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Mark: REDBUCKS

REDBUCKS

US Serial Number: 85379237

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DEAD/APPLICATION/Withdrawn/Abandoned

The owner of the trademark application withdrew (e.g. abandoned) the application and the application is no longer active.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

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:** 19638.19T1

**Attorney Primary** [trademarks@ngelaw.com](mailto: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](mailto: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:** 85379237  
**MARK:** REDBUCKS  
**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
<b>SERIAL NUMBER</b>	85379237
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 103
<b>PUBLISH FOR OPPOSITION DATE</b>	00/00/0000
<b>MARK SECTION</b>	
<b>MARK</b>	REDBUCKS
<b>REQUEST FOR EXPRESS ABANDONMENT SECTION</b>	
<b>STATEMENT</b>	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/James P. Muraff/
<b>SIGNATORY NAME</b>	James P. Muraff
<b>SIGNATORY DATE</b>	10/09/2012
<b>SIGNATORY POSITION</b>	Attorney for Applicant, Illinois Bar Member
<b>SIGNATORY PHONE NUMBER</b>	312-269-8000
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Oct 09 18:29:56 EDT 2012
<b>TEAS STAMP</b>	USPTO/REA-XX.XX.XXX.XXX-2 0121009182956410606-85379 237-4905d3cdc5f3d43b73215 d431c3fa1b4e-N/A-N/A-2012 1009175545355327

## Request for Express Abandonment

To the Commissioner for Trademarks:

**MARK:** REDBUCKS

**SERIAL NUMBER:** 85379237

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: 85379237

Internet Transmission Date: Tue Oct 09 18:29:56 EDT 2012

TEAS Stamp: USPTO/REA-XX.XX.XXX.XXX-2012100918295641

0606-85379237-4905d3cdc5f3d43b73215d431c

3fa1b4e-N/A-N/A-20121009175545355327

**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85379237 - REDBUCKS - 19638.19T1  
**Sent:** 4/10/2012 3:39:53 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.** 85379237

**MARK:** REDBUCKS

**\*85379237\***

**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 :**

19638.19T1

**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: 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](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](mailto: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](mailto:emily.carlsen@uspto.gov)

**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>.



**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85379237 - REDBUCKS - 19638.19T1  
**Sent:** 4/10/2012 3:39:55 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. 85379237**

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](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.**

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

**OVERVIEW**

SERIAL NUMBER	85379237	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	REDBUCKS		
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	REDBUCKS
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 BUCKS

### 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

# REDBUCKS

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85379237
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 103
<b>MARK SECTION</b>	
<b>MARK</b>	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85379237
<b>LITERAL ELEMENT</b>	REDBUCKS
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>GOODS AND/OR SERVICES SECTION (035)(current)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>DESCRIPTION</b>	
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	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (035)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>TRACKED TEXT DESCRIPTION</b>	
<del>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</del> <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>	
<b>FINAL DESCRIPTION</b>	
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	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (038)(current)</b>	

INTERNATIONAL CLASS	038
<b>DESCRIPTION</b>	
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)
<b>GOODS AND/OR SERVICES SECTION (038)(proposed)</b>	
INTERNATIONAL CLASS	038
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Distribution of entertainment content; </del> <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>	
<b>FINAL DESCRIPTION</b>	
Video-on-demand transmission services; video broadcasting; transmission of voice, data, images, signals, messages and information	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(current)</b>	
INTERNATIONAL CLASS	041
<b>DESCRIPTION</b>	
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)
<b>GOODS AND/OR SERVICES SECTION (041)(proposed)</b>	
INTERNATIONAL CLASS	041
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Entertainment rental services provided through automated vending machines, namely, rental and sale of DVDs, video discs, video games, and movies; </del> <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>	
<b>FINAL DESCRIPTION</b>	
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)

