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

Proceeding	91196629
Party	Defendant Timothy P. Dunnigan
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Submission	Motion for Summary Judgment
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Date	09/14/2011
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Gamelink, LLC)
Opposer,)
v.) Opposition No. 91196629
Timothy P. Dunnigan)
Applicant.)
_____)

APPLICANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Applicant Timothy P. Dunnigan (“Applicant”) hereby moves the Board to grant summary judgment in favor of Applicant and to dismiss all claims in Opposer’s Amended Notice of Opposition with prejudice. Applicant’s Motion embodies his Brief in Support as required by 37 C.F.R. § 2.127(a).

I. **STATEMENT OF THE CASE**

On June 29, 2009, Applicant filed an application under §1(a) to register on the Principal Register the following mark for “entertainment services, namely, amusement arcades featuring console-based video game systems with multiple stations, each consisting of a large LCD television, leather chair and sound dome, for use in individual and group game play, game tournaments and game leagues” (“Applicant’s Mark”):



The word GAME LINK was voluntarily disclaimed by Applicant in an examiner's amendment dated April 15, 2010.

Applicant's mark was published in the Official Gazette on June 1, 2010. On September 27, 2010, Gamelink, LLC ("Opposer") filed and served a Notice of Opposition against Applicant's application alleging (1) priority and likelihood of confusion with Opposer's **GAMELINK** and **GAME LINK** marks (hereinafter "Opposer's Marks"), (2) dilution, (3) deceptiveness, (4) false suggestion of connection, (5) mere descriptiveness, (6) deceptive misdescriptiveness, (7) fraud, and (8) genericness.

On November 3, 2010, Applicant filed a Motion to Dismiss the Notice of Opposition pursuant to Rule 12(b)(6) for failure to state a claim upon which relief may be granted. On January 13, 2011, the Board denied Applicant's motion with respect to dilution and granted Applicant's motion as to the seven remaining claims. The Board allowed Opposer leave to amend its Notice of Opposition.

On February 1, 2011, Opposer filed an Amended Notice of Opposition alleging priority and likelihood of confusion, false suggestion of a connection, mere descriptiveness, fraud, and dilution. On February 28, 2011, Applicant filed a Motion to Dismiss the Amended Notice of Opposition pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Board dismissed with prejudice Opposer's allegations of mere descriptiveness and fraud, but found that Opposer had properly pleaded its claims of likelihood of confusion, false suggestion of a connection, and dilution. On May 20, 2011, Applicant filed his Answer denying all salient claims in the Amended Notice of Opposition.

On July 29, 2011, Applicant timely served his Initial Disclosures on Opposer. Because there is no genuine issue of material fact for the Board to decide, Applicant is now submitting his

Motion for Summary Judgment and prays that judgment as a matter of law be entered in favor of Applicant as to all three counts in Opposer's Amended Notice of Opposition.

II. UNDISPUTED FACTS

1. Applicant Timothy P. Dunnigan is the owner of the following trademark as shown in Application Serial No. 77770614 for "entertainment services, namely, amusement arcades featuring console-based video game systems with multiple stations, each consisting of a large LCD television, leather chair and sound dome, for use in individual and group game play, game tournaments and game leagues," in International Class 41 ("Applicant's Mark"):



2. The words GAME LINK are disclaimed in Applicant's application.
3. Applicant is the owner of Gamelink, LLC, an active limited liability company organized under the laws of Georgia. Gamelink, LLC is the company through which all business operations and services associated with Applicant's Mark are rendered. Declaration of Timothy P. Dunnigan, ¶ 3) (hereinafter referred to as the "Dunnigan Declaration").
4. Applicant's Mark is currently used in connection with three brick-and-mortar video gaming lounges. These gaming lounges feature console-based video game systems (specifically XBOX 360 systems) that are linked together to allow for both individual game play and group competition. Each gaming station consists of a large LCD television, a chair, and a sound dome that hangs directly above the player. Dunnigan Declaration, ¶ 4.
5. Applicant's GAME LINK video gaming lounges are family-friendly establishments that frequently host video game tournaments, video game leagues, and birthday parties. Individuals under the age of 18 frequently patronize the GAME LINK gaming lounges.

Snacks and beverages are also available in the GAME LINK gaming lounges. Dunnigan Declaration, ¶ 5.

6. Applicant's Mark is also currently used in connection with a mobile, air-conditioned gaming station consisting of four LCD televisions and linked XBOX gaming consoles. This mobile gaming station is primarily utilized at charity and public events for marketing purposes. It is also rentable for private parties and gatherings. Dunnigan Declaration, ¶ 6.

7. Applicant advertises his services on the website www.gamelinklounge.com. Consumers cannot purchase any products or services on Applicant's website. The website is primarily used for informational purposes and to advertise the services offered at the GAME LINK video gaming lounges. Dunnigan Declaration, ¶ 13.

8. Applicant's GAME LINK video gaming lounges are advertised on social media websites such as Twitter and Facebook. Dunnigan Declaration, ¶ 7.

9. Applicant's Mark refers solely to the fact that the XBOX 360 *video game* consoles are *linked* together to allow for group game play and competition within the physical GAME LINK video gaming lounges. Dunnigan Declaration, ¶ 8.

10. Applicant's Mark is not used, or intended to be used, in connection with any products or services related to pornography, sex toys and novelties, or the adult entertainment industry in general. Dunnigan Declaration, ¶ 12.

