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Mark: REDBUX

REDBUX

US Serial Number: 85379234

Application Filing Date: Jul. 23, 2011

Register: Principal

Mark Type: Service Mark

TM5 Common Status
Descriptor:



DEAD/APPLICATION/Withdrawn/Abandoned

The owner of the trademark application withdrew (e.g. abandoned) the application and the application is no longer active.

Status: Abandoned because the applicant filed an express abandonment. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 10, 2012

Date Abandoned: Oct. 09, 2012

Mark Information

Mark Literal Elements: REDBUX

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

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

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

For: Vending machine services; automated retail vending machine kiosks featuring movies and video games; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

For: Video-on-demand transmission services; video broadcasting; transmission of voice, data, images, signals, messages and information

International Class(es): 038 - Primary Class

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

Class Status: ACTIVE

For: Rental of video recordings by means of communications networks; providing information in the field of entertainment by means of communications networks; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content; distribution of entertainment content, media, DVDs, movies, video games, digital content, and prerecorded media

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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
Oakbrook Terrace, ILLINOIS UNITED STATES 60181

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James P. Muraff

Docket Number: 19638.18T1

Attorney Primary trademarks@ngelaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JAMES P. MURAFF
Name/Address: NEAL, GERBER & EISENBERG LLP
2 N LASALLE ST STE 1700
CHICAGO, ILLINOIS UNITED STATES 60602-4000

Phone: 312-269-8000

Fax: 312-269-1747

Correspondent e-mail: trademarks@ngelaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 10, 2012	ABANDONMENT NOTICE MAILED - EXPRESS ABANDONMENT	
Oct. 10, 2012	ABANDONMENT - EXPRESS MAILED	
Oct. 09, 2012	TEAS EXPRESS ABANDONMENT RECEIVED	
Apr. 10, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 10, 2012	FINAL REFUSAL E-MAILED	
Apr. 10, 2012	FINAL REFUSAL WRITTEN	
Mar. 14, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	
Mar. 13, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 13, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 13, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Sep. 13, 2011	NON-FINAL ACTION E-MAILED	
Sep. 13, 2011	NON-FINAL ACTION WRITTEN	
Sep. 06, 2011	ASSIGNED TO EXAMINER	
Jul. 28, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 27, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jul. 27, 2011	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: CARLSEN, EMILY K

Law Office LAW OFFICE 103
Assigned:

File Location

Current Location: TMEG LAW OFFICE 103 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Apr. 10, 2012

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Oct 10, 2012

The trademark application identified below was abandoned because Applicant's letter of express abandonment was received on Oct 9, 2012 .

SERIAL NUMBER: 85379234
MARK: REDBUX
OWNER: Redbox Automated Retail, LLC

Side - 2

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

FIRST-CLASS MAIL
U.S POSTAGE
PAID

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

Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85379234
LAW OFFICE ASSIGNED	LAW OFFICE 103
PUBLISH FOR OPPOSITION DATE	00/00/0000
MARK SECTION	
MARK	REDBUX
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James P. Muraff/
SIGNATORY NAME	James P. Muraff
SIGNATORY DATE	10/09/2012
SIGNATORY POSITION	Attorney for Applicant, Illinois Bar Member
SIGNATORY PHONE NUMBER	312.269.8000
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Oct 09 18:49:33 EDT 2012
TEAS STAMP	USPTO/REA-XX.XX.XXX.XXX-2 0121009184933740236-85379 234-4907fd83f6c43ff93b9ad 3da91378fe2494-N/A-N/A-20 121009184748768547

Request for Express Abandonment

To the Commissioner for Trademarks:

MARK: REDBUX

SERIAL NUMBER: 85379234

By submission of this request, the applicant hereby expressly abandons the application for trademark registration made under the serial number identified above. Except as provided in 37 C.F.R Section 2.135. (concerning the commencement of an opposition, concurrent use, or interference proceeding), the fact that an application has been expressly abandoned shall not, in any proceeding in the United State Patent and Trademark Office, affect any right that the applicant may have in the mark which is the subject of the abandoned application.

Signature: /James P. Muraff/ Date: 10/09/2012

Signatory's Name: James P. Muraff

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

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

Serial Number: 85379234

Internet Transmission Date: Tue Oct 09 18:49:33 EDT 2012

TEAS Stamp: USPTO/REA-XX.XX.XXX.XXX-2012100918493374

0236-85379234-4907fd83f6c43ff93b9ad3da91

378fe2494-N/A-N/A-20121009184748768547

To: Redbox Automated Retail, LLC (trademarks@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85379234 - REDBUX - 19638.18T1
Sent: 4/10/2012 3:38:51 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

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

APPLICATION SERIAL NO. 85379234

MARK: REDBUX

85379234

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

APPLICANT: Redbox Automated Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

19638.18T1

CORRESPONDENT E-MAIL ADDRESS:

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: 4/10/2012

THIS IS A FINAL ACTION.

