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Filing date: **05/28/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77319089
Applicant	THE RETAIL EQUATION, INC.
Applied for Mark	PURCHASE REWARDS
Correspondence Address	STACEY R. HALPERN KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN ST FL 14 IRVINE, CA 92614-7216 UNITED STATES efiling@kmob.com
Submission	Applicants Request for Remand and Amendment
Attachments	2009-05-08 Motion for Remand.PDF ( 2 pages )(72801 bytes ) 7198754_1.pdf ( 7 pages )(358845 bytes )
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Signature	/Stacey R. Halpern/
Date	05/28/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant : The Retail Equation, Inc. )  
Serial No. : 77/319,089 )  
Filed : November 1, 2007 )  
Mark : PURCHASE REWARDS )  
Examining Attorney : Robert Clark )  
Law Office : 101 )

I hereby certify that this correspondence and all marked attachments are being transmitted by electronic mail to the United States Patent and Trademark Office Trademark Trial and Appeal Board at <http://www.uspto.gov> on

May 28, 2009

(Date)



Stacey R. Halpern

APPLICANT'S MOTION FOR REMAND

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

Dear Sir or Madam:

Pursuant to TBMP §§ 1206.01, 1207.02 and 1209.04, Applicant, The Retail Equation, Inc. hereby requests that the Trademark Trial and Appeal Board ("Board") suspend the appeal in connection with the above-referenced application and remand the application to the Examining Attorney to consider Applicant's request to amend its application to seek registration on the Supplemental Register.

AMENDMENTS

Please amend the application as follows

--Please amend the application from Section 1(b) to Section 1(a).--

Please amend the application to include the following statements:

--Applicant seeks registration of its mark on the Supplemental Register.

**REMARKS**

Applicant respectfully requests that the Board suspend the appeal and remand the application to the Examining Attorney for review of Applicant's amendment of the application to register the mark on the Supplemental Register and to allow review of Applicant's Amendment to Allege Use, which was electronically filed with the U.S. Patent and Trademark Office. A copy of this document is attached hereto. Applicant notes that its application was refused registration on the grounds that the mark is merely descriptive of Applicant's services. While Applicant disagrees with this objection, Applicant has requested that its application be amended to seek registration on the Supplemental Register.

As this amendment will render the descriptiveness objection moot, Applicant submits that good cause has been shown pursuant to TBMP §§ 1206.01, 1207.02 and 1209.04 to allow remand of the subject application to the Examining Attorney. Accordingly, Applicant requests that the Board remand the application to the Examining Attorney to enter the amendment requested herein.

The Examining Attorney is invited to contact Applicant's attorney at the telephone number listed below if there are any questions regarding the above remarks. Please charge Deposit Account No. 11-1410 for any fees which may be required.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: May 28, 2009

By: \_\_\_\_\_  
Stacey R. Halpern  
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## Your Trademark/Service Mark Allegation of Use Was Submitted Successfully

**Success!** [View/Save E-Receipt as PDF file](#)

We have received your form for serial number **77319089**. You can open and save a PDF version of the filing receipt by clicking on the button, above, and this will serve as your official confirmation copy. We will also separately send an e-mail summary of the form to "[efiling@kmo.com](mailto:efiling@kmo.com)". For electronically submitted forms, the USPTO will not mail an additional paper confirmation.

**NOTE:** Do **NOT** send a duplicate paper copy of this filing to the USPTO, as it will interfere with the proper processing of the electronic submission.

Thank you.

TEAS Support Team

**STAMP:** USPTO/AAU-63.139.240.150-20090528172820390671-77319089-440b43eeb583d0d8badccbcd93d6cf65f7-CC-3461-20090528170846597132



Trademark Electronic Application System (TEAS) service  
U.S. Patent and Trademark Office  
Please refer questions or comments to: [teas@USPTO.gov](mailto:teas@USPTO.gov)

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

**Handwritten Signature**

**To the Commissioner for Trademarks:**

**MARK:** PURCHASE REWARDS  
**SERIAL NUMBER:** 77319089

The applicant, THE RETAIL EQUATION, INC., having an address of  
6430 OAK CANYON, SUITE 250  
IRVINE, California 92618  
United States

is submitting the following allegation of use information:

For International Class 035:

Current identification: providing an electronic computer database for use by retail store operators at the point of return or the point of transaction to enable the retailer to determine based upon the customer's return history, purchase history and returned items, whether the customer should receive a special offer that encourages the customer to continue shopping at the retail store or return to the store at a later time

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 05/28/2009, and first used in commerce at least as early as 05/28/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) advertising/promotional material.

Specimen-1 [SPN0-63139240150-170846597\_.\_specimen.pdf ]

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

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

**Declaration**

**The attached signature image file:**

Signatory File

Signatory's Name:David Justus  
Signatory's Position:CFO

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# Purchase Rewards

May, 2008

Customers are even more price sensitive than ever before. Sure, they are more sophisticated, they can search many competing retail segments and channels to determine if they are getting the right price from you, but today's economy is also ratcheting up their expectations.

