

TTAB

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



In re Application of  
Points.com Inc.  
Serial No: 76/133,801  
Filed: September 22, 2000  
For: GLOBALPOINTSXCHANGE

Law Office 111

Trademark Attorney:  
Esther A. Belenker

11-04-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

BRIEF FOR APPLICANT

**Introduction**

Points.com Inc. ("Applicant") appeals from the Trademark Attorney's refusal to register the mark GLOBALPOINTSXCHANGE (the "Mark"). The Trademark Attorney mailed her final refusal on March 1, 2002, and Applicant filed a timely Notice of Appeal on September 3, 2002. The Trademark Attorney's final refusal of Applicant's application was issued on the ground that the Mark is merely descriptive. Applicant respectfully disagrees with the Trademark Attorney's refusal, and believes that the following arguments sufficiently support a finding that the Mark is capable of distinguishing Applicant's services. Accordingly, Applicant requests that the Trademark Trial and Appeal Board reverse the Trademark Attorney's refusal and permit the Mark to be published for opposition.

**Applicant's Mark**

Applicant seeks registration on the Principal Register for the mark GLOBALPOINTSXCHANGE for the following services: Providing a web site on the global computer network for the tracking and exchange of customer loyalty rewards, in International Class 35.

02 NOV 13 AM 9:59  
RECEIVED  
TRADEMARK TRIAL AND  
APPEAL BOARD

DD

### **Trademark Attorney's Refusal**

The Trademark Attorney refused to register the Mark, contending that the Mark is merely descriptive of the Applicant's services. Specifically, the Trademark Attorney believes that the elements GLOBAL and XCHANGE are descriptive of the Applicant's services because the Mark "identifies a global, that is, a comprehensive points exchange, a place on the internet where consumers can exchange any type of points accrued from any airline or other business, anywhere in the world." The Trademark Attorney's initial refusal was dated February 16, 2001 (Exhibit A), and her final refusal was dated March 1, 2002 (Exhibit B). Applicant's August 14, 2001 response to the initial refusal is included herewith as Exhibit C.

Applicant respectfully disagrees with the final refusal and Applicant contends that the element GLOBAL is not geographically descriptive nor descriptive of the Applicant's services, and is capable of distinguishing Applicant's services. Therefore, the entire Mark should be permitted to be registered on the Principal Register and published for opposition.

### **Argument**

It is well settled that a mark cannot be primarily geographically descriptive simply because it includes the word "global." The courts have held that the mere fact that a mark includes the term "globe," "global," "world," or something similar, does not mean that it is primarily geographically descriptive, because such terms do not identify any particular location, but instead simply identify that the services provided are of a terrestrial origin, which is true of all services on the market. *See* 2 J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION, § 14:4, 14-9 (2001); *Champion Spark Plug Co. v. Globe-Union Mfg. Co.*, 88 F.2d 970 (C.C.P.A. 1937) (holding that the word "Globe" is not merely a geographical term because it has no geographical significance and it does not identify a particular geographic location); *World Carpets, Inc. v. Dick Littrell's New World Carpets*, 438 F.2d 482, 486 (5th Cir.

1971) (holding that the mark "World" is not geographically descriptive because the "term is far too broad to suggest any identifiable unit or place of origin"). Furthermore, the term "global" cannot be deemed descriptive of the services provided by an owner of a trademark simply because its services may be accessed anywhere in the world. For example, in *World Carpets, Inc.*, the Fifth Circuit held that the term "World" was not descriptive of the "bounds within which the trademark owner function[ed]," because of the over-inclusiveness of the term. *World Carpets, Inc.*, 438 F.2d at 486-87.

Based on the above discussion, the GLOBAL element of Applicant's mark GLOBALPOINTSEXCHANGE cannot be considered primarily geographically descriptive because the word "global" is far too broad to describe the place of origin of the Applicant's services. In addition, the GLOBAL element of Applicant's Mark is not descriptive of the Applicant's services, even though the Applicant's services may be accessed over the internet. Similar to the *World Carpets Inc.* holding, such a term as "global" is far too vague and indefinite to describe the bounds within which the Applicant functions.

Not only is GLOBAL unable to be considered descriptive in this case, Applicant is not even seeking to use the Mark in a descriptive manner, but rather, as a suggestive mark. Applicant's use and intent of the term GLOBAL is not to describe the fact that its services may be accessed anywhere in the world (as is the case with any service provided on the internet). Rather, Applicant's use and intent of the term is in a suggestive way, wherein GLOBAL conveys a message and quality of international travel and sophistication that the Applicant desires to associate with its airline, travel, online, and hotel customer loyalty reward management services. *See, e.g., Hyde Park Clothes, Inc. vs. Hyde Park Fashions, Inc.*, 93 U.S.P.Q 250, 254 (S.D.N.Y. 1951), *aff'd*, 204 F.2d 223 (2d Cir.), *cert denied*, 346 U.S. 827 (1953) (holding that the mark HYDE

PARK, as used for men's suits, was registerable because Hyde Park was recognized to mean a product that is stylish or of high quality).

Finally, as the Trademark Attorney stated, a mark is suggestive if "some imagination, thought or perception is required to determine the nature of the services from the term" (citing *In re Aid Lab., Inc.*, 223 U.S.P.Q. 357 (T.T.A.B. 1984)). Based on this test, even assuming that the element XCHANGE is descriptive of the Applicant's services, it is hard to assert that the element GLOBAL immediately brings to one's mind the Applicant's service of allowing an internet user to manage customer loyalty rewards online, without engaging in some exercise of imagination.

### Conclusion

Based on the discussion herein, Applicant asserts that the GLOBAL element of the mark GLOBALPOINTSXCHANGE is neither geographically descriptive nor descriptive of Applicant's services. As such, the Mark in total is at least suggestive of Applicant's services, and the Mark is registerable upon the Principal Register. For the reasons cited herein, Applicant respectfully requests that the Trademark Trial and Appeal Board reverse the Trademark Attorney's refusal and approve its application to register GLOBALPOINTSXCHANGE, and permit the Mark to be published for opposition.

Respectfully submitted,

LEWIS, RICE & FINGERSH, LLC

By:

  
Thad N. Leach


500 N. Broadway, Suite 2000  
St. Louis, Missouri 63102  
Telephone: (314) 444-7600  
Facsimile: (314) 241-6056

Attorneys for Applicant  
Points.com Inc.

**Certificate of Mailing by "Express Mail"**

**"Express Mail" No.: EL 924375965 US**

I hereby certify that this correspondence is addressed to United States Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202-3513 and is being deposited with the United States Postal Service "Express Mail Post office to addressee" service on November 4, 2002.



Chad W. Brigham

NOVEMBER 4, 2002

(Date of Signature)

# UNITED STATES PATENT AND TRADEMARK O



11-04-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

SERIAL NO.

APPLICANT

76/133801 Points.com Inc.

MARK

GLOBAL POINTSYCHANGE

ADDRESS

THAD N. LEACH  
LEWIS RICE AND FINGERSH  
BROADWAY  
500 N BROADWAY STE 2000  
SAINT LOUIS MO 63102-2147

ACTION NO.

01

MAILING DATE

02/16/01

REF. NO.

Fed 00438

ADDRESS:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
www.uspto.gov

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

FORM PTO-1525 (5-90)

U.S. DEPT. OF COMM. PAT. & TM OFFICE

Please provide in all correspondence:

1. Filing Date, serial number, mark and Applicant's name.
2. Mailing date of this Office action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and ZIP code.