11. Applicant was not familiar with Opposer or its services until after he filed his trademark application for GAME LINK on June 29, 2009. Dunnigan Declaration, ¶ 9.

12. Opposer is the owner of U.S. Registration No. 2206576 for GAME LINK for "electronic and online retailing services by means of a global computer network, featuring

products for adults, namely, videos, CD-ROMs, films, books, rubber goods and adult toys.”

Exhibit A.

13. Opposer is the owner of U.S. Registration No. 3023336 for GAMELINK for “on-line retail store services, computerized on-line ordering services, and wholesale ordering services in the field of entertainment goods namely videos, CDs, DVDs and order fulfillment services” and “video-on-demand transmission and streaming of audio and video materials on the Internet.”

Exhibit B.

14. According to Opposer’s website (www.gamelink.com), Opposer uses Opposer’s Marks exclusively in connection with services related to the adult entertainment industry. According to its website, Opposer offers for sale streaming pornography videos, pornography videos on DVD and Blu-ray, and adult sex toys and novelties. Dunnigan Declaration, ¶ 10; Amended Notice of Opposition, ¶ 4.

15. Opposer’s website does not sell video games nor does it have links to video games. Dunnigan Declaration, ¶ 11; Amended Notice of Opposition, ¶ 4. Rather, Opposer refers to itself as “the original online adult store” and focuses on online distribution of adult content through its website www.GameLink.com. Dunnigan Declaration, ¶ 11.

16. Applicant is unaware of any instances of actual consumer confusion stemming from the concurrent use of Applicant’s Mark in connection with video gaming lounges and Opposer’s Marks in connection with various services related to pornography and the adult entertainment industry. Dunnigan Declaration, ¶ 14.

III. LEGAL ARGUMENT

Under Rule 56 of the Federal Rules of Civil Procedure, summary judgment is appropriate in *inter partes* proceedings before the Trademark Trial and Appeal Board just as in any other suit. 37 C.F.R. § 2.116(a). See e.g. *Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986); *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 222 U.S.P.Q. 741 (Fed. Cir. 1984). The Board favors the use of summary judgment. *INB Nat'l Bank v. Metrohost, Inc.*, 22 U.S.P.Q.2d 1585, 1586 (TTAB 1992); *Aries Sys. Corp. v. World Book, Inc.*, 23 U.S.P.Q.2d 1742, 1744 (TTAB 1992).

A party moving for summary judgment has the burden of demonstrating the absence of any genuine issue of material fact and that it is entitled to judgment as a matter of law. *Copelands' Enterprises Inc. v. CNV Inc.*, 945 F.2d 1563, 20 U.S.P.Q.2d 1295, 1298-99 (Fed. Cir. 1991). The burden of the moving party may be met by showing that there is an absence of evidence to support the nonmoving party's case. *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). If the moving party meets its burden, that is, if the moving party has supported its motion with affidavits or other evidence which if unopposed would establish its right to judgment, the nonmoving party may not rest on mere denials or conclusory assertions, but rather must proffer countering evidence, by affidavit or as otherwise, showing that there is a genuine factual dispute for trial. See *Octocom Systems Inc. v. Houston Computer Services Inc.*, 16 U.S.P.Q.2d 1783, 1786 (Fed. Cir. 1990). A factual dispute is only genuine if sufficient evidence is presented such that a reasonable fact finder could decide the question in favor of the non-moving party. See *Opryland USA Inc. v. The Great American Music Show Inc.*, 970 F.2d 847, 23 U.S.P.Q.2d 1471, 1472 (Fed. Cir. 1992). A fact is only material if it "may affect the decision, whereby the finding of that fact is relevant and necessary to the proceedings." *Opryland USA*, 23 U.S.P.Q.2d at

1472. However, a dispute over a fact that would not alter the Board's decision on the legal issue will not prevent entry of summary judgment. *See, e.g., Kellogg Co. v. Pack'Em Enterprises Inc.*, 14 U.S.P.Q.2d 1545 (TTAB 1990), *aff'd*, 951 F.2d 330, 21 U.S.P.Q.2d 1142 (Fed. Cir. 1991) (single *du Pont* factor of dissimilarity of marks outweighed all others such that other factors, even if decided in nonmovant's favor, would not be material because they would not change the result).

COUNT I
PRIORITY AND LIKELIHOOD OF CONFUSION

There is no likelihood of confusion between Applicant's Mark and Opposer's Mark. A likelihood of confusion determination is based on the Board's analysis of all of the probative facts in evidence relevant to the issue of likelihood of confusion (the *du Pont* factors). *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973). "Not all of the factors may be relevant or of equal weight in a given case" and "any one of the factors may control a particular case." *In re Majestic Distilling Co., Inc.*, 315 F.3d 1311, 1315, 65 U.S.P.Q.2d 1201 (Fed. Cir. 2003), *citing In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406, 41 U.S.P.Q.2d 1531, 1533 (Fed. Cir. 1997). Therefore, the Board may focus on the factors it finds dispositive. *See Han Beauty Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 U.S.P.Q.2d 1557, 1559 (Fed. Cir. 2001) *citing In re Dixie*, 105 F.3d at 1406.

The factors most relevant to this proceeding include the dissimilarity of the marks, the dissimilarity of the goods and services, the differing channels of trade, the differing classes of purchasers, the absence of fame of the opposer's mark, and the absence of actual confusion.