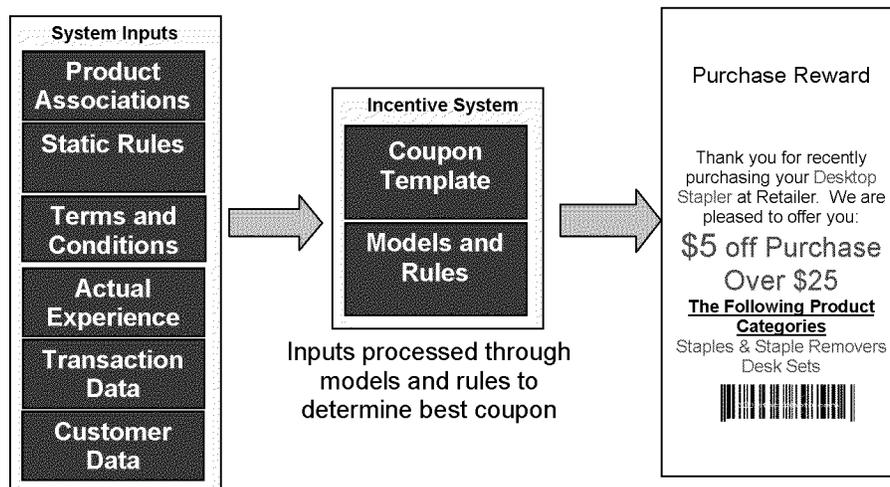
You also have many conflicting business demands from within your own organization that you are trying to satisfy. Increase margin, maximize sales, keep customers returning, track loyalty, selling a wider array of products. Your list of objectives is endless.

What if there was a way to intelligently reward your best customers, the ones who are already shopping in your store, with incentives to drive them back for additional, incremental sales?

## Not the same old bounceback coupon

The concept of coupons delivered at the register is not new, but the execution delivered by The Retail Equation is. Purchase Rewards™ are intelligent, customized incentives, delivered in real-time at the end of a point-of-sale transaction, that are optimized to influence shopper behavior in accordance with your specific, time-definite objectives. They are built off the same platform that already delivers Return Rewards® incentives to shoppers making returns, focused on converting that return to a new sale.

Starting with four basic concepts, Purchase Rewards is structured quite simply:



1. **Inputs:** A wide array of data and inputs that feed the application. Not all is mandatory, it will use what it receives to make the best decision possible.
  - Your business objectives (margin, sales, market share, direct customers to specific product categories like house branded merchandise, segments, and more).
  - Data about the current transaction: the products are currently being purchased, the store, time of day, time of year, value of the transaction, etc.
  - That customers' purchase history, segment information, value, etc.
  - Product associations. Which of products are purchased with other products? Which product purchases can drive shoppers into new categories?
  - Actual redemption experience to improve future outcomes.
2. **System:** The incentive engine.

- The coupon templates.
  - The models and rules, the possible offers you may like to issue, (predetermined rules, current campaign goals, or more).
  - The inputs are processed through models and rules to determine best coupon. For example, the engine would use predictive models to increase customer retention and market share by anticipating likely future purchases.
3. **Reward:** The printed coupon or incentive.
    - Dynamic coupon value or discount offer to key the incentive to the specific shopper.
    - Flexible products or product categories to drive purchase action.
    - Adaptable time frame to optimize response rates.
    - Variable terms and conditions dependent on the rest of the offer.
  4. **Reports:** A wide variety of dashboard and detailed reports are available
    - Your team can analyze results.
    - The TRE statistical team uses them to make on-going program recommendations.

### **Business impacts of Purchase Rewards**

Coupon redemption rates are at all time lows. No one wants to clip and retail Sunday inserts. Internet coupon sites are spam generators. But a customized incentive, delivered at the point of purchase, can bring that shopper back to the store and reward their loyalty with a discount.

That's the beauty of a bounceback. You are rewarding your present shoppers, although typically in a static fashion. The value of Purchase Rewards is that you are using additional information on the sale, the customer, and the products, to generate an incentive designed to illicit a specific, predictable reaction. The results are significant. Imagine a 1-2% redemption rate driving a 1-2% revenue lift! For a \$1 billion retailer that's a \$10+ million impact to comp sales.

### **Create a positive and profitable experience**

Purchase Rewards allows you to identify the best incentive for each customer at that precise moment, and rewards them for their shopping loyalty – turning a routine shopping experience into a recurring revenue opportunity and contributing to your immediate sales objectives. As every marketer knows, such loyalty creates profitable revenue streams that persist long after the customers redeem their rewards.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : THE RETAIL EQUATION, INC.  
Serial No. : 77319089  
Filed : November 1, 2007  
Mark : PURCHASE REWARDS

AMENDMENT TO ALLEGE USE UNDER 37 C.F.R. § 2.76

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

Dear Sir or Madam:

Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. § 1051, et seq., as amended). One (1) specimen for each class showing the mark as used in commerce are submitted with this amendment to allege use.

Applicant, or Applicant's related company or licensee, is using the mark in commerce on or in connection with all of the services listed in the application and lists below the dates of use by Applicant, or Applicant's related company, licensee, or predecessor in interest. The mark was first used on or in connection with the services on or before May 7, 2009; was first used in commerce in connection with such services on or before may 7, 2009 and is now in use in such commerce.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 11-1410.

DECLARATION

The undersigned declares that he is properly authorized to execute this amendment to allege use on behalf of the applicant; that he believes the applicant to be the owner of the mark sought to be registered; that to the best of his 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 or services of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

THE RETAIL EQUATION, INC.

Dated: May 7, 2009

By: 

Name: David J. Justus

Title: CFO

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