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.**

*For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.*

RE: Serial Number: 76/133801

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

## No Conflicting Marks Noted

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

## Mark is Merely Descriptive

The examining attorney refuses registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP section 1209 et seq.

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b).

PENGAD 900-631-6889

EXHIBIT

A

The applicant applied to register the mark GLOBALPOINTSXCHANGE for administration of a site on the global computer network for the tracking, consolidation and exchange of customer loyalty rewards; electronic, internet-based tracking of information respecting customer loyalty rewards and rewards programs, and the provision of information regarding the same. The mark immediately describes the exact nature and purpose of the applicant's web site, namely, a complete, international, or global, exchange for customer loyalty points, such as frequent flyer points, car rental points, and the like.

The definition of GLOBAL is 2. Of, relating to, or involving the entire earth; worldwide: *global war; global monetary policies*. 3. Comprehensive; total: "*a . . . global, generalized sense of loss*" (Maggie Scarf).<sup>1</sup> The definition of EXCHANGE is A place where things are exchanged, especially a center where securities or commodities are bought and sold: *a stock exchange*.<sup>2</sup> See attachments. The word XCHANGE is a misspelling of the word EXCHANGE. If a term is merely descriptive, a novel spelling of the term is also merely descriptive if purchasers would perceive the different spelling as the equivalent of the descriptive term. *Clarke v. K-Mart*, 473 F. Supp. 1299, 205 USPQ 1237 (W.D. Pa. 1980); *In re State Chemical Mfg. Co.*, 225 USPQ 687 (TTAB 1985); *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982).

Thus, the applicant's mark is merely descriptive of the applicant's services. Accordingly, the mark is refused registration on the Principal Register under Section 2(e)(1).

#### Informalities

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following issues.

#### Recitation of Services

The recitation of services is unacceptable as indefinite. The applicant may delete "administration" and substitute "providing," if accurate.

#### Classification of Services

The applicant has classified the services incorrectly. The applicant must amend the application to classify the services in International Class 35. 37 C.F.R. Sections 2.32(a)(7) and 2.85; TMEP sections 805, 1301.06 and 1401.

#### Domestic Representative Required

The applicant must designate a domestic representative upon whom notices or process may be served. Trademark Act Section 1(e), 15 U.S.C. Section 1051(e); 37 C.F.R. Section 2.24; TMEP sections 604, 811 and 1008.

---

<sup>1</sup> *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

<sup>2</sup> *Id.*

The examining attorney provides the following example for the applicant's convenience in preparing an Appointment of Domestic Representative.

DESIGNATION OF DOMESTIC REPRESENTATIVE

\_\_\_\_\_  
Identify the mark

\_\_\_\_\_  
Serial No.

\_\_\_\_\_  
Name of applicant

\_\_\_\_\_  
Date of signature

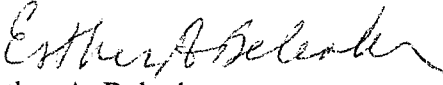
\_\_\_\_\_  
(Name of domestic representative)

whose postal address is \_\_\_\_\_

\_\_\_\_\_  
is hereby designated applicant's representative upon whom notices or process in  
proceedings affecting the mark may be served.

\_\_\_\_\_  
(Signature of applicant)

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

  
Esther A. Belenker  
Trademark Examining Attorney  
Law Office 111  
(703) 308-9111 ext. 129  
Fax: (703) 308-7182



# glob·al

**glob·al** (glō'bel) *adjective*

1. Having the shape of a globe; spherical.
2. Of, relating to, or involving the entire earth; worldwide: *global war; global monetary policies.*
3. Comprehensive; total: "*a . . . global, generalized sense of loss*" (Maggie Scarf).
4. *Computer Science.* Of or relating to an entire program, document, or file.

— **glob'al·ly** *adverb*

*The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

## ex·change

ex·change (ĭks-chānj') *verb*

ex·changed, ex·chang·ing, ex·chang·es *verb, transitive*

1. To give in return for something received; trade: *exchange dollars for francs; exchanging labor for room and board.*
2. To give and receive reciprocally; interchange: *exchange gifts; exchange ideas.*
3. To give up for a substitute: *exchange a position in the private sector for a post in government.*
4. To turn in for replacement: *exchange defective merchandise at a store.*

*verb, intransitive*

1. To give something in return for something received; make an exchange.
2. To be received in exchange: *At that time the British pound exchanged for \$2.80.*

*noun*

Abbr. **exch.**, **ex.**

1. The act or an instance of exchanging: *a prisoner exchange; an exchange of greetings.*
2. One that is exchanged.
3. A place where things are exchanged, especially a center where securities or commodities are bought and sold: *a stock exchange.*
4. A telephone exchange.
5. **a.** A system of payments using instruments, such as negotiable drafts, instead of money. **b.** The fee or percentage charged for participating in such a system of payment.
6. A bill of exchange.
7. A rate of exchange.
8. The amount of difference in the actual value of two or more currencies or between values of the same currency at two or more places.

[Middle English *eschaungen*, from Anglo-Norman *eschaungier*, from Vulgar Latin *\*excambiāre*: Latin *ex-*, *ex-* + Late Latin *cambiāre*, to exchange, barter. See *change*.]

— **ex·change'able** *adjective*

*The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

# UNITED STATES PATENT AND TRADEMARK OFFICE

<b>SERIAL NO.</b> 76/133801 Points.com Inc.		<b>APPLICANT</b> THAD N. LEACH LEWIS RICE AND FINGERSH 500 N BROADWAY STE 2000 ST LOUIS MO 63102-2147		<b>PAPER NO.</b>  <b>ADDRESS:</b> Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov  <small>If no fees are enclosed, the address should include the words "Box Responses - No Fee."</small>	
<b>MARK</b> GLOBALPOINTSEXCHANGE		<b>ACTION NO.</b> 02		<b>MAILING DATE</b> 03/01/02  <b>REF. NO.</b> Fed 00438	
<b>ADDRESS</b> THAD N. LEACH LEWIS RICE AND FINGERSH 500 N BROADWAY STE 2000 ST LOUIS MO 63102-2147		<b>MAILING DATE</b> 03/01/02			
<b>REF. NO.</b> Fed 00438		<b>MAILING DATE</b> 03/01/02			
<b>FORM PTO-1525 (5-90)</b>		<b>U.S. DEPT. OF COMM. &amp; TM OFFICE</b>		<b>Please provide in all correspondence:</b>  g Date, serial number, mark and licant's name. .. A ing date of this Office action. r nining Attorney's name and Office number. telephone number and ZIP code.	

TRADEMARK LAW OFFICE 11  
 Serial Number: 76/133801  
 Mark: GLOBALPOINTSEXCHANGE

\*\*Please Place on Upper Right Corner\*\*  
 \*\*of Response to Office Action ONLY\*\*

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.**  
*For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.*

RE: Serial Number: 76/133801

This letter responds to the applicant's communication filed on August 14, 2001. The applicant amended the recitation and classification of services, designated a domestic representative, and argued against the refusal to register the mark under Section 2(e)(1).

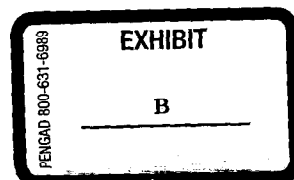
Mark is Merely Descriptive

Registration was refused under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1), because the subject matter for which registration is sought is merely descriptive of the identified services.

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons below, the refusal under Section 2(e)(1) is maintained and made FINAL.

The applicant applied to register the mark globalpointsexchange for providing a web site on the global computer network for the tracking and exchange of customer loyalty rewards.