A. **DISSIMILARITY OF THE MARKS**

A determination of similarity or dissimilarity under *du Pont* requires an examination of the marks in their entirety. *See du Pont*, 476 F.2d at 1361. A key issue is the similarity of the

marks “in their entireties as to appearance, sound, connotation, and commercial impression.” *Majestic Distilling*, 315 F.3d at 1315. The dominant portion of a mark may be given greater weight when comparing it to another mark to determine if they are confusingly similar. *See Kangol, Ltd. v. KangaROOS U.S.A., Inc.*, 974 F.2d 161, 163, 23 U.S.P.Q.2d 1945 (Fed. Cir. 1992) (“[A] particular feature of a mark may be more obvious or dominant, and therefore, when determining likelihood of confusion, greater weight ought to be given to the force and effect of such a feature.”).

In this case, Applicant concedes that the word portion of Applicant’s Mark is identical to Opposer’s Marks. However, because Applicant has disclaimed the entire word portion of its GAME LINK mark due to its descriptive nature, Applicant argues that the dominant portion of Applicant’s Mark is actually the unique and creative design element and not the words. As the Board can see, Applicant’s Mark is in color and prominently features the symbol commonly used to indicate signal strength of a wireless device connection. This logo is strongly suggestive of the video game related services provided under Applicant’s Mark and presents a wholly different commercial impression than Opposer’s Marks do as used in connection with pornography and other services in adult entertainment industry.

B. DISSIMILARITY OF THE SERVICES

In this case, the services of Applicant and those of Opposer are neither related, competitive, or overlapping. Opposer’s GAME LINK mark is registered for “electronic and online retailing services by means of a global computer network, featuring products for adults, namely, videos, CD-ROMs, films, books, rubber goods and adult toys.” Exhibit A. Opposer’s GAMELINK mark is registered for “on-line retail store services, computerized on-line ordering services, and wholesale ordering services in the field of entertainment goods namely videos,

CDs, DVDs and order fulfillment services” and “video-on-demand transmission and streaming of audio and video materials on the Internet.” Exhibit B. Opposer uses its marks exclusively in connection with services related to the adult entertainment industry. According to Opposer’s website, Opposer offers for sale streaming pornography videos, pornography videos on DVD and Blu-ray, and adult sex toys and novelties. Dunnigan Declaration, ¶ 10; Amended Notice of Opposition, ¶ 4. In addition, Opposer’s website does not sell video games nor does it have links to video games. Dunnigan Declaration, ¶ 11; Amended Notice of Opposition, ¶ 4. Rather, Opposer refers to itself as “the original online adult store” and focuses on online distribution of adult content through its website www.GameLink.com. Dunnigan Declaration, ¶ 11.

In contrast, the services listed in Applicant’s application for Applicant’s Mark are “entertainment services, namely, amusement arcades featuring console-based video game systems with multiple stations, each consisting of a large LCD television, leather chair and sound dome, for use in individual and group game play, game tournaments and game leagues.” More specifically, Applicant’s Mark is currently used in connection with three brick-and-mortar video gaming lounges. Dunnigan Declaration, ¶ 4. These gaming lounges feature console-based video game systems (specifically XBOX 360 systems) that are linked together to allow for both individual game play and group competition. *Id.* Each gaming station consists of a large LCD television, a chair, and a sound dome that hangs directly above the player. *Id.* Applicant’s video gaming lounges are family-friendly establishments that frequently host video game tournaments, video game leagues, and birthday parties. Dunnigan Declaration, ¶ 5. Individuals under the age of 18 frequently patronize the GAME LINK gaming lounges. *Id.* Snacks and beverages are also available in the GAME LINK gaming lounges. *Id.*

Moreover, Applicant's Mark is currently used in connection with a mobile, air-conditioned gaming station consisting of four LCD televisions and linked XBOX gaming consoles. Dunnigan Declaration, ¶ 6. This mobile gaming station is primarily utilized at charity and public events for marketing purposes. *Id.* It is also rentable for private parties and gatherings. *Id.* Without question, Applicant's Mark is not used, or intended to be used, in connection with any products or services related to pornography, sex toys and novelties, or the adult entertainment industry in general. Dunnigan Declaration, ¶ 12.

Because the services of Opposer and Applicant are completely distinct from one another, this *du Pont* factor weighs heavily in Applicant's favor.

C. DISTINCT CHANNELS OF TRADE

Even in the event that the Board finds that the services of Applicant and Opposer are somehow related, the channels of trade in which the services are rendered are unquestionably different. A comparison of the channels of trade utilized by Applicant and Opposer should begin with the limitations indicated in the trademark application or registration. *See Packard Press, Inc. v. Hewlett-Packard Co.*, 227 F.3d 1352, 1361, 62 U.S.P.Q.2d 1001 (Fed. Cir. 2000) *citing Canadian Imperial Bank of Commerce v. Wells Fargo Bank, N.A.*, 811 F.2d 1490, 1492, 1 U.S.P.Q.2d 1813, 1814-15 (Fed. Cir. 1987) ("When the registration does not contain limitations describing a particular channel of trade or class of customer, the goods or services are assumed to travel in all normal channels of trade.").

In this case, Opposer exclusively renders its services through the Internet. Opposer's two registrations expressly describe its services as "electronic and online retailing services," "on-line retail store services, computerized on-line ordering services, and wholesale ordering services," and "video-on-demand transmission and streaming of audio and video materials on the Internet."

