox Automated Retail, LLC
<b>STREET</b>	One Tower Lane, Suite 1200
<b>CITY</b>	Oakbrook Terrace
<b>STATE</b>	Illinois
<b>ZIP/POSTAL CODE</b>	60181
<b>COUNTRY</b>	United States
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	Redbox Automated Retail, LLC
<b>STREET</b>	One Tower Lane, Suite 1200
<b>CITY</b>	Oakbrook Terrace
<b>STATE</b>	Illinois
<b>ZIP/POSTAL CODE</b>	60181
<b>COUNTRY</b>	United States
<b>EMAIL</b>	XXXX
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>CURRENT IDENTIFICATION</b>	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>INTERNATIONAL CLASS</b>	038
<b>CURRENT IDENTIFICATION</b>	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic



	communications networks
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>INTERNATIONAL CLASS</b>	041
<b>CURRENT IDENTIFICATION</b>	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>EXTENSION SECTION</b>	
<b>EXTENSION NUMBER</b>	1
<b>ALLOWANCE MAIL DATE</b>	07/31/2012
<b>STATEMENT OF USE</b>	NO
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	3
<b>SUBTOTAL AMOUNT</b>	450
<b>TOTAL AMOUNT</b>	450
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/James P. Muraff/
<b>SIGNATORY'S NAME</b>	James P. Muraff
<b>SIGNATORY'S POSITION</b>	Attorney for Applicant, Illinois Bar Member
<b>DATE SIGNED</b>	01/30/2013
<b>SIGNATORY'S PHONE NUMBER</b>	312.269.8000
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Wed Jan 30 19:21:28 EST 2013
<b>TEAS STAMP</b>	USPTO/ESU-XX.XXX.XXX.XX-2 0130130192128698288-85229 213-4906f79b728e8fda7abcb daf089f27ce25d-DA-9687-20 130130183541462860

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

To the Commissioner for Trademarks:

**MARK:** REDBOX (stylized and/or with design)  
**SERIAL NUMBER:** 85229213

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

requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 07/31/2012.

For International Class 035:

Current identification: Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

For International Class 038:

Current identification: Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

For International Class 041:

Current identification: Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

This is the first extension request.

A fee payment in the amount of \$450 will be submitted with the form, representing payment for 3 classes.

### **Declaration**

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

Signature: /James P. Muraff/     Date Signed: 01/30/2013

Signatory's Name: James P. Muraff

Signatory's Position: Attorney for Applicant, Illinois Bar Member

Signatory's Phone: 312.269.8000

RAM Sale Number: 9687

RAM Accounting Date: 01/31/2013

Serial Number: 85229213

Internet Transmission Date: Wed Jan 30 19:21:28 EST 2013

TEAS Stamp: USPTO/ESU-XX.XXX.XXX.XX-2013013019212869

8288-85229213-4906f79b728e8fda7abcbdaf08

9f27ce25d-DA-9687-20130130183541462860

# TEAS ROUTING SHEET

To: INTENT TO USE UNIT

Work Loc: INTENT TO USE SECTION

Doc Type: Extension Request for SOU



Serial Number: 85229213



Mark: REDBOX

Mail Date: 2013/01/30



Examiner Number: 82426



Examiner Name:  
GLASSER, CARYN

LIE Number: 68123



LIE Name:  
DURANT, LAWANA D

L.O. Assigned: LAW OFFICE 108

Special Instruction(s):

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20130130	\$150	3	\$450

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, July 31, 2012 00:03 AM  
**To:** XXXX  
**Subject:** Trademark Serial Number 85229213: Official USPTO Notice of Allowance

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NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Jul 31, 2012

**Serial Number:** 85229213  
**Mark:** REDBOX(STYLIZED/DESIGN)  
**Docket/Reference Number:** 19638.02T6

**No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.**

**SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:**

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

**How to file SOU and/or Extension Request:**

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see [http://www.uspto.gov/trademarks/basics/MoreInfo\\_SOU\\_EXT.jsp](http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp).

**FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.**

**REVIEW APPLICATION INFORMATION FOR ACCURACY**

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at <http://www.uspto.gov/teas/index.html>. Do **NOT** reply to this e-mail, as e-mailed filings will NOT be processed.

**Serial Number:** 85229213  
**Mark:** REDBOX(STYLIZED/DESIGN)  
**Docket/Reference Number:** 19638.02T6  
**Owner:** Redbox Automated Retail, LLC  
One Tower Lane, Suite 1200  
Oakbrook Terrace, ILLINOIS 60181  
**Correspondence Address:** JAMES P. MURAFF  
NEAL, GERBER & EISENBERG LLP  
2 N LASALLE ST STE 1700  
CHICAGO, IL 60602-4000

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

Section 1(a): NO                      Section 1(b): YES                      Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

- 035 - Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE
- 038 - Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE
- 041 - Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

**ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.**

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**Fraudulent statements may result in registration being cancelled:** Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may

result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

**Additional information:** For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at [www.uspto.gov](http://www.uspto.gov) or call the Trademark Assistance Center at 1-800-786-9199.

**Checking status:** To check the status of an application, go to <http://tarr.uspto.gov>. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85229213>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.



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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, January 31, 2012 00:21 AM  
**To:** XXXX  
**Subject:** 19638.02T6 Official USPTO Notification: OG Publication Confirmation for Serial Number 85229213

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OFFICIAL GAZETTE PUBLICATION CONFIRMATION

**Serial Number:** 85-229,213  
**Mark:** REDBOX(STYLIZED/DESIGN)  
**International Class(es):** 035, 038, 041  
**Applicant:** Redbox Automated Retail, LLC  
**Docket/Reference Number:** 19638.02T6

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Jan 31, 2012. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

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

1. Click on the following link or paste the URL into an internet browser: [http://www.uspto.gov/web/trademarks/tmog/20120131\\_OG.pdf#page=1](http://www.uspto.gov/web/trademarks/tmog/20120131_OG.pdf#page=1)
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-229,213, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85229213>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jan 11, 2012