The definition of global was included in the first Office action, as "of, relating to, or involving the entire earth, worldwide: *global war; global monetary policies;* and comprehensive; total: "*a ...global, generalized sense of loss.*" The definition of exchange was also included in the first Office action, as "a place where things are exchanged, especially a center where securities or commodities are bought and sold: *a stock exchange.*" The examining attorney also noted that the



word xchange is a slight misspelling of the word exchange. However, if a term is merely descriptive, a novel spelling of the term is also merely descriptive if purchasers would perceive the different spelling as the equivalent of the descriptive term. *Clarke v. K-Mart*, 473 F. Supp. 1299, 205 USPQ 1237 (W.D. Pa. 1980); *In re State Chemical Mfg. Co.*, 225 USPQ 687 (TTAB 1985); *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982).

The concept of exchanging points earned for shopping, for flying, for buying from certain vendors, and of exchanging these points for valuable gifts, merchandise and services is not new. The examining attorney refers to the excerpted articles from the examining attorney's search in a computerized data base in which redeeming points or exchanging points for such rewards appeared in 293 stories. Seventeen (17) representative stories are attached. In fact, some of the stores describe the applicant and its services. See attachments.

For example, note the following:

Story No. 10: Members of the OnePass program and Amtrak's Guest Rewards program will be able to exchange points and miles.

Story No. 74: Points.com has launched a program called pointxchange that lets travelers change points or miles between loyalty program, including frequent-flyer accounts.

Furthermore, the applicant's web site states:

points  
xchange(tm)

pointsxchange(tm)

Pointsxchange lets you xchange your points between your loyalty program accounts or into gift certificates.

Earn rewards faster by making all your points, miles and other loyalty program currencies count! Turn 'points' you never use, into rewards – faster than ever before.

AND

Reach awards faster than ever before with...

- pointsxchange(tm) – the world's first and only online loyalty program currency exchange.

The applicant argued that the use of the word global is suggestive, perhaps of international travel or sophistication. A term is suggestive if some imagination, thought or perception is required to determine the nature of the services from the term. A suggestive term differs from a descriptive

term, which immediately tells something about the services. *In re Aid Laboratories, Inc.*, 223 USPQ 357 (TTAB 1984). A suggestive mark is registrable on the Principal Register. TMEP section 1209.01(a).

In this case, the applicant's mark identifies a *global*, that is, a comprehensive points exchange, a place on the Internet where consumers can exchange any type of points accrued from any airline or other business, anywhere in the world, for gifts or rewards. Even if the word *global* has other, unrelated, meanings, it does not change the fact that the mark does describe the nature of the applicant's proposed services. It is not necessary that a term describe all of the purposes, functions, characteristics or features of the services to be merely descriptive. It is enough if the term describes one attribute of the services. *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973).

Accordingly, the mark is refused registration on the Principal Register under Section 2(e)(1). The refusal to register the mark under Section 2(e)(1) is continued and made FINAL.

#### Supplemental Register

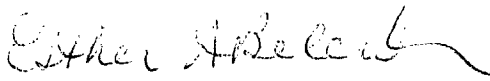
Although the examining attorney has refused registration on the Principal Register, the applicant may amend the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. Section 1091; 37 C.F.R. Sections 2.47 and 2.75(a); TMEP sections 202.02(b) and 1115.

Please note that the mark in an application under Trademark Act Section 1(b), 15 U.S.C. Section 1051(b), is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use under 37 C.F.R. Section 2.76 or statement of use under 37 C.F.R. Section 2.88 has been timely filed. 37 C.F.R. Section 2.47(c); TMEP section 1105.01(a)(vii). When such an application is changed from the Principal Register to the Supplemental Register, the effective filing date of the application is the date of filing of the allegation of use. 37 C.F.R. Section 2.75(b); TMEP section 708.01.

#### Options

Please note that the only appropriate responses to a final action are either (1) compliance with the outstanding requirements, if feasible, or (2) filing of an appeal to the Trademark Trial and Appeal Board. 37 C.F.R. Section 2.64(a). If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. Section 2.65(a).

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

  
Esther A. Belenker  
Trademark Examining Attorney  
Law Office 111  
(703) 308-9111 ext. 129  
Fax: (703) 308-7182

MAIL-IT REQUESTED: FEBRUARY 22, 2002

10083K

CLIENT: X  
LIBRARY: NEWS  
FILE: CURNWS

YOUR SEARCH REQUEST AT THE TIME THIS MAIL-IT WAS REQUESTED:  
POINTS W/1 EXCHANGE  
AND (REDEMPTION OR REDEEM OR AWARDS OR LOYALTY OR FREQUENT OR FLIER)

NUMBER OF STORIES FOUND WITH YOUR REQUEST THROUGH:

LEVEL 1... 1703 LEVEL 2... 293

LEVEL 2 PRINTED

THE SELECTED STORY NUMBERS:

8,10,14,26,28,73-74,94-95,116,159,174,176,197,201,242,248

DISPLAY FORMAT: 35 VAR\_KWIC

SEND TO: BELENKER, ESTHER  
TRADEMARK LAW LIBRARY  
2101 CRYSTAL PLAZA ARC  
MAIL BOX 3104  
ARLINGTON VIRGINIA 22202-4600

\*\*\*\*\*05897\*\*\*\*\*

LEVEL 2 - 8 OF 293 STORIES

Copyright 2002 Centaur Communications Ltd.

New Media Age

January 24, 2002

SECTION: Pg. 25

LENGTH: 533 words

HEADLINE: VISION: The rewards of digital payment

BODY:

... programmes, such as Tesco's Clubcard or Boots' Advantage card. These schemes have proved successful for multiple product and multiple outlet companies, but here the consumer is limited to the company's own range of products.

Online, it's the universal rewards programmes that are proving most appealing to consumers. Universal programmes offer members redemption (ie spend) opportunities ranging across a wide variety of brands.

Universal reward operators are beginning to strengthen their market position further by setting up points exchanges with private label and consortia programmes in a bid to provide members with increasingly enticing redemption options. For private and consortia programmes, these point exchanges enable members to earn their points or miles more rapidly.

Offline and online integration is the next big challenge for rewards programme providers, as they seek to further improve the point earning opportunities for members and the marketing opportunities for advertisers. Already, major players are aligning with credit card ...

LEVEL 2 - 10 OF 293 STORIES

Copyright 2002 Bergen Record Corporation  
The Record (Bergen County, NJ)

January 18, 2002 Friday All Editions

SECTION: NEWS; Pg. a07

LENGTH: 317 words

HEADLINE: AMTRAK, CONTINENTAL ENTER INTO PARTNERSHIP

BYLINE: LAURENCE ARNOLD, The Associated Press

DATELINE: WASHINGTON

BODY:

... fall, Continental eliminated its short connector flights from Philadelphia to Newark. Travelers now can choose among 17 trains connecting Philadelphia and Newark Airport each weekday.

Code-share tickets can be purchased through Continental or from a travel agent.

Also under the agreement, members of Continental's frequent-flier program, OnePass, can earn miles when traveling on Amtrak's premier Metroliner and Acela Express trains between New York and either Boston or Washington. Members of the OnePass program and Amtrak's Guest Rewards program will be able to exchange points and miles.

This won't be the first time Amtrak and Continental have worked together. Under a longstanding agreement, Amtrak accommodates Continental passengers who are stuck at the Newark airport because of weather or other circumstances.