This Office action is in response to applicant's communication filed on March 13, 2012.

STATUS

On September 13, 2011, the undersigned issued an Office action in which she required applicant to amend its identification. Because the proposed identification submitted with the response remains indefinite, the requirement is hereby made final and the following action must issue. All previous arguments and evidence are incorporated by reference herein.

IDENTIFICATION OF GOODS AND SERVICES -- Final

CLASS 35: The wording "automated retail vending machine kiosks featuring movies and video games" in the identification of services needs clarification because it is too broad and could include services classified in other international classes. It is unclear whether applicant is referring to goods or services. If the applicant provides vending machine services, the following may be adopted: Vending machine services rendered through automated kiosks featuring movies and video games. See TMEP §§1402.01, 1402.03.

CLASS 41: The wording "distribution of entertainment content, media, DVDs, movies, video games, digital content, and prerecorded media" in the identification of services must be clarified because it is too broad and could include services in other international classes. See TMEP §§1402.01, 1402.03.

Please note: The service of "distribution" involves the activity of distributing a film to movie theatres and television stations for display to the public with the film itself being returned to the producer of the entertainment product after such display. This is not the case when distribution relates to videotapes, audio tapes or other hard goods that result from the production of visual or audio entertainment. When these goods are distributed, it is the same as the distribution of any other kind of hard goods by any other manufacturer. For this reason, distribution of videotapes, audio tapes, video disks, etc. should not be accepted as a service even when the distribution is linked to the production of these goods. The production of the entertainment product is perfectly acceptable in Class 41; however, the distribution of the hard goods that result from that production is not a service in Class 41. Distributorship services featuring hard goods is a class 35 service.

Applicant may substitute the following wording, if accurate:

CLASS 35: Vending machine services; automated retail vending machine kiosks featuring movies and video games; vending machine services rendered through automated kiosks featuring movies and video games; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos; distributorship services in the field of entertainment content in the nature of DVDs, movies, video games, and digital content and pre-recorded media featuring entertainment content

CLASS 41: Rental of video recordings by means of communications networks; providing information in the field of entertainment by means of communications networks; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content

SCOPE ADVISORY

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.

MULTI-CLASS APPLICATION ADVISORY

For an application with more than one international class, called a "multiple-class application," an applicant must meet all the requirements below for those international classes based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) LIST GOODS AND/OR SERVICES BY INTERNATIONAL CLASS: Applicant must list the goods and/or services by international class.
- (2) PROVIDE FEES FOR ALL INTERNATIONAL CLASSES: Applicant must submit an application filing fee for each international class of goods and/or services not covered by the fee(s) already paid (confirm current fee information at http://www.uspto.gov/trademarks/tm_fee_info.jsp).

See 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

The class 38 identification is acceptable as written.

RESPONSE TO FINAL OFFICE ACTION

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

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

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

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

INFORMAL RESPONSE OPTION

Counsel is encouraged to telephone the examining attorney to resolve the raised requirement(s). Alternatively, counsel may contact the examining attorney by e-mail at emily.carlsen@uspto.gov.

/Emily K. Carlsen/
Trademark Examining Attorney
Law Office 103
Phone: 571.272.2235
Fax: 571.273.2235
emily.carlsen@uspto.gov

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

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

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

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

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

To: Redbox Automated Retail, LLC (trademarks@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85379234 - REDBUX - 19638.18T1
Sent: 4/10/2012 3:38:52 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

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

**USPTO OFFICE ACTION HAS ISSUED ON 4/10/2012 FOR
SERIAL NO. 85379234**

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 4/10/2012 (or sooner if specified in the office action).