Exhibits A and Exhibit B. Opposer even admits on its website that it “focuses on online distribution of adult content through its website www.GameLink.com” Dunnigan Declaration, ¶ 11.

On the other hand, Applicant’s trademark application limits the use of Applicant’s Mark to “arcades,” which are physical establishments where video games are played. And, in fact, Applicant’s Mark is currently used in connection with three brick-and-mortar video gaming lounges and a mobile gaming station. Dunnigan Declaration, ¶ 4., Dunnigan Declaration, ¶ 6. No products or services are available for purchase on Applicant’s website www.gamelinklounge.com. Dunnigan Declaration, ¶ 13.

Because Opposer limits its use of Opposer’s Marks to services rendered over the Internet, and because Applicant limits his services to physical locations, there is no basis for finding overlapping channels of trade. Therefore, this factor favors Applicant.

D. CIRCUMSTANCES OF SALE AND CLASS OF PURCHASERS

Applicant certainly concedes that some individuals who play video games at his gaming lounges might also indulge in the adult novelties and pornographic materials offered by Opposer. Having said that, Applicant’s video gaming lounges are family-friendly establishments that frequently host video game tournaments, video game leagues, and birthday parties. Dunnigan Declaration, ¶ 5. Individuals under the age of 18 frequently patronize Applicant’s gaming lounges. *Id.* Conversely, Opposer’s primary class of purchasers must logically be adults over the age of 18 since most federal and state laws would not allow the dissemination of pornography to minors.

E. ABSENCE OF FAME OF OPPOSER’S MARK

The next *du Pont* factor relevant to the determination of likelihood of confusion between Applicant’s Mark and Opposer’s Marks is the fame of Opposer’s Marks. The burden of proof is on the party asserting that its mark is famous. *Coach Services, Inc. v. Triumph Learning LLC*, 96 U.S.P.Q.2d 16000, 1606 (TTAB 2010). Fame may be measured by volume of sales, advertising, and length of time those indicia of commercial awareness have been evident. *See Bose Corp. v. QSC Audio Products, Inc.*, 293 F.3d 1367, 1371, 63 U.S.P.Q.2d 1303 (Fed. Cir. 2002). *See also Palm Bay Imports v. Veuve Cliquot Ponsardin*, 396 F.3d 1369, 1375, 73 U.S.P.Q.2d 1689 (Fed. Cir. 2005) (finding that VEUVE CLIQUOT champagne is the second leading brand sold in the U.S. and had been featured in articles and reviews in both specialized and general interest magazines and other advertising.); *Giant Food, Inc. v. Nation’s Foodservice, Inc.*, 710 F.2d 1565, 1569, 218 U.S.P.Q. 390 (Fed. Cir. 1983) (finding fame from continuous use of the mark for 45 years, sales in excess of one billion dollars, and considerable media exposure.); *Nina Ricci, S.A.R.L. v. E.T.F. Enters., Inc.*, 889 F.2d 1070, 1072, 12 U.S.P.Q.2d 1901 (Fed. Cir. 1989) (finding fame from \$200 million in sales, over \$37 million in advertising over 27 years); *Kimberly-Clark Corp. v. H. Douglas Enter., Ltd.*, 774 F.2d 1144, 1146, 227 U.S.P.Q. 541 (Fed. Cir. 1985) (finding fame from \$300 million in sales over 9 years, \$15 million in advertising in one year.).

To buttress its “claim to fame,” Opposer states that it has been using its marks since 1993 and that it “has become literally an icon on the Internet for such goods and services” Amended Notice of Opposition, ¶ 4. However, Opposer provides no justification, evidence, or objective measures from which one may conclude that Opposer has achieved fame among the general

public, or even within the narrow niche market of adult entertainment goods and services. Therefore, this factor weighs in favor of Applicant.

F. LACK OF ANY ACTUAL CONFUSION

Opposer “advertises on online services such as Twitter, Facebook and other social networking sites.” Amended Notice of Opposition, ¶ 4. Applicant does likewise. Dunnigan Declaration, ¶ 7. Despite the concurrent use of the Parties’ marks in online social media, Applicant is unaware of any instances of actual consumer confusion stemming from the concurrent use of Applicant’s Mark in connection with video gaming lounges and Opposer’s Marks in connection with various services related to pornography and the adult entertainment industry. Dunnigan Declaration, ¶ 14. Moreover, Opposer has not provided any evidence of actual confusion involving Applicant’s Mark and Opposer’s Marks.

G. BALANCING THE FACTORS

After analyzing and weighing each of the relevant *du Pont* factors, it is abundantly clear that Applicant’s Mark is not likely to cause confusion with Opposer’s Marks. In summary, the services of Applicant and Opposer are totally unrelated and are rendered in different channels of trade. The overlap between classes of consumers would be minimal. There is no evidence of actual confusion or that Opposer’s Marks are famous. And the marks, as actually used by Applicant and Opposer, have different meanings and trigger different commercial impressions.

In view of the above, the Board should dismiss Opposer’s allegation of likelihood of confusion with prejudice.