## NOTICE OF PUBLICATION

- |   |   |
|---|---|
| 1. Serial No.:<br>85-229,213              | 2. Mark:<br>REDBOX<br>(STYLIZED/DESIGN)       |
| 3. International Class(es):<br>35, 38, 41 |   |
| 4. Publication Date:<br>Jan 31, 2012      | 5. Applicant:<br>Redbox Automated Retail, LLC |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

[trademarks@ngelaw.com](mailto:trademarks@ngelaw.com)

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, January 11, 2012 03:20 AM  
**To:** XXXX  
**Subject:** 19638.02T6 Official USPTO Notification: Issuance of Notice of Publication for Serial Number 85229213

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 85229213) is scheduled to publish in the *Official Gazette* on Jan 31, 2012. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=85229213>. If you have difficulty accessing the Notice of Publication, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	12/29/2011		
PUB DATE	01/31/2012		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	12/28/2011		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

--	--

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

### GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "redbox" with an arc over the word.
PSEUDO MARK	RED BOX
OWNER OF US REG NOS	2919854 3082012 3229436

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/28/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	020
12/28/2011	ALIE	A	ASSIGNED TO LIE	019
12/06/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	018

12/06/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	017
12/06/2011	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	016
12/06/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	015
12/06/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	014
12/05/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	013
11/28/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
11/04/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
11/03/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
08/03/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	008
05/03/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
05/03/2011	GNRT	F	NON-FINAL ACTION E-MAILED	006
05/03/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
04/26/2011	DOCK	D	ASSIGNED TO EXAMINER	004
02/03/2011	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
02/02/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/01/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.



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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	12/07/2011		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	12/06/2011		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

--	--

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

### GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely, providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "redbox" with an arc over the word.
PSEUDO MARK	RED BOX
OWNER OF US REG NOS	2919854 3082012 3229436

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/06/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	018
12/06/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	017
12/06/2011	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	016

12/06/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	015
12/06/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	014
12/05/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	013
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11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
11/03/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
08/03/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	008
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05/03/2011	GNRT	F	NON-FINAL ACTION E-MAILED	006
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02/01/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.

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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	12/07/2011		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	12/06/2011		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

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CITIZENSHIP	Delaware

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DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental

### GOODS AND SERVICES CLASSIFICATION

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INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "redbox" with an arc over the word.
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OWNER OF US REG NOS	2919854 3082012 3229436

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12/06/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	015
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11/28/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
11/04/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
11/03/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
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02/03/2011	MDSM	O	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	003
02/02/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/01/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE



The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.

**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85229213 - REDBOX - 19638.02T6  
**Sent:** 12/6/2011 3:58:32 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

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

**APPLICATION SERIAL NO.** 85229213

**MARK:** REDBOX

**\*85229213\***

**CORRESPONDENT ADDRESS:**

JAMES P. MURAFF  
NEAL, GERBER & EISENBERG LLP  
2 N LASALLE ST STE 1700  
CHICAGO, IL 60602-4000

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Redbox Automated Retail, LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO :**  
19638.02T6

**CORRESPONDENT E-MAIL ADDRESS:**  
[trademarks@ngelaw.com](mailto:trademarks@ngelaw.com)

**EXAMINER'S AMENDMENT**

**ISSUE/MAILING DATE:** 12/6/2011

**DATABASE SEARCH:** The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

**APPLICATION HAS BEEN AMENDED:** In accordance with the authorization granted by Janes P. Muraff on December 6, 2011, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

***Amendment of Identification of Services – Class 035***

The identification of services is amended to read as follows: "Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental." *See* TMEP §§1402.01, 1402.01(e).

***Class 041***

The identification of services is amended to read as follows: "Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; providing facilities for DVD, movie, and video game rental." *See* TMEP §§1402.01, 1402.01(e).

/cglasser/  
Caryn Glassser  
Trademark Examining Attorney  
Law Office 108  
Ph: 571 270-1517  
Fax: 571 270-2517  
caryn.glasser@uspto.gov

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

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

**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85229213 - REDBOX - 19638.02T6  
**Sent:** 12/6/2011 3:58:33 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

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

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 12/6/2011 FOR  
SERIAL NO. 85229213**

Please follow the instructions below:

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

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

**HELP:** For *technical* assistance in accessing the Office correspondence, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office letter.

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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	11/29/2011		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	11/28/2011		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

--	--

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

### GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental; automated retail services, namely retail facilities featuring automated DVD, movies and game rental
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the word "redbox" with an arc over the word.
PSEUDO MARK	RED BOX
OWNER OF US REG NOS	2919854 3082012 3229436

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/28/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
11/04/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
11/03/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010

11/03/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
08/03/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	008
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### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James P. Muraff
CORRESPONDENCE ADDRESS	JAMES P. MURAFF NEAL, GERBER & EISENBERG LLP 2 N LASALLE ST STE 1700 CHICAGO, IL 60602-4000
DOMESTIC REPRESENTATIVE	NONE



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

**OVERVIEW**

SERIAL NUMBER	85229213	FILING DATE	01/28/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GLASSER, CARYN	L.O. ASSIGNED	108

**PUB INFORMATION**

RUN DATE	11/05/2011		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	11/04/2011		
LITERAL MARK ELEMENT	REDBOX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

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

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	REDBOX
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

--	--

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

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### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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DOMESTIC REPRESENTATIVE	NONE

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## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85229213
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108

**MARK SECTION (no change)**

### ARGUMENT(S)

In the Office Action relating to the above-captioned mark mailed on May 3, 2011, the Examining Attorney preliminarily refused registration on the basis that Applicant's mark, when used in connection with Applicant's services, so resembles the mark in Registration No. 1,554,867 (the "Cited Registration"), as to be likely to confuse, to cause mistake or to deceive consumers. Applicant respectfully disagrees with the Examining Attorney's assertion because at least the differences between the services and goods listed in connection with each mark, the care exercised by the respective consumers, and the differences between the respective marks are sufficient to avoid consumer confusion. Accordingly, Applicant believes that its mark is ready for registration and respectfully requests that its mark be allowed to proceed to publication on the Principal Register.

#### **I. Applicant's Mark is Not Likely to Cause Confusion with the Cited Registration .**

Whether a likelihood of confusion exists depends upon a multitude of factors, including at least the differences between the respective services and goods, the care exercised by consumers in making a purchasing decision, and the differences in the marks themselves. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973). Applying these factors, it is apparent consumers are not likely to confuse Applicant's mark with the Cited Registration, and Applicant's mark should be allowed to proceed to publication.