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

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

WARNING

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

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

OVERVIEW

SERIAL NUMBER	85379234	FILING DATE	07/23/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CARLSEN, EMILY K	L.O. ASSIGNED	103

PUB INFORMATION

RUN DATE	03/15/2012		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/14/2012		
LITERAL MARK ELEMENT	REDBUX		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

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

MARK DATA

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

CURRENT OWNER INFORMATION

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

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

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Vending machine services; automated retail vending machine kiosks featuring movies and video games; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Video-on-demand transmission services; video broadcasting; transmission of voice, data, images, signals, messages and information
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Rental of video recordings by means of communications networks; providing information in the field of entertainment by means of communications networks; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content; distribution of entertainment content, media, DVDs, movies, video games, digital content, and prerecorded media

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
PSEUDO MARK	RED BOX

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/14/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
03/13/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
03/13/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
09/13/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/13/2011	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/13/2011	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/06/2011	DOCK	D	ASSIGNED TO EXAMINER	004

07/28/2011	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
07/27/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/27/2011	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

REDBUX

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85379234
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85379234
LITERAL ELEMENT	REDBUX
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Vending machine services, namely, providing purchase services through automated vending machines; retail services provided through automated vending machines kiosks featuring movies and video games; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely, online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (035)(proposed)	
INTERNATIONAL CLASS	035
TRACKED TEXT DESCRIPTION	
Vending machine services, namely, providing purchase services through automated vending machines; retail services provided through automated vending machines kiosks featuring movies and video games; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely, online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos <u>Vending machine services; retail services provided through automated vending machines kiosks featuring movies and video games; automated retail vending machine kiosks featuring movies and video games; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely, online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos</u>	
FINAL DESCRIPTION	
Vending machine services; automated retail vending machine kiosks featuring movies and video games; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos	
FILING BASIS	Section 1(b)
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	038
TRACKED TEXT DESCRIPTION	
Distribution of entertainment content; <u>Video-on-demand transmission services; 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 broadcasting; transmission of voice, data, images, signals, messages and information</u>	
FINAL DESCRIPTION	
Video-on-demand transmission services; video broadcasting; transmission of voice, data, images, signals, messages and information	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; entertainment rental services provided through automated vending machines, namely, rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; automated rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; 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; Customer loyalty, appreciation, incentive awards, rewards, discount and member programs; providing incentive award programs for customers through issuance and processing of loyalty points, discount coupons, gift cards and cash awards for rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and games	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; <u>Rental of video recordings by means of communications networks; entertainment rental services provided through automated vending machines, namely, rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; providing information in the field of entertainment by means of communications networks; automated rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content; automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; distribution of entertainment content, media, DVDs, movies, video games, digital content, and prerecorded media; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games; Customer loyalty, appreciation, incentive awards, rewards, discount and member programs; providing incentive award programs for customers through issuance and processing of loyalty points, discount coupons, gift cards and cash awards for rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and games</u>	
FINAL DESCRIPTION	
Rental of video recordings by means of communications networks; providing information in the field of entertainment by means of communications networks; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content; distribution of entertainment content, media, DVDs, movies, video games, digital content, and prerecorded media	
FILING BASIS	Section 1(b)

SIGNATURE SECTION	
RESPONSE SIGNATURE	/James P. Muraff/
SIGNATORY'S NAME	James P. Muraff
SIGNATORY'S POSITION	Attorney for Applicant, Illinois Bar Member
SIGNATORY'S PHONE NUMBER	312-269-8000
DATE SIGNED	03/13/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Mar 13 17:01:49 EDT 2012
TEAS STAMP	USPTO/ROA-XX.XX.XXX.XXX-2 0120313170149683945-85379 234-49068cc29c8d875491868 9562135349e60-N/A-N/A-201 20313165509510330

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85379234** REDBUX(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85379234>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 035 for Vending machine services, namely, providing purchase services through automated vending machines; retail services provided through automated vending machines kiosks featuring movies and video games; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely, online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Vending machine services, namely, providing purchase services through automated vending machines; Vending machine services; retail services provided through automated vending machines kiosks featuring movies and video games; automated retail vending machine kiosks featuring movies and video games; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely,~~ [Vending machine services; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely,](#)

~~online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos~~

Class 035 for Vending machine services; automated retail vending machine kiosks featuring movies and video games; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

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: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Distribution of entertainment content; Video-on-demand transmission services; 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 broadcasting; transmission of voice, data, images, signals, messages and information

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

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

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

Current: Class 041 for Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; entertainment rental services provided through automated vending machines, namely, rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; automated rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; 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; Customer loyalty, appreciation, incentive awards, rewards, discount and member programs; providing incentive award programs for customers through issuance and processing of loyalty points, discount coupons, gift cards and cash awards for rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and games

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; Rental of video recordings by means of communications networks; entertainment rental services provided through automated vending machines, namely, rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; providing information in the field of entertainment by means of communications networks; automated rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content; automated retail services, namely providing automated retail vending machines featuring entertainment content, media, DVDs, movies and games, for purchase and rental; distribution of entertainment content, media, DVDs, movies, video games, digital content, and prerecorded media; automated retail services, namely rental and sale of entertainment content, media, DVDs, movies and games; Customer loyalty, appreciation, incentive awards, rewards, discount and member programs; providing incentive award programs for customers through issuance and processing of loyalty points, discount coupons, gift cards and cash awards for rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and games~~