CITY: NEWARK, NJ, USA (92%); NEWARK (89%); PHILADELPHIA, PA, USA (87%);

SUBJECT: AIRLINES (91%); AIRPORTS (90%); FREQUENT FLYER PLANS (90%); RAIL INDUSTRY (78%); TRAVEL AGENTS (78%); TRAVEL LEISURE & HOSPITALITY (78%);



LEVEL 2 - 14 OF 293 STORIES

Copyright 2002 Gale Group, Inc.

Business and Industry

Copyright 2002 Boston Ventures Management, Inc.

TravelAge West

January 14, 2002

SECTION: Vol. 37, No. 1; Pg. 18(1); ISSN: 0041-1973

RDS-ACC-NO: 03240243

LENGTH: 104 words

HEADLINE: Points, miles swap. (Briefs)

HIGHLIGHT:

Sabre partners with Points.com and points-xchange system to allow travelers using the Sabre Virtually There Web site to exchange points or miles from one loyalty program partner account into another

Sabre has partnered with Points.com and its points-xchange system to allow travelers using the Sabre Virtually There Web site to exchange points or miles from one loyalty program partner account into another.

Many of the world's leading airlines, online and offline retail outlets, telecommunications and travel firms participate in pointsexchange.

Other services provided by pointsexchange include a calculator that lets consumers see the value of their points before exchanging them and a feature that ...

LEVEL 2 - 26 OF 293 STORIES

Copyright 2001 Nationwide News Pty Limited  
Herald Sun

December 3, 2001, Monday

SECTION: MONEY; Pg. 68

LENGTH: 219 words

HEADLINE: Reward scheme with attitude

BODY:

Under the new program, points do not expire and customers can book flights on 90 per cent of the world's leading airlines. The bank says this means customers will not face restrictions or seat limitations for frequent flyers.

Customers will also be able to top-up points if they do not have enough for a flight.

As well as flights, customers can exchange points for accommodation, car hire and duty free goods, shopping vouchers, banking discounts or bonuses, community group donations, tickets for concerts or sporting events, often before they are available to the public.

New booklet

makes super easy

THE ins and outs of superannuation are explained in two ...

SUBJECT: BANKING & FINANCE (90%); CREDIT CARDS (90%); TAXES & TAXATION (86%); FREQUENT FLYER PLANS (78%); AIRLINES (77%); INVESTMENT MANAGEMENT (77%); PENSION & RETIREMENT PLANS (72%); SPORTS (54%);

LEVEL 2 - 28 OF 293 STORIES

Copyright 2001 Micromedia Limited  
Canadian Business and Current Affairs  
Copyright 2001 Plesman Publications Ltd.  
eBusiness Journal

December, 2001

SECTION: v.3(12) D'01 pg 22

CBCA-ACC-NO: 5259834

LENGTH: 496 words

HEADLINE: Exclamation quits public incubator model (Record in progress)

BODY:

The dream of creating a successful Canadian publicly-traded incubator has expired, following its death in the U.S. Exclamation International Inc. of Toronto has given up the model to focus on running one of the five companies in its portfolio, Points.com Inc. A loyalty points trading exchange, Points.com also sells its technology to corporations with loyalty programs. The other Exclamation companies will either be sold or closed.

"We were the first one (in Canada) and it looks like we're last as well," said Exclamation president Christopher Barnard.

LEVEL 2 - 73 OF 293 STORIES

Copyright, 2001 American Banker-Bond Buyer a division  
of Thomson Publishing Corporation  
Card Marketing

July 2001 / August 2001

SECTION: Vol. 5; No. 6; Pg. 17

LENGTH: 403 words

HEADLINE: Miles Aren't Always Miles in Today's Programs

BYLINE: By Zack Martin

BODY:

Miles are like crack cocaine to consumers, " Timothy Olson, cofounder and chairman of Webmiles, told delegates to Thomson Financial Media's 3rd Annual Loyalty Conference in June.

Olson also noted that people who jealously guard information on their financial affairs eagerly volunteer the details of how many miles they've amassed.

The keys to successful mileage programs, he said, are determining how many miles customers need to hold their interest and what they can ...

... November and has enrolled 200,000 people. Lacek expects the site to have 400,000 by the holidays. One-third of MilePoint is owned by a group of airlines and hotels. MilePoint marketers have worked with airlines and put insertions into hotel direct mail.

To get started, consumers go to the MilePoint site and register their loyalty programs. MilePoint checks the point balances and computes the cash value. "If you have 15,000 miles now, you have \$ 300 in purchasing power," says Lacek.

That doesn't mean people can buy \$ 300 in goods or services anywhere they choose. The 200 merchant partners accept points for 10% to 20% of a purchase, says Lacek.

Toronto-based Points.com is another site that allows consumers to aggregate points from loyalty programs. Consumers combine programs in a "pointsfolio," that tracks account balances and monitors progress toward award goals.

The site also offers Pointsxchange, which lets consumers exchange points for miles or vice versa. Before the transaction is completed, the site calculates the value of points after they're exchanged.

Points.com also has an awards finder that shows how points can be used.

"On average, people participate in six to eight loyalty programs," says Steve Ogden, vice president of Points.com, which opened in April. "And you normally

Card Marketing, July 2001 / August 2001

only accumulate enough points in one or two of those programs to matter."

Copyright © 2001 Thomson Financial. All Rights Reserved.

SUBJECT: FREQUENT FLYER PLANS (78%); CONFERENCES &  
CONVENTIONS (78%); COCAINE (73%); DIRECT MARKETING (71%); DIRECT MAIL  
ADVERTISING (71%); WEB SITES (70%);

LEVEL 2 - 74 OF 293 STORIES

Copyright 2001 Consumers Union of U.S., Inc.

Consumer Reports Travel Letter

July, 2001

SECTION: Vol. 17, No. 7, P. 5

LENGTH: 105 words

HEADLINE: Heads Up; Attention frequent flyers.

BODY:

Points.com has launched a program called pointsexchange that lets travelers exchange points or miles between loyalty programs, including frequent-flyer accounts.

... partners include Air Canada, Alaska, American, America West, beenz.com, LoyaltyTravel, Midwest Express, and PhoneHog.com. By allowing you to move your miles or points from one account to another, the program is designed to make it easier for you to cash them in for travel or other awards. The company is planning to sign up hotels, car-rental firms, and cruise lines, and has signed letters of intent with 10 additional partners.

SUBJECT: FREQUENT FLYER PLANS (91%); CAR RENTAL AGENCIES (88%); TRAVEL LEISURE & HOSPITALITY (88%); CRUISES (86%);

LEVEL 2 - 94 OF 293 STORIES

Copyright 2001 Haymarket Publishing Services Ltd  
Marketing

May 3, 2001

SECTION: STOP PRESS, Pg. 3

LENGTH: 174 words

HEADLINE: SHELL PLUSPOINTS SCHEME PLEDGES BROADER BENEFITS

Shell has unveiled plans for the new loyalty scheme set to replace the oil giant's long-running Smart programme when it launches next month.

The new initiative, Shell pluspoints, aims be more accessible, to offer a broader range of benefits, and to reward higher-mileage customers by sending them quarterly points bonuses according to the ...

Pluspoints will offer one point for every litre of fuel purchased, with points exchangeable for vouchers for stores including Debenhams, Next, B&Q, Comet, Superdrug, JJB Sports and WH Smith. Members can also exchange points for Air Miles and BA Miles and make charitable donations.

Shell UK head of retail Ian Sutcliffe said: 'Shell pluspoints will give a greater incentive of rewards to those motorists who choose it.'