#### **A. The Distinctions Between the Services and Goods in Connection with which the Marks are used and the Care Exercised by Consumers are Sufficient to Avoid a Likelihood of Confusion.**

The services used in connection with Applicant's mark differ from the goods of the Cited Registration, weighing against a likelihood of confusion. Indeed, where a similar mark is used in connection with different goods or services, confusion is unlikely and marks may co-exist. *See* TMEP § 1207.01(a)(i); *Shen Mfg. Co., Inc. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1245 (Fed. Cir. 2004) (finding no confusion where identical marks were used on cooking classes and kitchen towels). Moreover, it is well-settled that if the goods and services at issue are "not ... marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely." TMEP §1207.01(a)(i). In this case, the goods of the Cited Registration are toys and games. Specifically, these children's toys, such as puzzle blocks and toy kitchens, are marketed under a Redbox House Mark (as indicated in the registration) and other marks such as "My Precious Baby" and "Tool Tech" to consumers who wish to purchase children's toys. *See* Exhibit A. In contrast, Applicant offers the rental and sale of movies, DVDs, video games, and other pre-recorded electronic media through vending machines or online services. Moreover, Applicant has specifically amended this application to recite "video games" instead of just "games." Further, Applicant's rental and sale kiosks are located in convenient situations, such as in McDonald's restaurants and 7-Eleven stores, where consumers over 18 years old can complete these automated transactions. Thus, marketing of the respective goods and services indicates they would not be encountered by consumers who would assume the children's toys of the owner of the Cited Registration and the automated sales and rental services of Applicant would emanate from the same source. This factor, therefore, militates against a likelihood of confusion.

Moreover, in purchasing goods such as children's toys and games, consumers seek specific goods and exercise a great deal of care to ensure that they are buying a particular product. *See, e.g., E.S. Originals Inc. v. Stride Rite Corp.*, 2 U.S.P.Q.2d 1934, 1941 n.14 (S.D.N.Y. 1987) (noting that "[a] child carefully programmed by an effective advertising campaign is most likely to insist on the advertised product and is not likely to accept a substitute"). Therefore, when consumers are encountering the mark of the Cited Registration in the marketplace, they are seeking not just any toy or game; they are seeking out a particular toy or game, typically for their own child. As a result, consumers will not be confused by the services for which Applicant seeks registration and the goods of the Cited Registration. Therefore, Applicant's mark should be allowed to proceed to publication on this basis alone.

#### **B. Applicant's Mark has a Distinct Commercial Impression from the Cited Registration.**

In addition, Applicant's mark is significantly different from the Cited Registration in sight, sound and meaning. However, the analysis of this factor in the Office Action states only that "Applicant has merely added language to a registered trademark." Applicant respectfully disagrees with this assertion, because a mark must be reviewed as whole to determine whether it is likely to confuse, and a confusing similarity determination should not be based on a single component. *In re Hearst Corp.*, 982 F.2d 493, 494 (Fed. Cir. 1992) (holding that "all components [of a mark] must be given appropriate weight"). Even where marks have common elements, design elements can distinguish two marks and create different commercial impressions. *See In re TSI Brands Inc.*, 67 USPQ2d 1657 (TTAB 2002) (holding that "significant

distinguishing design elements” must be considered even where marks have common elements to determine a likelihood of confusion).

Considering the marks at issue under these principles, the Cited Registration should not act as a bar to the registration of Applicant’s mark. The Cited Registration is for “REDBOX” and features a stylized, puffy type with a capital letter “R” that has a smiley-face on it. In addition, the design is reversed white type on a shaded oval background. In contrast, Applicant’s mark is for the mark, “REDBOX” and arc design. This immediate difference of the presence of design elements in the Cited Registration, on one hand, and the textual form of Applicant’s mark with the differing design elements, on the other, serves to bolster each mark’s respective distinct commercial impression. Moreover, Applicant’s mark evokes in the consumer’s mind Applicant’s other registered marks for “REDBOX.” See Registration Nos. 2,988,869, 3,082,012, 3,229,436, and 2,919,854.

Indeed, these other REDBOX marks owned by Applicant bolster the distinct commercial impression of the instant application. The mark at issue – “REDBOX & Design” – serves to expand Applicant’s already well-established REDBOX brand. Thus, the assertion in the Office Action that “Applicant has merely added language to a registered trademark” could apply to Applicant’s own other REDBOX registered marks in that the present mark is an extension of Applicant’s already established brand. Thus, these differences sufficiently distinguish the two marks to avoid any likelihood of confusion.

In light of the foregoing, Applicant respectfully requests that the Trademark Office withdraw its objection under Section 2(d) of the Trademark Act because there is no likelihood of confusion between Applicant’s Mark and the Cited Registration. Accordingly, Applicant requests that its Mark be allowed to proceed to publication for registration on the Principal Register.

## **II. Claim of Ownership**

Applicant submits the following claim of ownership:

Applicant is the owner of U.S. Registration Nos. 3082012, 3229436, 2919854 and others.

## **III. Amendment of Identification of Services**

Applicant submits the following amendment of the identification of its services:

International Class 035: Distributorship services in the field of video games, DVD’s featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental; automated retail services, namely retail facilities featuring automated DVD, movies and game rental;

International Class 38: Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks; and

International Class 41: Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks.

## **IV. Conclusion**

Applicant believes that its mark is ready for publication and therefore respectfully requests that its Application be allowed to proceed to publication on the Principal Register.