Class 041 for Rental of video recordings by means of communications networks; providing information in the field of entertainment by means of communications networks; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content; distribution of entertainment content, media, DVDs, movies, video games, digital content, and prerecorded media

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

SIGNATURE(S)

Response Signature

Signature: /James P. Muraff/ Date: 03/13/2012

Signatory's Name: James P. Muraff

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

Signatory's Phone Number: 312-269-8000

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

Serial Number: 85379234

Internet Transmission Date: Tue Mar 13 17:01:49 EDT 2012

TEAS Stamp: USPTO/ROA-XX.XX.XXX.XXX-2012031317014968

3945-85379234-49068cc29c8d87549186895621

35349e60-N/A-N/A-20120313165509510330

To: Redbox Automated Retail, LLC (trademarks@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85379234 - REDBUX - 19638.18T1
Sent: 9/13/2011 2:59:25 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

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

APPLICATION SERIAL NO. 85379234

MARK: REDBUX

85379234

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

APPLICANT: Redbox Automated Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

19638.18T1

CORRESPONDENT E-MAIL ADDRESS:

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: 9/13/2011

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

NO CONFLICTING MARKS

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

Applicant must respond to the requirement(s) set forth below.

IDENTIFICATION OF SERVICES

CLASS 35

The wording "providing purchase services through automated vending machines" in the identification of services is indefinite and must be clarified because it does not appear to identify a service performed for the benefit of third parties. If this language is merely redundant, however, applicant may delete it. See TMEP §1402.01.

The wording “retail services provided through automated vending machines kiosks featuring movies and video games” in the identification of services is indefinite and must be clarified because it is unclear if applicant provides retail store services. Applicant may instead use the following language “retail vending machine kiosks.” *See* TMEP §1402.01.

The wording “vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content” in the identification of services is indefinite and must be clarified because it is unclear if applicant provides retail store facilities. *See* TMEP §1402.01. Applicant is advised that rental services are class 41 services.

The wording “automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase” in the identification of services is indefinite and must be clarified because it is unclear applicant provides retail store services. *See* TMEP §1402.01.

If applicant provides retail store or online retail store services, applicant should so state. If the retail service is provided through a kiosk, applicant should so state.

CLASS 38

The wording “distribution of entertainment content” in the identification of services needs clarification because it is too broad and could include services classified in other international classes. If applicant provides entertainment services involving the distribution of films, applicant must so state and classify the services in class 41. *See* TMEP §§1402.01, 1402.03.

Applicant should delineate services through use of a semi-colon so that it is clear that it is referring to separate services.

CLASS 41

The wording “Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; entertainment rental services provided through automated vending machines, namely, rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; automated rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; 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” in the identification of services needs clarification because it is too broad and could include services classified in other international classes. *See* TMEP §§1402.01, 1402.03.

Vending machine services are classified in class 35. If applicant provides rental of entertainment goods, applicant should so state and delete any reference to vending machines in class 41. “Sale” is not considered a service performed for the benefit of third parties. Applicant may make clear that it provides rental or computerized or automated rental services, however, any reference to “sale” should be deleted from class 41.

Applicant may substitute the following wording, if accurate:

CLASS 35: Vending machine services; automated retail vending machines kiosks featuring movies and video games; automated retail vending machine kiosk services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; computerized online retail services featuring pre-recorded videos

CLASS 38: Video-on-demand transmission services; video broadcasting; transmission of voice, data, images, signals, messages and information

CLASS 41: Rental of video recordings by means of communications networks; providing information in the field of entertainment by means of communications networks; rental of DVDs, video discs, video games, movies and prerecorded electronic media featuring entertainment content; Distribution of entertainment content, namely, {specify format, e.g. motion picture films}

See TMEP §§1402.01, 1402.03.

SCOPE ADVISORY

An applicant may amend an identification of services only to clarify or limit the services; adding to or broadening the scope of the 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.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

/Emily K. Carlsen/
Trademark Examining Attorney
Law Office 103
Phone: 571.272.2235
Fax: 571.273.2235
emily.carlsen@uspto.gov

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

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

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

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

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

To: Redbox Automated Retail, LLC (trademarks@ngelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85379234 - REDBUX - 19638.18T1
Sent: 9/13/2011 2:59:29 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

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

**USPTO OFFICE ACTION HAS ISSUED ON 9/13/2011 FOR
SERIAL NO. 85379234**

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 9/13/2011 (or sooner if specified in the office action).