COUNT II
FALSE SUGGESTION OF A CONNECTION

In its second count of the Amended Notice of Opposition, Opposer claims that Applicant's Mark falsely suggests a connection with Opposer. Section 2(a) of the Trademark Act prohibits the registration of a mark that consists of or comprises matter that may falsely suggest a connection with persons, institutions, beliefs, or national symbols. 15 U.S.C. § 1052(a). To establish that a proposed mark falsely suggests a connection with a person or an institution, it must be shown that (1) the mark is the same as, or a close approximation of, the name or identity previously used by another person or institution; (2) the mark would be recognized as such, in that it points uniquely and unmistakably to that person or institution; (3) the person or institution named by the mark is not connected with the activities performed by the applicant under the mark; and (4) the fame or reputation of the person or institution is such that, when the mark is used with the applicant's goods or services, a connection with the person or institution would be presumed. *In re Peter S. Herrick, P.A.*, 91 U.S.P.Q.2d 1505 (TTAB 2009). The question is whether, as used on the goods or services in question, consumers would view the mark as pointing uniquely to petitioner, or whether they would perceive it to have a different meaning. *Hornby v. TJX Companies, Inc.*, 87 U.S.P.Q.2d 1411 (TTAB 2008).

Opposer's claim of a false suggestion of a connection fails as a matter of law for various reasons. The very fact that the entire word portion of Applicant's Mark (GAME LINK) is disclaimed should be enough reason for the Board to find that Applicant's Mark does not point uniquely and unmistakably to Opposer because the disclaimer itself indicates that the word portion of Applicant's Mark has some other meaning in relation to his services. In fact, the word portion of Applicant's Mark refers to the fact that the XBOX 360 *video game* consoles in Applicant's gaming lounges are *linked* together to allow for group game play and competition.

Dunnigan Declaration, ¶ 8. Because this is an integral part of Applicant's services, Applicant's customers would instantly recognize the descriptive meaning of Applicant's Mark.

Furthermore, as discussed earlier, Opposer has proffered no evidence whatsoever to support its allegation that Opposer has acquired the requisite level of fame such that consumers would presume a connection exists between Applicant and Opposer. That is because Opposer is not famous and cannot produce such evidence.

In sum, Applicant's mark does not falsely suggest a connection with Opposer or its services. As such, the Board should dismiss Count II of Opposer's Amended Notice of Opposition with prejudice.

COUNT III **DILUTION BY BLURRING**

Opposer asserts in Count III (originally Count V in the Amended Notice of Opposition) that registration of Applicant's Mark will likely cause Opposer injury "by diluting the GAMELINK mark through blurring, by the potential and likelihood of dilution that can occur if Opposer's customers, believing that Opposer had, by way of example, left its normal business and become a gaming facility, which would tend to cause GameLink customers to go to others for adult entertainment." Amended Notice of Opposition, V. ¶ 2. Dilution diminishes the selling power that a distinctive mark with favorable associations has engendered for a product or service in the mind of the consuming public. *Coach Services, Inc. v. Triumph Learning LLC*, 96 U.S.P.Q.2d 1600, 1612 (TTAB 2010). Dilution by blurring occurs when a substantial percentage of consumers, upon seeing the junior party's use of a mark on its goods or services, are immediately reminded of the famous mark and associate the junior party's use with the owner of the famous mark, even if they do not believe that the goods or services come from the famous mark's owner. *Id.* at 1613.

Dilution fame is distinct from likelihood of confusion fame. Likelihood of confusion fame “varies along a spectrum from very strong to very weak.” *In re Coors Brewing Co.*, 343 F.3d 1340, 1344, 68 U.S.P.Q.2d 1059 (Fed. Cir. 2003). Dilution fame either does or does not exist. *Palm Bay Imports v. Veuve Cliquot Ponsardin*, 396 F.3d 1369, 1375, 73 U.S.P.Q.2d 1689 (Fed. Cir. 2005). Fame for dilution purposes requires a more stringent showing. *Coach Services Inc.*, 96 U.S.P.Q.2d at 1610. Therefore, a mark may have acquired sufficient public recognition and renown to be famous for purposes of likelihood of confusion without meeting the more stringent requirement for dilution fame. *Id.*

In this case, Opposer has proffered no evidence from which to conclude that Opposer’s Marks are famous, either for likelihood of confusion purposes or dilution purposes. Since Opposer will not be able to meet the less stringent threshold of fame for purposes of likelihood of confusion, it certainly will not be able to meet the more rigorous standard of fame required to support a claim of dilution.

Because Opposer has produced no evidence from which a reasonable fact-finder could find Opposer’s Marks to be famous for dilution purposes (not to mention likelihood of confusion purposes), the Board should grant judgment in favor of Applicant as a matter of law and dismiss Opposer’s dilution claims with prejudice.

IV. CONCLUSION

In conclusion, there simply are no genuine issues of material fact preventing the Board from granting summary judgment in favor of Applicant. Therefore, Applicant respectfully requests that the Board grant Applicant’s Motion for Summary Judgment and dismiss all claims in Opposer’s Amended Notice of Opposition with prejudice.