## **EVIDENCE SECTION**

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">evi_3811514866-180656740_ . redboxanddesign.pdf</a>
CONVERTED PDF FILE(S) (5 pages)	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\852\292\85229213\xml6\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\852\292\85229213\xml6\ROA0003.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\852\292\85229213\xml6\ROA0004.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\852\292\85229213\xml6\ROA0005.JPG</a>
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\852\292\85229213\xml6\ROA0006.JPG</a>

## **GOODS AND/OR SERVICES SECTION (038)(current)**

INTERNATIONAL CLASS	038
DESCRIPTION	
Distribution of entertainment content; computerized online retail services featuring pre-recorded videos, video-on-demand transmission services, video broadcasting, transmission of voice, data, images, signals, messages and information, rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks	
FILING BASIS	Section 1(b)

## **GOODS AND/OR SERVICES SECTION (038)(proposed)**

INTERNATIONAL CLASS	
---------------------	--



INTERNATIONAL CLASS	038
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Distribution of entertainment content; Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks; computerized online retail services featuring pre-recorded videos; video-on-demand transmission services, video broadcasting, transmission of voice, data, images, signals, messages and information, rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks</del>	
<b>FINAL DESCRIPTION</b>	
Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(current)</b>	
INTERNATIONAL CLASS	041
<b>DESCRIPTION</b>	
Automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(proposed)</b>	
INTERNATIONAL CLASS	041
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games</del>	
<b>FINAL DESCRIPTION</b>	
Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (035)(class added)</b>	
INTERNATIONAL CLASS	035
<b>DESCRIPTION</b>	
Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental; automated retail services, namely retail facilities featuring automated DVD, movies and game rental	
FILING BASIS	Section 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 3082012, 3229436, and 2919854.
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEES DUE	325
<b>SIGNATURE SECTION</b>	

DECLARATION SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney of Record, Illinois Bar Member
DATE SIGNED	11/03/2011
RESPONSE SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney of Record, Illinois Bar Member
DATE SIGNED	11/03/2011
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Nov 03 20:59:34 EDT 2011
TEAS STAMP	USPTO/ROA-XX.XXX.XXX.XX-2 0111103205934753198-85229 213-4805ddc5fd7f3fe4da47b 59d0415e4d92-DA-6815-2011 1103180656740209

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **85229213** has been amended as follows:

#### ARGUMENT(S)

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

In the Office Action relating to the above-captioned mark mailed on May 3, 2011, the Examining Attorney preliminarily refused registration on the basis that Applicant's mark, when used in connection with Applicant's services, so resembles the mark in Registration No. 1,554,867 (the "Cited Registration"), as to be likely to confuse, to cause mistake or to deceive consumers. Applicant respectfully disagrees with the Examining Attorney's assertion because at least the differences between the services and goods listed in connection with each mark, the care exercised by the respective consumers, and the differences between the respective marks are sufficient to avoid consumer confusion. Accordingly, Applicant believes that its mark is ready for registration and respectfully requests that its mark be allowed to proceed to publication on the Principal Register.

#### **I. Applicant's Mark is Not Likely to Cause Confusion with the Cited Registration.**

Whether a likelihood of confusion exists depends upon a multitude of factors, including at least the differences between the respective services and goods, the care exercised by consumers in making a purchasing decision, and the differences in the marks themselves. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973). Applying these factors, it is apparent consumers are not likely to confuse Applicant's mark with the Cited Registration, and Applicant's mark should be allowed to proceed to publication.

#### **A. The Distinctions Between the Services and Goods in Connection with which the Marks are used and the Care Exercised by Consumers are Sufficient to Avoid a Likelihood of Confusion.**

The services used in connection with Applicant's mark differ from the goods of the Cited Registration, weighing against a likelihood of confusion. Indeed, where a similar mark is used in connection with different goods or services, confusion is unlikely and marks may co-exist. *See* TMEP § 1207.01(a)(i); *Shen Mfg. Co., Inc. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1245 (Fed. Cir. 2004) (finding no confusion where identical marks were used on cooking classes and kitchen towels). Moreover, it is well-settled that if the goods and services at issue are "not ... marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely." TMEP §1207.01(a)(i).

In this case, the goods of the Cited Registration are toys and games. Specifically, these children's toys, such as puzzle blocks and toy kitchens, are marketed under a Redbox House Mark (as indicated in the registration) and other marks such as "My Precious Baby" and "Tool Tech" to consumers who wish to purchase children's toys. *See* Exhibit A. In contrast, Applicant offers the rental and sale of movies, DVDs, video games, and other pre-recorded electronic media through vending machines or online services. Moreover, Applicant has specifically amended this application to recite "video games" instead of just "games." Further, Applicant's rental and sale kiosks are located in convenient situations, such as in McDonald's restaurants and 7-Eleven stores, where consumers over 18 years old can complete these automated transactions. Thus, marketing of the respective goods and services indicates they would not be encountered by consumers who would assume the children's toys of the owner of the Cited Registration and the automated sales and rental services of Applicant would emanate from the same source. This factor, therefore, militates against a likelihood of confusion.

Moreover, in purchasing goods such as children's toys and games, consumers seek specific goods and exercise a great deal of care to ensure that they are buying a particular product. *See, e.g., E.S. Originals Inc. v. Stride Rite Corp.*, 2 U.S.P.Q.2d 1934, 1941 n.14 (S.D.N.Y. 1987) (noting that "[a] child carefully programmed by an effective advertising campaign is most likely to insist on the advertised product and is not likely to accept a substitute"). Therefore, when consumers are encountering the mark of the Cited Registration in the marketplace, they are seeking not just any toy or game; they are seeking out a particular toy or game, typically for their own child. As a result, consumers will not be confused by the services for which Applicant seeks registration and the goods of the Cited Registration. Therefore, Applicant's mark should be allowed to proceed to publication on this basis alone.

## **B. Applicant's Mark has a Distinct Commercial Impression from the Cited Registration.**

In addition, Applicant's mark is significantly different from the Cited Registration in sight, sound and meaning. However, the analysis of this factor in the Office Action states only that "Applicant has merely added language to a registered trademark." Applicant respectfully disagrees with this assertion, because a mark must be reviewed as whole to determine whether it is likely to confuse, and a confusing similarity determination should not be based on a single component. *In re Hearst Corp.*, 982 F.2d 493, 494 (Fed. Cir. 1992) (holding that "all components [of a mark] must be given appropriate weight"). Even where marks have common elements, design elements can distinguish two marks and create different commercial impressions. *See In re TSI Brands Inc.*, 67 USPQ2d 1657 (TTAB 2002) (holding that "significant distinguishing design elements" must be considered even where marks have common elements to determine a likelihood of confusion).