<b>SIGNATURE SECTION</b>	
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
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Mar 13 17:01:32 EDT 2012
TEAS STAMP	USPTO/ROA-XX.XX.XXX.XXX-2 0120313170132991273-85379 237-490c33dcf91840e55d13e ceef832117b80-N/A-N/A-201 20313165404300544

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **85379237** REDBUCKS(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85379237>) 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; 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~~

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: 85379237

Internet Transmission Date: Tue Mar 13 17:01:32 EDT 2012

TEAS Stamp: USPTO/ROA-XX.XX.XXX.XXX-2012031317013299

1273-85379237-490c33dcf91840e55d13ecef8

32117b80-N/A-N/A-20120313165404300544

**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85379237 - REDBUCKS - 19638.19T1  
**Sent:** 9/13/2011 3:01:31 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.** 85379237

**MARK:** REDBUCKS

**\*85379237\***

**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 :**

19638.19T1

**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: 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](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>.

**To:** Redbox Automated Retail, LLC ([trademarks@ngelaw.com](mailto:trademarks@ngelaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85379237 - REDBUCKS - 19638.19T1  
**Sent:** 9/13/2011 3:01:33 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. 85379237**

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](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: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 1:15:38 PM

Total search duration 0 minutes 31 seconds

Session duration 10 minutes 26 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 85379237

**From:** TMDesignCodeComments  
**Sent:** Thursday, July 28, 2011 00:17 AM  
**To:** XXXX  
**Subject:** Notice of Pseudo Mark for Serial Number: 85379237  
**ATTORNEY REFERENCE NUMBER:** 19638.19T1

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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](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.

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

**PSEUDO MARK:**

RED BUCKS



## Trademark/Service Mark Application, Principal Register

Serial Number: 85379237

Filing Date: 07/23/2011

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85379237
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="#">REDBUCKS</a>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	REDBUCKS
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Redbox Automated Retail, LLC
<b>*STREET</b>	One Tower Lane
<b>*CITY</b>	Oakbrook Terrace
<b>*STATE</b> (Required for U.S. applicants)	Illinois
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	60181
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	limited liability company
<b>STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>*IDENTIFICATION</b>	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
<b>FILING BASIS</b>	SECTION 1(b)

<b>INTERNATIONAL CLASS</b>	038
<b>*IDENTIFICATION</b>	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)
<b>INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	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
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	James P. Muraff
<b>ATTORNEY DOCKET NUMBER</b>	19638.19T1
<b>FIRM NAME</b>	Neal, Gerber & Eisenberg LLP
<b>INTERNAL ADDRESS</b>	c/o Trademark Administrator
<b>STREET</b>	Two North LaSalle Street, Suite 1700
<b>CITY</b>	Chicago
<b>STATE</b>	Illinois
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	60602
<b>PHONE</b>	312-269-8000
<b>FAX</b>	312-269-1747
<b>EMAIL ADDRESS</b>	trademarks@ngelaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	all other attorneys of the firm
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	James P. Muraff

<b>FIRM NAME</b>	Neal, Gerber & Eisenberg LLP
<b>INTERNAL ADDRESS</b>	c/o Trademark Administrator
<b>STREET</b>	Two North LaSalle Street, Suite 1700
<b>CITY</b>	Chicago
<b>STATE</b>	Illinois
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<b>FAX</b>	312-269-1747
<b>EMAIL ADDRESS</b>	trademarks@ngelaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	3
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	975
<b>*TOTAL FEE PAID</b>	975
<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>	07/21/2011

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 85379237**

**Filing Date: 07/23/2011**

### To the Commissioner for Trademarks:

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

The literal element of the mark consists of REDBUCKS.

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 19638.19T1.

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: 8566  
RAM Accounting Date: 07/25/2011

Serial Number: 85379237  
Internet Transmission Date: Sat Jul 23 18:01:24 EDT 2011  
TEAS Stamp: USPTO/BAS-XX.XX.XXX.XXX-2011072318012468  
4589-85379237-480e151171b4a259845fc5fd42  
04a42-DA-8566-20110720131508135392

# REDBUCKS

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