

### **Registrant's Specimens Are a Display Associated with the Goods**

The specimens submitted with Registrant's December 14, 2020, Section 8 and 9 Declaration constitute a display associated with the goods. A specimen is acceptable as a display associated with the goods if it demonstrates use of the mark directly associated with the goods and is of a point-of-sale nature. TMEP §904.03(g). The specimens include both a "Target Credit Card Application" and a "Target Debit Card Application," both of which also display a picture of the respective credit and debit cards. These forms are available from Registrant's Target.com website at <https://www.target.com/redcard/about> (included as page 6 of the specimens filed December 14, 2020), which provides links to the actual form documents at [https://target.scene7.com/is/content/Target/GUEST\\_ff8582cc-135b-4653-adb6-ca0650afcebe](https://target.scene7.com/is/content/Target/GUEST_ff8582cc-135b-4653-adb6-ca0650afcebe) and [https://target.scene7.com/is/content/Target/GUEST\\_e0a569e1-c906-4b8f-baa4-6fbd19e4d68a](https://target.scene7.com/is/content/Target/GUEST_e0a569e1-c906-4b8f-baa4-6fbd19e4d68a). A credit card or debit card application is not mere advertising material. Instead, these specimens are more akin to catalogs – a consumer can identify the goods it wishes to acquire (debit or credit card), fill out a sales form, and send it in to acquire the goods. See TMEP §904.03(h). The applications/order forms closely associate the TARGET mark with the goods and include the mailing address to which a consumer should mail the form. For these reasons, Registrant submits that its original specimens are acceptable to renew its Registration No. 3896937.

### **Registrant's Supplemental Specimens Demonstrate Ongoing Use of the TARGET Mark for the Goods**

Additionally, Registrant provides with this Response a series of supplemental specimens demonstrating use of the TARGET mark in connection with an electronic display associated with the goods covered by the registration. The first supplemental specimen, a partial capture of the webpage at <https://www.target.com/redcard/about>, was also included in Registrant's renewal filing. This specimen includes the headings "Target credit card & Target(TM) Mastercard(R)" and "Target debit card." Under these headings are several other uses of the TARGET mark as well as links to "Apply for credit online" and "Apply for debit online." The second and third supplemental specimens are the pages that result from clicking on these two "Apply" links. Both pages demonstrate active and functional application forms for consumers to acquire the credit card and/or debit card promoted on the prior page (and pictured on the online form page) in connection with the TARGET mark. Additionally, the second supplemental specimen includes the statements: "If you're approved for a Target RedCard, we can automatically add it to your account so you can start shopping instantly." and "Please review our Target Credit Card Privacy Policy." Similarly, the third supplemental specimen contains the statement: "Please review our Target Debit Card Privacy Policy." Together, these three supplemental specimens: (1) contain both a picture and textual description of the identified goods; (2) show the TARGET mark in association with the goods as described above; and (3) provide a means for ordering the identified goods, namely submitting an application to obtain the credit card. As such, these supplemental specimens constitute a display associated with the goods per TMEP §904.03(i). Registrant notes that an analogous specimen was accepted as part of its Section 8 and 15 Declaration filed on December 7, 2016.

Finally, Registrant provides a fourth supplemental specimen, namely a photograph of the back of a Target RedCard credit card that displays the TARGET mark ("Target Stores"). All of the supplemental specimens were in use at the time Registrant filed its Section 8 and 9 Declaration, as evidenced by the declaration accompanying this response.

**Conclusion**

In accordance with the foregoing, Registrant submits that the specimens submitted with its Section 8 and 9 Declaration and this Response to Office Action demonstrate Registrant's continued use of the TARGET mark in connection with "magnetically encoded credit and debit cards," and that Registration No. 3896937 is in condition for renewal, and requests action consistent therewith. The Examining Attorney is requested to contact the undersigned by telephone if a telephone conference might be of assistance.