Considering the marks at issue under these principles, the Cited Registration should not act as a bar to the registration of Applicant's mark. The Cited Registration is for "REDBOX" and features a stylized, puffy type with a capital letter "R" that has a smiley-face on it. In addition, the design is reversed white type on a shaded oval background. In contrast, Applicant's mark is for the mark, "REDBOX" and arc design. This immediate difference of the presence of design elements in the Cited Registration, on one hand, and the textual form of Applicant's mark with the differing design elements, on the other, serves to bolster each mark's respective distinct commercial impression. Moreover, Applicant's mark evokes in the consumer's mind Applicant's other registered marks for "REDBOX." *See* Registration Nos. 2,988,869, 3,082,012, 3,229,436, and 2,919,854.

Indeed, these other REDBOX marks owned by Applicant bolster the distinct commercial impression of the instant application. The mark at issue – "REDBOX & Design" – serves to expand Applicant's already well-established REDBOX brand. Thus, the assertion in the Office Action that "Applicant has merely added language to a registered trademark" could apply to Applicant's own other REDBOX registered marks in that the present mark is an extension of Applicant's already established brand. Thus, these differences sufficiently distinguish the two marks to avoid any likelihood of confusion.

In light of the foregoing, Applicant respectfully requests that the Trademark Office withdraw its objection under Section 2(d) of the Trademark Act because there is no likelihood of confusion between Applicant's Mark and the Cited Registration. Accordingly, Applicant requests that its Mark be allowed to proceed to publication for registration on the Principal Register.

## **II. Claim of Ownership**

Applicant submits the following claim of ownership:

Applicant is the owner of U.S. Registration Nos. 3082012, 3229436, 2919854 and others.

## **III. Amendment of Identification of Services**

Applicant submits the following amendment of the identification of its services:

International Class 035: Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental; automated retail services, namely retail facilities featuring automated DVD, movies and game rental;

International Class 38: Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks; and

International Class 41: Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks.

## **IV. Conclusion**

Applicant believes that its mark is ready for publication and therefore respectfully requests that its Application be allowed to proceed to publication on the Principal Register.

## **EVIDENCE**

**Original PDF file:**

[evi\\_3811514866-180656740 . redboxanddesign.pdf](#)

**Converted PDF file(s)** (5 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

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

**Current:** Class 038 for Distribution of entertainment content; computerized online retail services featuring pre-recorded videos, video-on-demand transmission services, video broadcasting, transmission of voice, data, images, signals, messages and information, rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks

Original Filing Basis:

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

**Proposed:**

**Tracked Text Description:** ~~Distribution of entertainment content; computerized online retail services featuring pre-recorded videos, video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks; computerized online retail services featuring pre-recorded videos, video-on-demand transmission services, video broadcasting, transmission of voice, data, images, signals, messages and information, rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks~~ [Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks;](#)

Class 038 for Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks

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

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

**Current:** Class 041 for Automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games

Original Filing Basis:

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

**Proposed:**

**Tracked Text Description:** ~~Automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games~~ [Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks;](#)

Class 041 for Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks

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

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

**New:** Class 035 for Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental; automated retail services, namely retail facilities featuring automated DVD, movies and game rental

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

Section 1051(b)).

## **ADDITIONAL STATEMENTS**

### **Claim of Prior Registration(s)**

The applicant claims ownership of U.S. Registration Number(s) 3082012, 3229436, and 2919854.

### **FEE(S)**

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

### **SIGNATURE(S)**

#### **Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the 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; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /James P. Muraff/ Date: 11/03/2011

Signatory's Name: James P. Muraff

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

#### **Response Signature**

Signature: /James P. Muraff/ Date: 11/03/2011

Signatory's Name: James P. Muraff

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

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

RAM Sale Number: 6815

RAM Accounting Date: 11/04/2011

Serial Number: 85229213

Internet Transmission Date: Thu Nov 03 20:59:34 EDT 2011

TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XX-2011110320593475

3198-85229213-4805ddc5fd7f3fe4da47b59d04

15e4d92-DA-6815-20111103180656740209

## **REMARKS**

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The services used in connection with Applicant's mark differ from the goods of the Cited Registration, weighing against a likelihood of confusion. Indeed, where a similar mark is used in connection with different goods or services, confusion is unlikely and marks may co-exist. *See*

TMEP § 1207.01(a)(i); *Shen Mfg. Co., Inc. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1245 (Fed. Cir. 2004) (finding no confusion where identical marks were used on cooking classes and kitchen towels). Moreover, it is well-settled that if the goods and services at issue are “not ... marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely.” TMEP §1207.01(a)(i).

In this case, the goods of the Cited Registration are toys and games. Specifically, these children’s toys, such as puzzle blocks and toy kitchens, are marketed under a Redbox House Mark (as indicated in the registration) and other marks such as “My Precious Baby” and “Tool Tech” to consumers who wish to purchase children’s toys. *See* Exhibit A. In contrast, Applicant offers the rental and sale of movies, DVDs, video games, and other pre-recorded electronic media through vending machines or online services. Moreover, Applicant has specifically amended this application to recite “video games” instead of just “games.” Further, Applicant’s rental and sale kiosks are located in convenient situations, such as in McDonald’s restaurants and 7-Eleven stores, where consumers over 18 years old can complete these automated transactions. Thus, marketing of the respective goods and services indicates they would not be encountered by consumers who would assume the children’s toys of the owner of the Cited Registration and the automated sales and rental services of Applicant would emanate from the same source. This factor, therefore, militates against a likelihood of confusion.

Moreover, in purchasing goods such as children’s toys and games, consumers seek specific goods and exercise a great deal of care to ensure that they are buying a particular product. *See, e.g., E.S. Originals Inc. v. Stride Rite Corp.*, 2 U.S.P.Q.2d 1934, 1941 n.14 (S.D.N.Y. 1987) (noting that “[a] child carefully programmed by an effective advertising



campaign is most likely to insist on the advertised product and is not likely to accept a substitute”). Therefore, when consumers are encountering the mark of the Cited Registration in the marketplace, they are seeking not just any toy or game; they are seeking out a particular toy or game, typically for their own child. As a result, consumers will not be confused by the services for which Applicant seeks registration and the goods of the Cited Registration. Therefore, Applicant’s mark should be allowed to proceed to publication on this basis alone.