EXHIBIT A

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-09-10 20:21:58 ET

Serial Number: 75272430 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2206576

Mark (words only): GAME LINK

Standard Character claim: No

Current Status: [The registration has been renewed.](#)

Date of Status: 2008-12-31

Filing Date: 1997-04-10

Transformed into a National Application: No

Registration Date: 1998-12-01

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 104](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [830 -Post Registration](#)

Date In Location: 2008-12-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [GAMELINK LLC](#)

Address:

[GAMELINK LLC](#)
[537 STEVENSON ST., #100](#)
[SAN FRANCISCO, CA 94111](#)
[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation:[\(NOT AVAILABLE\)](#)

GOODS AND/OR SERVICES

International Class: [035](#)

Class Status: [Active](#)

[electronic and online retailing services by means of a global computer network, featuring products for adults, namely, videos, CD-ROMs, films, books, rubber goods and adult toys](#)

Basis: [1\(a\)](#)

First Use Date: [1993-02-20](#)

First Use in Commerce Date: 1993-02-20

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: [A0004689](#)

International Registration Number: [0896142](#)

International Registration Date: [2006-05-09](#)

Original Filing Date with USPTO: [2006-05-09](#)

International Registration Status: [Application For IR Registered By IB](#)

Date of International Registration Status: [2006-10-12](#)

International Registration Renewal Date: [2016-05-09](#)

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

[10-12-2006 - 16:13:37 - Application For IR Registered By IB](#)

[06-12-2006 - 09:18:41 - Irregularity Notice Received From IB](#)

[05-10-2006 - 15:00:23 - IR Certified And Sent To IB](#)

[05-09-2006 - 15:06:02 - Automatically Certified](#)

[05-09-2006 - 15:06:02 - New Application For IR Received](#)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2008-12-31 - First renewal 10 year](#)

[2008-12-31 - Section 8 \(10-year\) accepted/ Section 9 granted](#)

[2008-12-08 - Assigned To Paralegal](#)

[2008-12-03 - TEAS Section 8 & 9 Received](#)

[2007-08-02 - Case File In TICRS](#)

[2004-02-05 - Section 8 \(6-year\) accepted & Section 15 acknowledged](#)

[2003-12-03 - Section 8 \(6-year\) and Section 15 Filed](#)

[2003-12-03 - TEAS Section 8 & 15 Received](#)

[1998-12-01 - Registered - Principal Register](#)

[1998-09-08 - Published for opposition](#)

[1998-08-07 - Notice of publication](#)

[1998-04-08 - Approved for Pub - Principal Register \(Initial exam\)](#)

[1998-02-24 - Communication received from applicant](#)

1997-11-20 - Non-final action mailed

1997-11-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

PHILIP R GREEN

Correspondent

PHILIP R GREEN

GREEN & GREEN

1000 4TH ST STE 595

COURTHOUSE SQ

SAN RAFAEL CA 94901-3118

EXHIBIT B

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-09-10 20:22:39 ET

Serial Number: 78450797 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3023336

Mark

GAMELINK

(words only): [GAMELINK](#)

Standard Character claim: Yes

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2005-12-06](#)

Filing Date: [2004-07-14](#)

Transformed into a National Application: [No](#)

Registration Date: [2005-12-06](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 111](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2005-12-06](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Gamelink, LLC](#)

Address:

[Gamelink, LLC](#)
[Suite 100 537 Stevenson St.](#)
[San Francisco, CA 94103](#)
[United States](#)

Legal Entity Type: [Limited Liability Company](#)

State or Country Where Organized: [Delaware](#)

GOODS AND/OR SERVICES

International Class: [035](#)

Class Status: [Active](#)

[on-line retail store services, computerized on-line ordering services, and wholesale ordering services in the field of entertainment goods namely videos, CDs, DVDs and order fulfillment services](#)

Basis: [1\(a\)](#)

First Use Date: [2003-12-31](#)

First Use in Commerce Date: [2003-12-31](#)

International Class: [038](#)

Class Status: [Active](#)

[Video-on-demand transmission and streaming of audio and video materials on the Internet](#)

Basis: [1\(a\)](#)

First Use Date: [2003-12-31](#)

First Use in Commerce Date: [2003-12-31](#)

ADDITIONAL INFORMATION

Prior Registration Number(s):

[2206576](#)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2005-12-06 - Registered - Principal Register](#)

[2005-09-13 - Published for opposition](#)

[2005-08-24 - Notice of publication](#)

[2005-05-23 - Law Office Publication Review Completed](#)

[2005-05-06 - Assigned To LIE](#)

[2005-05-05 - Approved for Pub - Principal Register \(Initial exam\)](#)

[2005-04-29 - Teas/Email Correspondence Entered](#)

[2005-04-18 - Communication received from applicant](#)

[2005-04-18 - TEAS Response to Office Action Received](#)

[2005-02-17 - Non-final action e-mailed](#)

2005-02-17 - Non-Final Action Written

2005-02-17 - Assigned To Examiner

2004-07-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Philip Green

Correspondent

PHILIP GREEN

GREEN & GREEN

1000 4TH ST STE 595

SAN RAFAEL CA 94901-3136

Phone Number: (415) 457-8300

Fax Number: (415) 457-8757

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

Gamelink, LLC)
Opposer,)
v.) Opposition No. 91196629
Timothy P. Dunnigan)
Applicant.)
_____)

DECLARATION OF TIMOTHY P. DUNNIGAN

COMES NOW, Timothy P. Dunnigan, under the penalty of perjury and being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, declares the following:

1. My name is Timothy P. Dunnigan and I am over the age of majority and do not suffer from any mental disability or infirmity that prevents me from giving this Declaration.

This Declaration is based on my own personal knowledge.

2. I am the owner of the trademark GAME LINK, as shown in Application Serial No. 77770614.

3. I am also the owner of Gamelink, LLC, an active limited liability company organized under the laws of Georgia. Gamelink, LLC is the company through which all business operations and services associated with my GAME LINK trademark are rendered.