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

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

WARNING

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

*** User:ecarlson ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	21505	N/A	0	0	0:04	*red*[bi,ti] not dead [ld]
02	7881	N/A	0	0	0:03	*b{"ou"}{"ckqx"}*[bi,ti] not dead [ld]
03	90	0	90	75	0:01	1 and 2
04	5639	N/A	0	0	0:04	"red"[bi,ti] not dead [ld]
05	536	N/A	0	0	0:02	4 and (a b 200 "035") [ic]
06	68	0	68	61	0:03	red[fm] not dead [ld]
07	1036	N/A	0	0	0:01	*bu{"ckqx"1:2>{"sz"0:1}[bi,ti] not dead [ld]
08	185	0	185	156	0:02	7 and (a b 200 "035") [ic]
09	117	N/A	0	0	0:03	7 and (a b 200 "041") [ic]
10	102	0	102	81	0:01	9 not 8
11	26	0	26	20	0:04	7 and (a b 200 "038") [ic]
12	133	N/A	0	0	0:02	7 and (a b 200 "009") [ic]
13	107	0	107	90	0:01	12 not (11 10 8)

Session started 9/9/2011 1:05:12 PM

Session finished 9/9/2011 1:15:28 PM

Total search duration 0 minutes 31 seconds

Session duration 10 minutes 16 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85379234

From: TMDesignCodeComments
Sent: Thursday, July 28, 2011 00:17 AM
To: XXXX
Subject: Notice of Pseudo Mark for Serial Number: 85379234
ATTORNEY REFERENCE NUMBER: 19638.18T1

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

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 pseudo mark assigned to your mark, please e-mail 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.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

RED BOX

Trademark/Service Mark Application, Principal Register

Serial Number: 85379234

Filing Date: 07/23/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85379234
MARK INFORMATION	
*MARK	REDBUX
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	REDBUX
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Redbox Automated Retail, LLC
*STREET	One Tower Lane
*CITY	Oakbrook Terrace
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	60181
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	035
*IDENTIFICATION	Vending machine services, namely, providing purchase services through automated vending machines; retail services provided through automated vending machines kiosks featuring movies and video games; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely, online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase
FILING BASIS	SECTION 1(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
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	041
*IDENTIFICATION	Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; entertainment rental services provided through automated vending machines, namely, rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; automated rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; 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; Customer loyalty, appreciation, incentive awards, rewards, discount and member programs; providing incentive award programs for customers through issuance and processing of loyalty points, discount coupons, gift cards and cash awards for rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and games
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	James P. Muraff
ATTORNEY DOCKET NUMBER	19638.18T1
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	3
FEE PER CLASS	325
*TOTAL FEE DUE	975
*TOTAL FEE PAID	975
SIGNATURE INFORMATION	
SIGNATURE	/Frederick W. Stein/
SIGNATORY'S NAME	Frederick W. Stein
SIGNATORY'S POSITION	Vice President and General Counsel
DATE SIGNED	07/21/2011

Trademark/Service Mark Application, Principal Register

Serial Number: 85379234

Filing Date: 07/23/2011

To the Commissioner for Trademarks:

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

The literal element of the mark consists of REDBUX.

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

The applicant, Redbox Automated Retail, LLC, a limited liability company legally organized under the laws of Delaware, having an address of
One Tower Lane
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 035: Vending machine services, namely, providing purchase services through automated vending machines; retail services provided through automated vending machines kiosks featuring movies and video games; vending services, namely, providing retail facilities featuring automated rental and sale of entertainment content; automated retail services, namely providing automated retail vending machines featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase; automated retail services, namely, online retail store services featuring DVDs, movies, prerecorded electronic media featuring entertainment content, and video games for purchase

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 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: Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; entertainment rental services provided through automated vending machines, namely, rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; automated rental of DVDs, movies, prerecorded electronic media featuring entertainment content, and video games; 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; Customer loyalty, appreciation, incentive awards, rewards, discount and member programs; providing incentive award programs for customers through issuance and processing of loyalty points, discount coupons, gift cards and cash awards for rental of DVDs, movies, prerecorded electronic media featuring entertainment content, 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 19638.18T1.

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 \$975 has been submitted with the application, representing payment for 3 class(es).

Declaration

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

Signature: /Frederick W. Stein/ Date Signed: 07/21/2011
Signatory's Name: Frederick W. Stein
Signatory's Position: Vice President and General Counsel

RAM Sale Number: 8561
RAM Accounting Date: 07/25/2011

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