**B. Applicant’s Mark has a Distinct Commercial Impression from the Cited Registration.**

In addition, Applicant’s mark is significantly different from the Cited Registration in sight, sound and meaning. However, the analysis of this factor in the Office Action states only that “Applicant has merely added language to a registered trademark.” Applicant respectfully disagrees with this assertion, because a mark must be reviewed as whole to determine whether it is likely to confuse, and a confusing similarity determination should not be based on a single component. *In re Hearst Corp.*, 982 F.2d 493, 494 (Fed. Cir. 1992) (holding that “all components [of a mark] must be given appropriate weight”). Even where marks have common elements, design elements can distinguish two marks and create different commercial impressions. *See In re TSI Brands Inc.*, 67 USPQ2d 1657 (TTAB 2002) (holding that “significant distinguishing design elements” must be considered even where marks have common elements to determine a likelihood of confusion).

Considering the marks at issue under these principles, the Cited Registration should not act as a bar to the registration of Applicant’s mark. The Cited Registration is for “REDBOX” and features a stylized, puffy type with a capital letter “R” that has a smiley-face on it. In addition, the design is reversed white type on a shaded oval background. In contrast, Applicant’s

mark is for the mark, “REDBOX” and arc design. This immediate difference of the presence of design elements in the Cited Registration, on one hand, and the textual form of Applicant’s mark with the differing design elements, on the other, serves to bolster each mark’s respective distinct commercial impression. Moreover, Applicant’s mark evokes in the consumer’s mind Applicant’s other registered marks for “REDBOX.” *See* Registration Nos. 2,988,869, 3,082,012, 3,229,436, and 2,919,854.

Indeed, these other REDBOX marks owned by Applicant bolster the distinct commercial impression of the instant application. The mark at issue – “REDBOX & Design” – serves to expand Applicant’s already well-established REDBOX brand. Thus, the assertion in the Office Action that “Applicant has merely added language to a registered trademark” could apply to Applicant’s own other REDBOX registered marks in that the present mark is an extension of Applicant’s already established brand. Thus, these differences sufficiently distinguish the two marks to avoid any likelihood of confusion.

In light of the foregoing, Applicant respectfully requests that the Trademark Office withdraw its objection under Section 2(d) of the Trademark Act because there is no likelihood of confusion between Applicant’s Mark and the Cited Registration. Accordingly, Applicant requests that its Mark be allowed to proceed to publication for registration on the Principal Register.

## **II. Claim of Ownership**

Applicant submits the following claim of ownership:

Applicant is the owner of U.S. Registration Nos. 3082012, 3229436, 2919854 and others.

### **III. Amendment of Identification of Services**

Applicant submits the following amendment of the identification of its services:

International Class 035: Distributorship services in the field of video games, DVD's featuring movies, online retail store services featuring pre-recorded videos featuring entertainment in the nature of movies, motion picture films, television programs, Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and video games, for purchase and rental; automated retail services, namely retail facilities featuring automated DVD, movies and game rental;

International Class 38: Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks; and

International Class 41: Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks.

### **IV. Conclusion**

Applicant believes that its mark is ready for publication and therefore respectfully requests that its Application be allowed to proceed to publication on the Principal Register.

RAM SALE NUMBER: 6815  
RAM ACCOUNTING DATE: 20111104

INTERNET TRANSMISSION DATE:  
2011/11/03

SERIAL NUMBER:  
85/229213

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2011/11/03	325	1	325

**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85229213 - REDBOX - 19638.02T6  
**Sent:** 5/3/2011 3:13:47 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

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

**APPLICATION SERIAL NO.** 85229213

**MARK:** REDBOX

**\*85229213\***

**CORRESPONDENT ADDRESS:**

JAMES P. MURAFF  
NEAL, GERBER & EISENBERG LLP  
2 N LASALLE ST STE 1700  
CHICAGO, IL 60602-4000

**CLICK HERE TO RESPOND TO THIS LETTER:**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** Redbox Automated Retail, LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO :**  
19638.02T6

**CORRESPONDENT E-MAIL ADDRESS:**  
[trademarks@ngelaw.com](mailto:trademarks@ngelaw.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

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

**ISSUE/MAILING DATE: 5/3/2011**

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

**SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION**

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 1554867. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

In the case at hand, applicant seeks registration of “REDBOX” in with a design for various services related to games. The cited mark in Registration No. 1554867 is “REDBOX” with a design element for a housemark for a full line of toys and games.

### **Comparison of the Marks**

Regarding the first part of the test, applicant’s mark, “REDBOX” is virtually identical in appearance, sound, connotation and commercial impression to registrant’s mark, “REDBOX,” the only difference being the design element in the marks. Regarding the issue of likelihood of confusion, applicant should consider the following:

The question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods and/or services they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The question is whether the marks create the same overall impression. *See Recot, Inc. v. M.C. Becton*, 214 F.2d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemtron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537, 540-41 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser’s memory and to be used in calling for the goods and/or services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin’s Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553, 1554 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729, 735 (TTAB 1976); TMEP §1207.01(c)(ii).

The word portions of the marks are identical in appearance, sound and meaning. The addition of the design element does not obviate the similarity of the marks in this case. *See In re Shell Oil Co.*, 992 F.2d 1204, 1206, 26 USPQ2d 1687, 1688 (Fed. Cir. 1993); TMEP §1207.01(c)(ii).

Considering the above, the marks are sufficiently similar to cause a likelihood of confusion under Section 2(d) of the Trademark Act.