4. The GAME LINK trademark is currently used in connection with three brick-and-mortar video gaming lounges. A fourth gaming lounge is in the construction phase. These gaming lounges feature console-based video game systems (specifically XBOX 360 systems) that are linked together to allow for both individual game play and group competition. Each

gaming station consists of a large LCD television, a chair, and a sound dome that hangs directly above the player. I have attached as **Exhibit 1** recent photographs of the interior and exterior of the GAME LINK video gaming lounges.

5. The GAME LINK video gaming lounges are family-friendly establishments that frequently host video game tournaments, video game leagues, and birthday parties. Individuals under the age of 18 frequently patronize the GAME LINK gaming lounges. Snacks and beverages are also available in the GAME LINK gaming lounges. I have attached as **Exhibit 2** two marketing pieces that have been publicly displayed and distributed. I have attached as **Exhibit 3** screenshots of the GAME LINK website located at www.gamelinklounge.com captured on August 6, 2011.

6. The GAME LINK trademark is also currently used in connection with a mobile, air-conditioned gaming station consisting of four LCD televisions and linked XBOX gaming consoles. This mobile gaming station is primarily utilized at charity and public events for marketing purposes. It is also rentable for private parties and gatherings. I have attached as **Exhibit 4** photographs of the mobile gaming station.

7. The GAME LINK video gaming lounges are advertised on social media websites such as Twitter and Facebook. I have attached as **Exhibit 5** a screenshot of the GAME LINK Twitter feed (www.twitter.com/getlinkednow) captured on August 6, 2011. I have attached as **Exhibit 6** a screenshot of the GAME LINK Facebook page (www.facebook.com/getlinkednow) captured on August 6, 2011.

8. The GAME LINK trademark refers solely to the fact that the XBOX 360 *video game* consoles are *linked* together to allow for group game play and competition within the physical GAME LINK video gaming lounges.

9. I was not familiar with Opposer Gamelink, LLC or its services until after I filed my trademark application for GAME LINK on June 29, 2009.

10. According to Opposer's website (www.gamelink.com), Opposer uses its GAMELINK mark exclusively in connection with services related to the adult entertainment industry. According to its website, Opposer offers for sale streaming pornography videos, pornography videos on DVD and Blu-ray, and adult sex toys and novelties. I have attached as **Exhibit 7** pages from Opposer's website accessed on August 6, 2011.

11. According to Opposer's website, Opposer is "the original online adult store" and "focuses on online distribution of adult content through its website www.GameLink.com." Opposer's website expressly states that "the company's roots are in selling CD-Rom games (hence, the name GameLink), but when a friend suggested adding an adult video to their selection, GameLink received more orders in one day for the adult video than all orders for games in the previous week." GameLink quickly shifted their business plan to fill this overlooked distribution channel." I have attached as **Exhibit 8** a page from Opposer's website accessed on August 6, 2011.

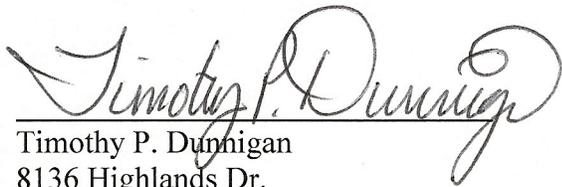
12. My GAME LINK trademark is not used, or intended to be used, in connection with any products or services related to pornography, sex toys and novelties, or the adult entertainment industry in general.

13. Consumers cannot purchase any products or services on the GAME LINK website (www.gamelinklounge.com). The website is primarily used for informational purposes and to advertise the services offered at the GAME LINK video gaming lounges.

14. I am unaware of any instances of actual consumer confusion stemming from the concurrent use of my GAME LINK trademark in connection with video gaming lounges and

Opposer's use of its GAMELINK mark in connection with various services related to pornography and the adult entertainment industry.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Timothy P. Dunning
8136 Highlands Dr.
Midland, GA 21820
(706) 566-4725

Dated: 13 SEP '11

EXHIBIT 1













EXHIBIT 2

PARTY ROOM NOW OPEN!

GAME LINK

706 - 405 - 2443

2502 Anderson St (Next to Subway)

LINK IN for giveaways, discounts, tournament info, and more!

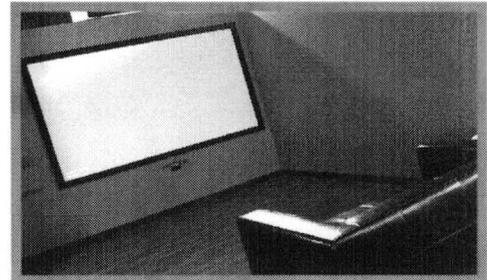
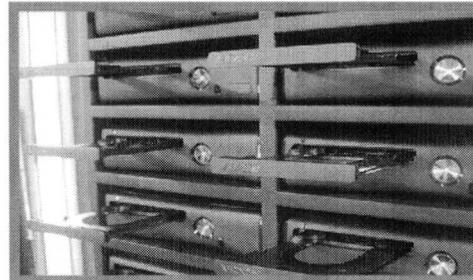
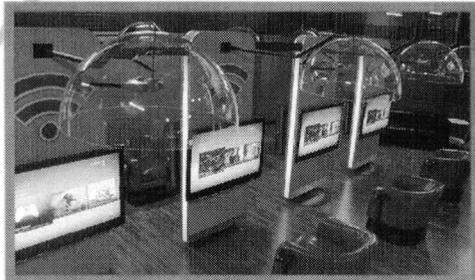
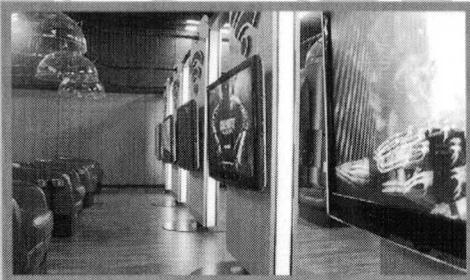
@GetLinkedNow