The Shell Visa Card will still be linked to the loyalty scheme and provide a faster way for customers to collect pluspoints and rewards. For every 1500 they collect, customers will get a pounds 10 voucher or 100 Air Miles/BA Miles.

LEVEL 2 - 95 OF 293 STORIES

Copyright 2001 The Washington Post  
The Washington Post

May 02, 2001, Wednesday, Final Edition

SECTION: FINANCIAL; Pg. E01; BUSINESS CLASS KEITH L. ALEXANDER

LENGTH: 906 words

HEADLINE: Airline Merger Might Shock Frequent Fliers

BYLINE: Keith L. Alexander

BODY:

Diane Zeitler of Ellicott City has more than 100,000 frequent-flier miles on US Airways. During the past few years, the health care consultant has redeemed free trips for herself and her husband to vacation spots such as Spain and San Francisco.

But now Zeitler worries that if United Airlines is successful in acquiring Arlington-based US Airways, ...

American Airlines' handling of its Trans World Airlines acquisition indicates that frequent fliers should be wary of how mergers will affect them. American forbids TWA frequent fliers from using their mileage points to claim seats on American flights, but lets American frequent-flier members use their miles to take seats on TWA.

United spokeswoman Chris Nardella says the airline still hasn't determined what, if any, frequent-flier program changes it will adopt if the merger is completed. "We're still looking at how the two programs can come together," she says.

But United has promised that US Airways frequent-flier members will be able to use their mileage points on United flights. That means a merger would bring some obvious benefits for US Airways members:

- \* US Airways frequent fliers would gain access to destinations US Airways doesn't fly to, including Hawaii, Asia and South America.

- \* US Airways members would become customers of an airline that is part of the Star Alliance, which would let them rack up frequent-flier points and exchange them for trips on 12 global carriers, including Air Canada, All Nippon, Lufthansa and Singapore Airlines.

"Pooling my miles together into one program would be a great advantage to me," says criminal justice consultant David Beaty of Ashburn, "depending on the restrictions and limitations."

The limitations:

- \* United and US Airways set dates on which mileage awards can and cannot be



The Washington Post, May 02, 2001

used. They also limit the number of seats or upgrades per flight that can go to frequent-flier members. Currently, US Airways members compete with 20 million other travelers for those seats. If a merger takes place, they will have to compete with nearly 60 million members.

\* Members of US Airways' "Chairman's Preferred" program (100,000 miles or more) who are used to unlimited free upgrades could find that perk eliminated. United doesn't offer unlimited upgrades.

\* US Airways members need only 20,000 miles to redeem a domestic trip. But United requires its members to have at least 25,000 miles for its lowest award.

\* US Airways members accustomed to earning miles with purchases on American Express cards and US Airways-branded Bank of America Visa cards could lose the American Express option. United has a reward program only with First USA Visa cards.

Frequent-flier expert Randy Petersen, publisher of Inside Flyer magazine, says he doubts that United will match any of US Airways' programs, especially the unlimited upgrades.

"This merger will be good and bad for US Airways members. Good because it gives them more opportunities to earn miles. Bad because the flexibility they had to redeem awards and upgrades may cease," Petersen says.

Business Class would like to hear from travelers about their frequent-flier experiences or other issues related to the proposed merger.

Flying the Ambulatory Skies: By now most readers have probably heard about the poor Continental Airlines passenger who in January died during a flight between Majuro and Hawaii. Crew members gave the dead man ...

SUBJECT: AIRLINES (94%); FREQUENT FLYER PLANS (93%); CONSULTING SERVICES (78%); HEALTH CARE INDUSTRY (78%); TRAVEL LEISURE & HOSPITALITY (77%); CREDIT CARDS (60%);

LEVEL 2 - 116 OF 293 STORIES

Copyright 2001 Star-Telegram Newspaper, Inc.

Fort Worth Star Telegram

March 31, 2001, Saturday FINAL EDITION

SECTION: BUSINESS; Pg. 2

LENGTH: 969 words

HEADLINE: Business Digest

BYLINE: Staff and Wire Reports

BODY:

... VIEW, Calif. - Intuit said the executive in charge of its QuickBooks accounting software resigned, after disappointing sales of the product forced the company to lower revenue forecasts. Dan Nye, vice president of Intuit's small-business division, resigned for personal reasons, Intuit said.

American's frequent flier plan to join Points.com

FORT WORTH - American Airlines' frequent flier program will become a participant in Points.com, a new Internet-based company that touts itself as the world's first loyalty program currency exchange. AAdvantage members will be able to exchange their points in other loyalty programs for AAdvantage mileage points or convert AAdvantage mileage points into other loyalty programs' points.

EDS names president for government accounts

PLANO - EDS named Albert J. Edmonds president of U.S. government accounts for its information solutions business line. He will oversee EDS' business relationships with the federal government, from strategic growth planning to delivery of the corporate

LEVEL 2 - 159 OF 293 STORIES

Copyright 2000 Gannett Company, Inc.

USA TODAY

November 29, 2000, Wednesday, FINAL EDITION

SECTION: MONEY; Pg. 9B

LENGTH: 320 words

HEADLINE: Amtrak offers rider rewards

BYLINE: David Field

BODY:

Amtrak will launch a frequent-rider program today that will award passengers points redeemable for train and airline tickets, car rentals or hotel nights.

Amtrak will announce the Guest Rewards program on the same day that it begins selling tickets for its high-speed Acela Express trains, which begin service on Dec. 11 ...

"We want to enhance the Amtrak brand," says Gail Blumenson, who directs loyalty programs for the 29-year-old railroad.

Guest Rewards members will earn two points for each dollar spent on Amtrak travel, but to keep Amtrak's Northeast corridor competitive with the air shuttles, riders on its Amtrak Metroliner and Acela Express trains ...

... earn  
500 more points for each segment.

The Acela, Amtrak's answer to Europe's bullet trains, will travel at speeds of 135 to 150 miles per hour and will cost \$ 120 to \$ 143 one way, which is less than the \$ 202.50 on the Delta or US Airways shuttle.

Awards include free airline tickets on United, Continental and Midwest Express.

Amtrak will add elite levels to the plan within a year, Blumenson says. Elite members will get benefits such as pre-boarding privileges and a dedicated reservations number.

Members of the Guest Rewards plan also can redeem their points for merchandise from Barnes & Noble, Eddie Bauer and others. Much like the airlines, Amtrak will require members to make one trip or transaction every three years, Blumenson says.

As of Jan. 1, members will be able to exchange points for those in the Hilton HHonors program, earn free stays with Starwood and

Marriott hotels, and earn free car rentals from Hertz.

LEVEL 2 - 174 OF 293 STORIES

Copyright 2000 Gale Group, Inc.  
Business and Industry  
Copyright 2000 Centaur Communications  
Customer Loyalty Today

October 2000

SECTION: Vol. 7, No. 9, Pg. 5; ISSN: 1352-0415

RDS-ACC-NO: 02631314

LENGTH: 252 words

HEADLINE: WebRewards aims for Classic hit

Internet loyalty scheme WebRewards is initiating an on-air promotion with Classic FM.

The station - which attracts a weekly audience of 6.25 million making it the UK's most successful commercial radio station - will give away 15,000 Reward Points to competition winners every week.

Competitions will be supported by on-air trials which commenced mid way through last month.

Simon Bates, host of the Classic Romance show, will explain to listeners how winners of Letter of the Week can exchange points for prizes at the WebRewards on-line shop.

Bates' show is one of Classic FM's most popular programmes, regularly attracting around one million listeners during its Sunday morning slot.