### **Comparison of the Goods and Services**

Consumers are likely to be confused by the use of similar marks on or in connection with goods and with services featuring or related to those goods. TMEP §1207.01(a)(ii); *see In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988) (holding BIGG’S for retail grocery and general merchandise store services likely to be confused with BIGGS for furniture); *In re United Serv. Distribs., Inc.*, 229 USPQ 237 (TTAB 1986) (holding design for distributorship services in the field of health and beauty aids likely to be confused with design for skin cream); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (holding 21 CLUB for various items of men’s, boys’, girls’ and women’s clothing likely to be confused with THE “21” CLUB (stylized) for restaurant services and towels); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (holding CAREER IMAGE (stylized) for retail women’s clothing store services and clothing likely to be confused with CREST CAREER IMAGES (stylized) for uniforms); *Steelcase Inc. v. Steelcare Inc.*, 219 USPQ 433 (TTAB 1983) (holding STEELCARE INC. for refinishing of furniture, office furniture, and machinery likely to be confused with STEELCASE for office furniture and accessories); *Mack Trucks, Inc. v. Huskie Freightways, Inc.*, 177 USPQ 32 (TTAB 1972) (holding similar marks for trucking services and on motor trucks and buses likely to cause confusion).

If the goods and/or services of the respective parties are “similar in kind and/or closely related,” the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as would be required with diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *see Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

Here, the applicant’s services feature the registrant’s goods, this being games. Therefore, with the contemporaneous use of highly similar marks, consumers are likely to reach the mistaken conclusion that the goods are related and originate from a common source. As such, registration must be refused under Trademark Action Section 2(d).

In a likelihood of confusion analysis, the comparison of the parties’ goods and/or services is based on the goods and/or services as they are identified in the application and registration, without limitations or restrictions that are not reflected therein. *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *In re Dakin’s Miniatures, Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999); *see* TMEP §1207.01(a)(iii).

In this case, the identification set forth in the cited registration uses broad wording to describe registrant’s goods (games) and does not contain any limitations as to nature, type, channels of trade or classes of purchasers. Therefore, it is presumed that the registration encompasses all goods

and/or services of the type described (games), including those in applicant's more specific identification, that the goods and/or services move in all normal channels of trade, and that they are available to all potential customers. *See In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1638-39 (TTAB 2009); *In re Jump Designs LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981); TMEP §1207.01(a)(iii).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

If applicant chooses to respond to the refusal to register, then applicant must also respond to the following requirement.

#### ***Identification of Services***

The wording in the identification of services needs clarification because (1) it is too broad and could include services classified in other international classes, and (2) is indefinite. *See* TMEP §§1402.01, 1402.03.

Applicant must use the common commercial or generic names for the services, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant uses indefinite words and phrases, such wording must be followed by "namely," and a list of the specific services identified by their common commercial or generic names. *See* TMEP §§1402.01, 1402.03(a).

The examining attorney indicated below where clarification is required and provided suggestions that would be acceptable if adopted by applicant.

Applicant may consider the following (suggestions in bold italics):

#### ***Class 035 (if adopted by applicant)***

***"Distributorship services in the field of video games, DVD's featuring movies, etc.}; online retail store services featuring pre-recorded videos featuring entertainment; Automated retail services, namely providing retail facilities featuring automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; automated retail services, namely retail facilities featuring automated DVD, movies and game rental."***

#### ***Class 038***

***"Video-on-demand transmission services, video broadcasting, transmission of voice, data, images, data signals, messages and information by electronic communications networks,"***

- distribution of entertainment content is indefinite and includes services in other international classes. For example, distribution of data or audio visual images via a global computer network or the Internet is classified in Class 038 and film distribution is in Class 041. Applicant must clarify the nature of the services and what it referring to with the wording "entertainment content." In addition, if applicant is referring to distributorship services, applicant must indicate this services and the field (ex: video games, motion picture films, etc.)

#### ***Class 041***

***"Rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks"***

An applicant may amend an identification of goods and services only to clarify or limit the goods and services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

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

#### ***Requirements for a Combined Application***

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

- (1) Applicant must list the goods and/or services by international class; and

- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>).

See 37 C.F.R. §§2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

#### ***Fees for Adding Classes***

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

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

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

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

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

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

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

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



**Print: May 3, 2011**

**73690802**

**DESIGN MARK**

**Serial Number**

73690802

**Status**

REGISTERED AND RENEWED

**Word Mark**

REDBOX

**Standard Character Mark**

No

**Registration Number**

1554867

**Date Registered**

1989/09/05

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

RED BOX TOY FACTORY LIMITED HONG KONG MANDARIN PLAZA, 902 TOWER B  
TSMHATSUI EAST, KOWLOON HONG KONG

**Goods/Services**

Class Status -- ACTIVE. IC 028. US 022. G & S: HOUSEMARK FOR A  
FULL LINE OF TOYS AND GAMES. First Use: 1985/09/04. First Use In  
Commerce: 1985/10/00.

**Prior Registration(s)**

0919290

**Filing Date**

1987/10/20

**Examining Attorney**

UNKNOWN

**Attorney of Record**

ROBERT R. PRIDDY



**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85229213 - REDBOX - 19638.02T6  
**Sent:** 5/3/2011 3:13:49 PM  
**Sent As:** ECOM108@USPTO.GOV  
**Attachments:**

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

**USPTO OFFICE ACTION HAS ISSUED ON 5/3/2011 FOR  
SERIAL NO. 85229213**

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

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

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

**RESPONSE IS REQUIRED:** You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from 5/3/2011 (or sooner if specified in the office action).

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

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

**WARNING**

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

\*\*\* User:cglasser \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	58585	N/A	0	0	0:06	*r{V}d*[bi,ti]not dead [ld]
02	23045	N/A	0	0	0:05	*b{V}{ "ckqx" }*[bi,ti]not dead [ld]
03	635	0	635	532	0:01	1 and 2
04	5439	N/A	0	0	0:04	"red"[bi,ti]not dead [ld]
05	1846	N/A	0	0	0:03	4 and "038"[cc]
06	99	0	99	82	0:02	4 and ("038" A B 200) [ic]
07	579	0	579	496	0:02	4 and ("041" A B 200) [ic]
08	3572	N/A	0	0	0:04	"box" [bi,ti]not dead [ld]
09	2026110	N/A	0	0	0:03	8 anbd "038" [cc]
10	1440	N/A	0	0	0:03	8 and "038" [cc]
11	128	0	128	114	0:02	8 and ("038" A B 200) [ic]
12	42	0	42	34	0:01	"red"[bi,ti] and "box"[bi,ti]not dead [ld]
13	34212	N/A	0	0	0:03	261709[dc]not dead [ld]
14	18546	N/A	0	0	0:03	13 and "038"[cc]
15	1367	0	7	1367	0:02	13 and ("038" A B 200) [ic]
16	4333	0	14	4333	0:03	13 and ("041" A B 200) [ic]

