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

Proceeding	91201218
Party	Defendant Stanley Lee Barnes dba Red Box Tickets USA, LLC
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Submission	Other Motions/Papers
Filer's Name	Stanley Lee Barnes
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Date	11/23/2011
Attachments	Stanley_Lee_Barnes_notice_of_op2pdf.pdf ( 6 pages )(70565 bytes )

**Stanley Lee Barnes / Red Box Tickets USA, LLC / Ser. No. 85135579**

**3127 St. Vincent Ave.**

**St. Louis, Mo. 63104**

**Respondent / Applicant**

**V.**

**Red Box Automated Retail, LLC. / Opposer**

**James P. Muraff**

**Neal, Gerber & Eisenbreg, LLP**

**Two N. LaSalle St., Suite 1700**

**Chicago, IL 60602**

**Attorneys Petitioner / Plaintiff**

**Answer to the Notice of Opposition No: 91201218**

The Answers to this Notice of Opposition submitted in the matter of Application Serial No. 85135579,

For registration by Stanley Barnes, of the term Red Box Tickets USA, LLC based on the use of this term in connection with “ providing kiosks at retailers for payment of traffic citations” in International Class 36, which published for opposition in the Official Gazette on April 19, 2011. Redbox Automated Retail, LLC, will clearly not be damaged by the registration and therefore Red Box Tickets USA, LLC. Should be granted the rights to Trademark Red Box Tickets USA, LLC.

**The following grounds answers to Opposition herein are as follows:**

- Red Box Automated is one of the million of companies that has automated kiosks located nationwide. Kiosks are used worldwide and are conveniently located. The business of automated kiosks service companies were established before Red Box Automated registered their Trademark. The color red has been commonly use on Kiosk systems, displayed services throughout the world. It is common to find other companies worldwide that are allow to use Red kiosks services located across the United States In Quick Service Restaurants’, (QSR), pharmacies, grocery stores, discount stores, convenience stores, train stations, airports, other locations worldwide. Red Box Tickets, USA LLC. is a vendor of Kiosks which services only Traffic Citation payments not DVD movie Sales.
- Establishing the fact that Red Box Tickets USA, LLC. goods and services classification in International Class 36, “ providing kiosks at retailers for payment of traffic citations ” was

Examined by the United States Patent and Trademark Office Trade Mark Attorney

Charlon Barney Lawrence establishing both common law rights as well as rights under the Lanham Act was considered. Establishing the fact that the Opposer is speculating

that

Customers will be confused or identify the services to be the same is a matter of opinion.

Red box Automation provides DVD rental service and Red Box Tickets USA, LLC Operates discounted ticket citations site such as gas stations, general stores. Red Box Tickets USA, LLC offers pre paid membership discounted service and nonprofit organization fund supports. Red Box Tickets USA, LLC provides amnesty programs and we are a referral service, ticket consolidation operation providing fundraiser services.

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Red Box Tickets USA, LLC services the United States as well as international clients. For many years the Kiosks Service business has been provided by other companies to the general public worldwide.

**[WWW.REDBOXTICKETSUSA.COM](http://WWW.REDBOXTICKETSUSA.COM) domain name is owned by Red Box Tickets USA, LLC. Registered April 2010 for Website Traffic Citations payments.**

**Domain name [www.redbox.com](http://www.redbox.com). Red Box Website clearly promotes online DVD movie rental services.**

- Trade Mark/ Service Application, Principal Register Serial Number 85135579 Filing date 9/22/2010 when examined had no relation, misrepresentation, nor goods and services classification as the Opposer opinion states. Copies of the Trade Mark / Service

Application, Principal Register Serial Number 85135579 are attached hereto as

Exhibit A.

- Red Box USA Tickets, LLC acknowledge the Notice of Oppositions was filed without point

(Four) stated and cannot answer any opposition the Opposer has not documented.

- On September 22, 2010 the Applicant filed Application to use RED BOX TICKETS USA, LLC. Clearly different service from the Opposer REDBOX trademark.

September 9, 2010 a Fictitious Name and Limited Liability Company was form in the State of Missouri. The Domain Name redboxticketsusa.com was registered April 2010. Based upon use in connection with “providing kiosks at retailers for payment of traffic citations.”

- **SUPPLEMENTAL EXAMINER’S AMENDMENT**

**ISSUE/MAILING DATE:** 2/26/2011 : Application had been amended to make sure that

Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services.

Red Box Tickets, USA LLC. has taken the necessary steps along with the guidance of United States Trade Mark Attorney examined this application and noted that the services are different, cannot be confused, or mistaken, or mislead, deceive purchasers, in that the purchasers would not believe the services, or are in some way the legitimately connected with, sponsored by, or approved by the Opposer do not in Violation of 15 U.S.C.

1052(d). This is a matter of speculation and opinion.

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Additionally, Application’s Use of the term RED BOX TICKETS USA, LLC will not dilute Opposer’s distinctive and valuable REDBOX trademark in violation of 15

U.S.C. 112(c). This is a matter of speculation and opinion.

Red Box Tickets USA, LLC. Values its Distinctive identity, the traffic citation business is a six (6) Billion dollar business with different customer worldwide. The Opposer Red Box Automatic has damaged Red Box Tickets USA, LLC. Value and opportunities with contractors nationally by filing this Opposition Proceeding No. 91201218

Application's registration of the term RED Box Tickets USA, LLC. Therefore would not damage Opposer base upon Speculation, Opinion and the Opposer attempt to monopolize the kiosk service Industry. Both companies are overwhelmingly different in nature, services and purpose. The legal argument supported by case law within this Opposition as evidence clearly has no merits in this Opposition Proceeding No. 9120118 In re: Serial No. 8512557.

Delta Air Lines, Inc. clearly is understood as an Airline. Delta Van Lines is clearly understood as a Moving service. Red Box is known for DVD movies. Red Box Tickets USA, LLC. Known for Traffic Citations.

Applicant requests that the application be approved as Submitted without any further Opposition from the Opposer.

**Date: November 21, 2011**

**USA, LLC**

**Respectfully Submitted,**

**By: Stanley Lee Barnes / Red Box Tickets**

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