15,000 WebReward points offers winners access to the company's top tier of rewards. They ...

LEVEL 2 - 176 OF 293 STORIES

Copyright 2000 Gale Group, Inc.  
Business and Industry  
Copyright 2000 Centaur Publishing Ltd.  
LeisureWeek

September 21, 2000

SECTION: Pg. 12; ISSN: 1355-3453

RDS-ACC-NO: 02609727

LENGTH: 248 words

HEADLINE: Credit card offers fitness discounts

HIGHLIGHT:

De Vere Group, Bannatyne Health and Leisure and Marriott sign up for Sportscard Group's loyalty credit card program that will give customers discounts on health and fitness club membership fees

A loyalty credit card that will give customers discounts on health and fitness club membership fees is to be launched this autumn.

Lifestyle credit card company Sportscard Group will reward customers for each transaction with the card by giving them loyalty points, redeemable against membership costs or in-house services.

... Vere Group, Bannatyne Health and Leisure and Marriott, who have supplied Sportscard with customer databases for marketing of the service. Sportscard operations and finance director Preet Kapoor said the company is keen to recruit other partners.

"We understand the potential difficulties for clubs in retaining members and a loyalty package is a great incentive," Kapoor said. "We can create local marketing strategies for individual clubs so that every time a customer uses the card they gain points for use at a particular club."

Sportscard currently intends to focus on a ...

... five years and will float on the Alternative Investment Market at the end of September to raise around #15million to fund the scheme.

An optimum rate of 15p worth of points for every pound spent has been negotiated with some national retailers, and another option allows customers the chance to exchange points for store vouchers that can be used at 25,000 outlets.

AD-MARKETING: All product marketing; Cobranding; Loyalty

LEVEL 2 - 197 OF 293 STORIES

Copyright 2000 William Reed Publishing Ltd.  
The Grocer

August 12, 2000

SECTION: COVER FEATURE/ Pg. 30

LENGTH: 1485 words

HEADLINE: Delhaize: the heart is at home

BODY:

... customers informed. The Coca-Cola product withdrawal which followed soon after shook the industry still further. "It's not been the best year, but it probably forced us to rethink our products and our positioning. There's a good side to everything," says Cogels.

Delhaize Belgium has a very successful loyalty card scheme now being extended to include other retailers.

"More than 90% of the value going through our stores is from customers using a loyalty card. I've never seen figures like that, ever."

Cogels puts the success down to the broad nature of the card, which allows customers to collect points on their Delhaize store shopping, petrol purchases from Q8 stores, clothing from C&A and other retailers are being brought on board. They can then exchange those points for cash or put them towards cheaper shopping.

But while Cogels is happy to send general information and offers to customers on the card scheme, he is wary of using the shopping data collected.

"We've been thinking about how to do it, how to use that information. Privacy is very important and I don't ...

LEVEL 2 - 201 OF 293 STORIES

Copyright 2000 Gale Group, Inc.

ASAP

Copyright 2000 The Hearst Corporation

Good Housekeeping

August 1, 2000

SECTION: No. 2, Vol. 231; Pg. 82 ; ISSN: 0017-209X

IAC-ACC-NO: 63842621

LENGTH: 1429 words

HEADLINE: Finding the Best Freebies; consumer rewards programs; Statistical Data Included

BYLINE: BOSS, SHIRA

BODY:

You can get something for nothing--if you stick to the same hotels, airlines, Web sites, and stores. Which customer-loyalty programs pay off, which don't.

Your local coffee shop knows you by name, so why not become a "regular" with an airline or a hotel too? These days many businesses are so eager to turn you into a repeat customer, they offer all kinds of freebies in return. Problem is, with some customer loyalty programs, the rewards are so small ("Buy fifteen pairs of shoes, get the next pair free!") or inconvenient (your miles expire in a year) that membership means little more than another card crowding your wallet. So we talked with travel and shopping experts to find out which programs truly pan out.

#### HOTELS

##### Best Bets

Marriott Rewards (800-MARRIOTT) "Families should look strongly at Marriott because it offers options from budget to deluxe," says Richard Barlow, editor of the "Colloquy" newsletter, which tracks loyalty programs. You earn ten points for every dollar spent on rooms at Marriott, Courtyard, Fairfield Inn, Spring Hill Suites, Renaissance, and Vacation Club International. With 7,000 points you can stay free at Fairfield Inn. Also redeem points for flights, car rentals, or merchandise at skymall.com.

Hilton HHonors (800-548-8690) This flexible program lets you double-dip to earn points and frequent flier miles at the same time. Plus, you can spend points on car rentals, gift certificates, and amenities such as free in-room movies.

Not as Good

Watch out for programs with heavy blackout dates and for ones valid only at



Good Housekeeping August 1, 2000

select hotels or on ....

... every year and 15,000 SkyMiles for signing up. With the 17.74 percent rate, be sure to pay those bills in full.

American Express Membership Rewards (800-AXP-EARN) Members pay an additional \$ 40 to join, but then points can be transferred to a number of different frequent flier programs or redeemed for gift certificates, hotel stays, or car rentals.

Dayton's, Hudson's, Marshall Field's Put \$ 500 on a store card and you can treat yourself to one day of shopping at 15 percent off, sale items not included.

Not as Good

...

... com.

Best Bets

www.mypoints.com Earn points for shopping, visiting Web sites, reading e-mail ads, or filling out surveys. Browse through the list of online merchants, which includes Macy's and JCPenney, and you'll gain two points per dollar spent. Then, exchange points for gift certificates, discounts, or merchandise.

www.clickrewards.com Shop online at select merchants--including Gap and The Disney Store--and earn frequent flier miles or free merchandise.

www.points.yahoo.com (Yahoo! Points) Buy from online stores (two points per dollar), read advertising mail (20 points per e-mail), or purchase airline tickets (150 points). Then, redeem points (at stores such as Barnes & Noble or Eddie Bauer), or bid on items from The Museum Company or the RedEnvelope gift site.

www.greenpoints.com At this site, you earn points by shopping at more than 100 retailers, including marthastewart.com and Brookstone. Then you can redeem your points for other merchandise.

Not as Good

Avoid programs that tightly restrict the ways you can earn points (for instance, you have to buy promotional products). Also important is where you can spend your points, says Lauren Freedman, an e-commerce consultant in Chicago. "Look ...

... online account with E(\*)Trade (www.etrade.com). Get 5,000 more for referring a friend.

Buy or sell a home Accumulate from 10,000 to 125,000 miles, depending on the price of the house, when you buy or sell through an airline-referred realtor. Call your frequent flier program to get the names of its real estate partners.

Borrow money GMAC Mortgage has partnered with Northwest (888-422-2660) to give 1,000 miles per \$10,000 borrowed. Home equity loans earn 175 miles per \$1,000 on most first mortgages. North American Mortgage Company links every \$10,000 borrowed to 1,000 miles on United or Delta, and gives 2,500 miles for home equity loans.

Buy or rent a car When you purchase a car from a dealer affiliated with participating airlines (your frequent flier program will give you the names of its partners), you can get 5,000 to 15,000 miles. Rent a car and earn 50 frequent flier miles a day.

Pay for miles Just shy of a free flight? United and American Express sell miles at \$25 per 1,000.

(\*) Internet programs are subject to change.