Session started 4/26/2011 5:21:05 PM

Session finished 4/26/2011 5:52:43 PM

Total search duration 0 minutes 47 seconds

Session duration 31 minutes 38 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 85229213

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#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	58585	N/A	0	0	0:06	*r{V}d*[bi,ti]not dead [ld]
02	23045	N/A	0	0	0:05	*b{V}{ "ckqx" }*[bi,ti]not dead [ld]
03	635	0	635	532	0:01	1 and 2
04	5439	N/A	0	0	0:04	"red"[bi,ti]not dead [ld]
05	1846	N/A	0	0	0:03	4 and "038"[cc]
06	99	0	99	82	0:02	4 and ("038" A B 200) [ic]
07	579	0	579	496	0:02	4 and ("041" A B 200) [ic]
08	3572	N/A	0	0	0:04	"box" [bi,ti]not dead [ld]
09	2026110	N/A	0	0	0:03	8 anbd "038" [cc]
10	1440	N/A	0	0	0:03	8 and "038" [cc]
11	128	0	128	114	0:02	8 and ("038" A B 200) [ic]
12	42	0	42	34	0:01	"red"[bi,ti] and "box"[bi,ti]not dead [ld]

Session started 4/26/2011 5:21:05 PM

Session finished 4/26/2011 5:39:15 PM

Total search duration 0 minutes 36 seconds

Session duration 18 minutes 10 seconds

Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85229213

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**From:** TMDesignCodeComments  
**Sent:** Thursday, February 3, 2011 00:15 AM  
**To:** XXXX  
**Subject:** Notice of Design Search Code and Pseudo Mark for Serial Number: 85229213

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**ATTORNEY REFERENCE NUMBER:** 19638.02T6

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

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

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the design search code(s) or pseudo mark assigned to your mark, please e-mail [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV). You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

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

**Design search codes and pseudo marks assigned to the referenced serial number are listed below.**  
**DESIGN SEARCH CODES:**

26.17.09 - Bands, curved  
26.17.09 - Bars, curved  
26.17.09 - Curved line(s), band(s) or bar(s)  
26.17.09 - Lines, curved

**PSEUDO MARK:**

RED BOX

## Trademark/Service Mark Application, Principal Register

Serial Number: 85229213

Filing Date: 01/28/2011

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85229213
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS\EXPORT11\IMAGEOUT11\852\292\85229213\xml1\ APP0002.JPG">\\TICRS\EXPORT11\IMAGEOUT11\852\292\85229213\xml1\ APP0002.JPG</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word "redbox" with an arc over the word.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	275 x 140
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Redbox Automated Retail, LLC
*STREET	One Tower Lane, Suite 1200
*CITY	Oakbrook Terrace
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	60181
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	038
*IDENTIFICATION	Distribution of entertainment content; computerized online retail services featuring pre-recorded videos, video-on-demand transmission services, video broadcasting, transmission of voice, data, images, signals, messages and information, rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks
<b>FILING BASIS</b>	SECTION 1(b)

INTERNATIONAL CLASS	041
*IDENTIFICATION	Automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	James P. Muraff
ATTORNEY DOCKET NUMBER	19638.02T6
FIRM NAME	Neal, Gerber & Eisenberg LLP
INTERNAL ADDRESS	c/o Trademark Administrator
STREET	Two North LaSalle Street, Suite 1700
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60602
PHONE	312-269-8000
FAX	312-269-1747
EMAIL ADDRESS	trademarks@ngelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	all other attorneys of the firm
CORRESPONDENCE INFORMATION	
NAME	James P. Muraff
FIRM NAME	Neal, Gerber & Eisenberg LLP
INTERNAL ADDRESS	c/o Trademark Administrator
STREET	Two North LaSalle Street, Suite 1700
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60602
PHONE	312-269-8000
FAX	312-269-1747
EMAIL ADDRESS	trademarks@ngelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650



<b>*TOTAL FEE PAID</b>	650
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Frederick W. Stein/
<b>SIGNATORY'S NAME</b>	Frederick W. Stein
<b>SIGNATORY'S POSITION</b>	Vice President and General Counsel
<b>DATE SIGNED</b>	01/28/2011

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 85229213**

**Filing Date: 01/28/2011**

### To the Commissioner for Trademarks:

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

The applicant is not claiming color as a feature of the mark. The mark consists of the word "redbox" with an arc over the word.

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

One Tower Lane, Suite 1200

Oakbrook Terrace, Illinois 60181

United States

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

International Class 038: Distribution of entertainment content; computerized online retail services featuring pre-recorded videos, video-on-demand transmission services, video broadcasting, transmission of voice, data, images, signals, messages and information, rental of video recordings by means of communications networks, and providing information in the field of entertainment by means of communications networks

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

International Class 041: Automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games

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

The applicant's current Attorney Information:

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

c/o Trademark Administrator

Two North LaSalle Street, Suite 1700

Chicago, Illinois 60602

United States

The attorney docket/reference number is 19638.02T6.

The applicant's current Correspondence Information:

James P. Muraff

Neal, Gerber & Eisenberg LLP

c/o Trademark Administrator

Two North LaSalle Street, Suite 1700

Chicago, Illinois 60602

312-269-8000(phone)

312-269-1747(fax)

trademarks@ngelaw.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting

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

Signature: /Frederick W. Stein/ Date Signed: 01/28/2011

Signatory's Name: Frederick W. Stein

Signatory's Position: Vice President and General Counsel

RAM Sale Number: 5691

RAM Accounting Date: 01/31/2011

Serial Number: 85229213

Internet Transmission Date: Fri Jan 28 18:16:07 EST 2011

TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XX-2011012818160703

7490-85229213-4805033a57a3d5ec54d6ba58b2

dc636895-DA-5691-20110128180000376439

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.

The Redbox logo consists of a thin, dark, upward-curving arc positioned above the word "redbox". The word "redbox" is written in a bold, lowercase, sans-serif typeface.