LEVEL 2 - 242 OF 293 STORIES

Copyright 2000 Cahners Business Information, a division of  
Reed Elsevier Inc.  
All Rights Reserved.  
Cablevision

May 8, 2000

SECTION: IN FOCUS; Pg. 10

LENGTH: 617 words

HEADLINE: New Owners, Redefined Rewards

BYLINE: TOM KERVER

BODY:

No one ever accused John Malone of being a spendthrift, but compared to old Ma Bell, the former Tele-Communications Inc. taskmaster seems downright profligate—at least when it comes to rewarding customers for their loyalty and hefty monthly subscription payments.

It's been over a year now since AT & T bought TCI from Malone, and it seems the former TCI Rewards program for customers has been whittled down to a point where AT & T cable customers have far fewer reward options at far higher costs.

The TCI Rewards catalog offered 66 items, including discounts on cable bills and United Airlines frequent flier miles. Those types of premiums are now gone, replaced by just 26 options, all of which fall into the category of promotional items furnished by programmers, which wouldn't be unfamiliar to inveterate collectors of "shwag" at trade shows.

No longer does revenue-hungry AT & T let customers exchange points for \$5 discount certificates on company bills. No longer can customers get premiums from Discovery or Animal Planet or BET or the A & E Networks family. Gone are expensive premiums such as golf bags and denim jackets.

Doug Seserman, AT & T Broadband's marketing chief, says the changes are consistent with customer reaction to the industry-unique customer retention program. "We were surprised with some aspects of the redemption pattern, such as the seeming indifference to discounts on cable bills," he observes. "These things simply weren't as popular as merchandise. I attribute much of this pattern to the love affair that viewers have with their favorite programmers.

... 250 points.

A Nickelodeon "Talkblaster" children's phone that formerly cost 625 points now costs 1,575 points.

A Disney toddler T-shirt can be obtained for 450 points; before it could be obtained for 150 points.

Seserman calls this hike in redemption points "reflective of the retail value of the item. We don't get complaints about raising the redemption because, after all, the items are free to the customer."

Not completely free anymore, however. Seserman has now tacked on a "shipping and handling" charge for the "free" items. "We had hoped to cover these costs,

but with four million customers in the program, that proved impossible," he explains.

"It's important to remember," Seserman adds, "that these items aren't free to us. We pay the programmers for them."

What's more, Seserman says the loyalty program may be expanded to the rest of the company. He predicts that "within the next 12 to 18 months, this program will grow from being cable-centered to being enterprise-wide within the AT & T family of services." (AT & T tried a loyalty rewards program for long-distance customers in the early 1990s, but discontinued it.)

Other cable operators, incidentally, are considering similar loyalty programs. Comcast CEO Brian Roberts was "blown away" when, as an Amazon.com customer, he recently got a free coffee mug from them. "We've got to institute a program that thanks our customers," he said as he sipped coffee from his new mug with the Amazon.com logo.

SUBJECT: MEDIA INDUSTRIES (90%); CABLE INDUSTRY (90%); CABLE  
TELEVISION (90%); TELEVISION PROGRAMMING (76%); CHILDREN'S  
PROGRAMMING (76%); FREQUENT FLYER PLANS (76%); CUSTOMER SERVICE (72%); TRADE  
SHOWS (68%); BROADBAND (66%);

LEVEL 2 - 248 OF 293 STORIES

Copyright 2000 Sun-Sentinel Company  
Sun-Sentinel (Fort Lauderdale, FL)

May 1, 2000, Monday, Broward Metro EDITION

SECTION: YOUR BUSINESS, Pg. 19

LENGTH: 854 words

HEADLINE: URBAN TIME-SHARES;  
FOR FREQUENT CITY VISITORS, THEY CAN BE BETTER INVESTMENT THAN STAYING IN;  
HOTELS.

BYLINE: JEANNINE DeFOE ; Bloomberg News

DATELINE: NEW YORK

BODY:

For Barry and Rhoda Abrams, frequent visitors to New York, buying an "urban" time-share turned out to be a better investment than staying in hotels.

"In a hotel, you never know the room you're getting," said Barry Abrams, a dentist from Cherry Hill, N.J., a Philadelphia suburb. ...

... Abramses, who regularly visit a particular city at least once a year. Time-share owners gain accommodations that are usually roomier than hotel rooms and are able to swap their rights with other time-share owners for vacations in locales around the world.

For frequent visitors, time-shares can pay for themselves in about nine years based on nightly average hotel rates in a large city.

By purchasing a time share, owners buy the right to stay in a furnished unit in ...

... handles re-sales. Swap clubs

Buying a time-share doesn't have to mean vacationing in the same place year after year. Shell Vacations, a Northbrook, Ill.-based time-share developer, sells units on a point system, allowing owners to exchange their points for stays in company resorts until they run out.

Owners can also swap time-shares with other owners by becoming members of "clubs," or companies that arrange exchanges, including Interval International and Cendant Corp.'s Resort Condominiums International unit.

Urban time-shares are ...



[home](#) [pointsfolio](#) [xchange calculator](#) [pointsxchange](#) [autoxchange](#) [award finder](#)



[about points.com > products & services](#)

## pointsxchange™



Pointsxchange lets you xchange your points between your loyalty program accounts or into gift certificates.


Earn rewards faster by making all your points, miles and other loyalty program currencies count! Turn 'points' you never use, into rewards - faster than ever before.

Take a look at the [official xchange guide](#) and see how easy it is.

### partners

Many of the world's leading loyalty programs participate in pointsxchange, with more and more joining all the time.


Stay tuned, more and more travel, hotel, financial, retail and online partners are coming soon!

[view xchange partners](#) 

### pricing

Unlimited pointsxchanges are only \$14.95 per year with a pointsplus account - your best value at points.com.

Or, each xchange is just \$5.95 with a points account.

[learn more about opening an account](#) 

### features

Other features of pointsxchange include:

- [xchange calculator](#) - a planning tool that lets you see the value of your points - before you xchange them.
- [autoxchange](#) - a feature that lets pointsplus account holders set-up xchanges to occur automatically - either monthly or quarterly.

### xchange rates

Our partners set the pointsxchange rates between programs.

Rates will vary between different types of programs and different programs of the same type.

As more and more partners participate in pointsxchange, you'll have greater xchange combinations and rates.

There are select partners that have certain xchange limitations, please view the

## products & services

[an introduction](#)  
[getting started](#)  
[account options](#)  
[special offers](#)

[partners](#)  
[pricing](#)  
[special offers](#)  
[features](#)  
[xchange rates](#)  
[xchange guide](#)

[pointsfolio](#)  
[pointspurchase](#)

[table of contents](#)

partner information page for more information.

Get a free pointsxchange when you open a FREE points account now!

points  
com™

[terms & conditions](#) [privacy policy](#) [security policy](#) [\\*legal disclaimer](#)

© 2001, 2002 Points.com All rights reserved.



[home](#) [pointsfolio](#) [exchange calculator](#) [pointsexchange](#) [autexchange](#) [award finder](#)



home

Welcome to points.com - the only place you can exchange points, miles or other currencies between your loyalty programs.  
[points.com intro](#) [get started now](#)

Reach awards faster than ever before with...

**pointsxchange™** - the world's first and only online loyalty program currency exchange.

[about pointsexchange](#)

**pointsfolio™** - the one convenient location to manage all your loyalty programs.

[about pointsfolio](#)

**pointspurchase** - are you close to an award, but just don't have enough miles? Now you can 'top-up' and purchase the miles you need.

[about pointspurchase](#)

#### our exchange partners

[more about our partners](#)

#### latest news & offers

##### points news

- [Loyalty Travel Group joins xchange](#)
- [UTIPoints joins xchange](#)
- [Delta SkyMiles joins xchange](#)

##### special offers

- [CIBC Aerogold cardholders - earn 500 Aeroplan bonus miles!](#)
- [get a free xchange](#)
- [xchange today for Alaska Airlines Mileage Plan Double Miles!](#)

##### Flash presentations

View a Flash presentation and learn more about...

[points.com](#)

[pointsexchange](#)



[terms & conditions](#) [privacy policy](#) [security policy](#) [\\*legal disclaimer](#)  
© 2001, 2002 Points.com All rights reserved.



TRADEMARK LAW OFFICE 11  
Serial Number: 76/133801  
Mark: GLOBALPOINTSEXCHANGE

**\*\*Please Place on Upper Right Corner\*\***  
**\*\*of Response to Office Action ONLY\*\***

<b>SERVICE MARK APPLICATION, PRINCIPAL REGISTER</b>	Mark: <b>GLOBALPOINTSXCHANGE</b>
<b>RESPONSE TO ACTION NO. 1</b>	Class No.: 42 (amended to 35)
<b>MAILED: 2/16/01</b>	Serial No.: 76/133801
Attn: Esther A. Belenker Law Office <u>111</u>	Applicant: Points.com Inc.

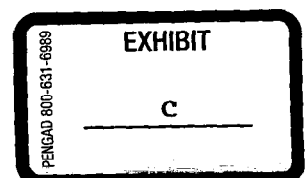
**RESPONSE TO OFFICE ACTION LETTER**

This Response is sent in reply to the Office Action Letter mailed February 16, 2001 from Trademark Attorney Esther A. Belenker (the "Trademark Attorney") and addressed to Thad N. Leach of the Lewis, Rice & Fingersh law firm

This Response is timely filed and each of the points raised by the Trademark Attorney in the Office Action Letter are addressed herein.

**DESCRIPTIVE MARK**

The Trademark Attorney refused registration of the Mark on the grounds of mere descriptiveness. The Applicant respectfully contents that GLOBALPOINTSXCHANGE is not a descriptive mark, but is instead suggestive. The element "global" does possess the definitions, as noted by the Trademark Attorney, meaning "worldwide" or "total." But, these dictionary meanings are not reflective of the Applicant's use and intent of the term. In the Mark, "global" conveys a quality of international travel or sophistication. These are desirable commercial impressions for the Mark, but these concepts in no way refer to or describe the underlying services. The fact that the word "global" also appears in the recitation of services is a coincidence stemming from the Patent and Trademark Office's early custom of referring to the internet as the "global computer network." Indeed, this is an illustration of the varying uses of "global." The Patent and Trademark Office uses



the term in a geographic sense, while the applicant uses the term in a suggestive, subtle sense. Accordingly, as a whole, the Applicant's Mark is suitable for registration on the Principal Register.

#### RECITATION AND CLASSIFICATION OF SERVICES

The Trademark Attorney refused registration because the submitted recitation of services was deemed to be indefinite. Along with this application, the Applicant is seeking registration for eight other marks. The Applicant notes that the Trademark Attorney is associated with all nine of its applications. To achieve consistency among its applications and registrations, the Applicant is seeking to amend its applications to include the same recitation of services where appropriate. The Applicant hereby adopts the following recitation, "Providing a web site on the global computer network for the tracking and exchange of customer loyalty rewards." The Applicant amends classification of this Application to International Class 35, consistent with its other applications.

For the Trademark Attorney's convenience, the serial numbers for the Applicant's nine pending applications, including the instant application, are: 76/079,850; 76/079,851; 76/081,588; 76/114,210; 76/114,349; 76/130,500; 76/133,464; 76/133,800; and, 76/133,801.

#### DOMESTIC REPRESENTATIVE

The Applicant hereby designates Thad N. Leach as its domestic representative as evidenced by the fully executed Designation of Domestic Representative attached hereto.

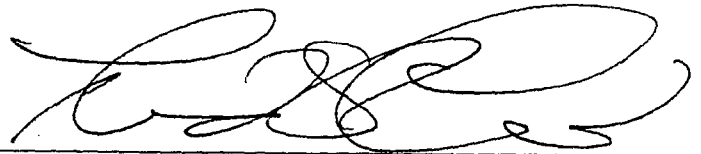
#### CONCLUSION

For the reasons cited herein, the Applicant respectfully requests that the Patent and Trademark Office (the "PTO") approve its application to register this mark on the Principal Register, and permit the mark to be published for opposition. In the event that the PTO has any further questions or concerns regarding this application or the subject matter addressed herein, the

Applicant requests that the PTO contact its attorney Thad N. Leach at (314) 444-7881 rather than to issue a final rejection.

LEWIS, RICE & FINGERSH, L.C.

By



Thad N. Leach  
500 North Broadway, Suite 2000  
St. Louis, MO 63102  
Telephone: (314) 444-7881  
Facsimile: (314) 612-7881

Attorneys for Applicant  
Points.com Inc.

**Certificate of Mailing by "Express Mail"**

"Express Mail" No.: EL92437498245

I hereby certify that this correspondence is addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, ATTN: Esther A. Belenker, Law Office 111 and is being deposited with the United States Postal Service "Express Mail Post Office to addressee" service on August 14, 2001.

  
Audrey Brazier

8/14/01

(Date of Signature)

<b>SERVICE MARK APPLICATION, PRINCIPAL REGISTER</b>	Mark: <b>GLOBALPOINTSXCHANGE</b>
<b>RESPONSE TO ACTION NO. 1 MAILED: 2/16/01</b>	Class No.: 35
Attn: Esther A. Belenker Law Office <u>111</u>	Serial No.: 76/133801
	Applicant: Points.com Inc.

**DESIGNATION OF DOMESTIC REPRESENTATIVE**

Thad N. Leach

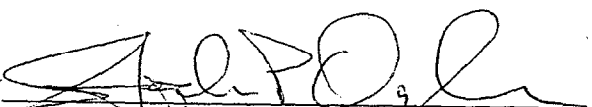
whose postal address is:

Lewis, Rice & Fingersh, L.C.  
500 North Broadway, Suite 2000  
St. Louis, Missouri, 63102

is hereby designated as the Applicant's representative upon whom notices or process in proceedings affecting the Mark may be served.

Points.com Inc.

By

  
Steve Ogden, Vice-President, Marketing

*August 10, 2001*



AUDREY BRAZIER  
LEWIS RICE & FINGERSH, L.C.  
500 NORTH BROADWAY, SUITE 2000  
ST. LOUIS, MISSOURI 63102

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 76/133891

Reg. No. \_\_\_\_\_

Docket No. \_\_\_\_\_

Title/Trademark

Coloac Point Exchange

In the Matter of

Points.com INC

The following has been received by the USPTO on the date stated hereon:

☐ Affidavit

☐ Affidavit under Sections 8 & 15

☐ Amendment

☐ Assignment

☐ Maintenance Fee Transmittal

☐ Check in the amount of \$ \_\_\_\_\_

☐ Issue Fee Transmittal

☐ Drawings \_\_\_\_\_ Sheet(s) (Formal, Informal)

☐ Notice of Opposition

☐ Letter

☐ Motion

☐ Transmittal

☐ Notice of Appeal

☐ Declaration & Power of Attorney

☐ Petition

☐ IDS

☐ Statement of Use

☐ Renewal Application

☐ Trademark Appin ( \_\_\_\_\_ pages)

☐ Patent Application

☐ Response 2/16/01

☐ Specimens

☒ Small Entity

Designation of Domestic

Date of Mailing

8/11/01

RRP