- Twelve 47" HDTV Screens
- Personal Surround Sound Domes
- 120" Life-Sized Kinect Station
- Over 150 Titles to Choose From

Present this ad to receive the life size gaming screen at your next party at no cost! (A \$20 value!)

THE MOST UNIQUE AND INTERACTIVE PARTY ENVIRONMENT ANYWHERE!



HALO REACH

TOURNAMENT @ GAME LINK

**SIGN UP
NOW!**
LIMITED SPACE AVAILABLE

GRAND PRIZE

Special Edition Halo Reach Xbox 360 Console
For Each Team Member

2nd Place - Private Team Party @ Game Link (\$250 Value)

3rd Place - Game Link Gift Certificates (\$150 Value)

Great Door Prizes!



\$15 ENTRY FEE PER PERSON

3 October @ 10:00 Fort Benning Game Link
Visit getlinkednow.com or Call for Details - 706.405.2443



HOSTED BY THE
WOLFPACK ASSOCIATION

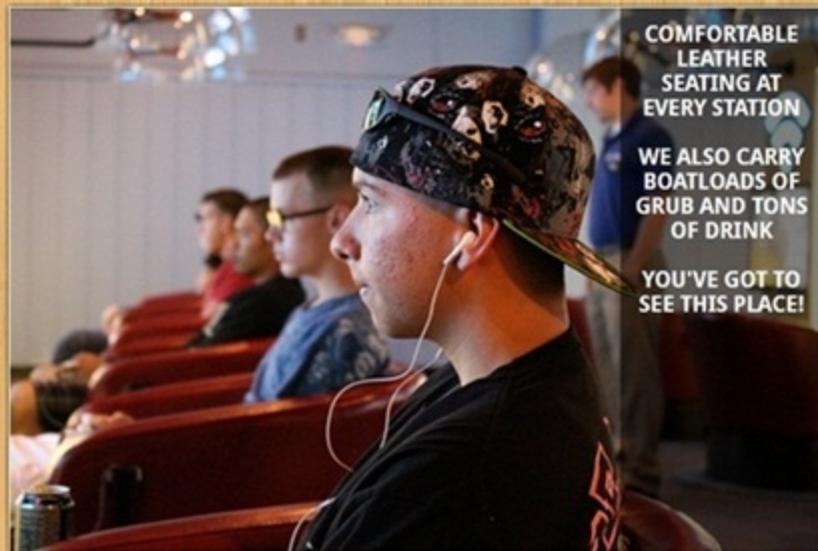
EXHIBIT 3

REGULAR TOURNAMENTS

ON OUR STATE OF THE ART
XBOX 360® GAME STATIONS

GAME LINK
University

**BOOK A PARTY
TODAY!**



COMFORTABLE
LEATHER
SEATING AT
EVERY STATION

WE ALSO CARRY
BOATLOADS OF
GRUB AND TONS
OF DRINK

YOU'VE GOT TO
SEE THIS PLACE!



XBOX 360

XBOX
LIVE

GAME LINK
Lounge

REGULAR TOURNAMENTS

ON OUR STATE OF THE ART
XBOX 360® GAME STATIONS

GAME LINK
University

BOOK A PARTY
TODAY!



BOOK AN EVENT

Booking a party or event at
Game Link is as easy as 1 2 3

- 1 - Check availability
- 2 - Pick your date and time
- 3 - Submit your details

MAIN POST
FORT BENNING
706-405-2443

SAND HILL
FORT BENNING
706-405-2445

Choose a location to view available dates and times

Operating hours are listed on the Booking Pages for:

Main Post - Fort Benning
2502 Anderson St
Fort Benning, GA 31905
Tel: 706-405-2443

Sand Hill - Fort Benning
41 Regiment St #3308
Fort Benning, GA 31905
Tel: 706-405-4514

Two hour party packages start as low as \$15 / player !



XBOX 360

XBOX
LIVE

GAME LINK
Lounge

REGULAR TOURNAMENTS

ON OUR STATE OF THE ART
XBOX 360® GAME STATIONS

GAME LINK
University

**BOOK A PARTY
TODAY!**



TOURNAMENTS

CALL OF DUTY BLACK OPS

REGULAR
TOURNAMENTS

GREAT PRIZES!

WATCH THIS SPACE FOR DETAILS



BUSY THAT DAY?

We have 120+ Xbox 360 games, including
XBox Live, solo & multi-player titles!



XBOX 360

XBOX
LIVE

GAME LINK
Lounge

EXHIBIT 4



WE BRING VIDEO GAME ENTERTAINMENT TO YOU
GAME LINK

WE BRING GAMING TO YOU



GAME LINK

www.GET LINKED NOW.com MOBILE

CONNECT • PLAY • RELAX

GAME LINK

WE BRING VIDEO GAME ENTERTAINMENT TO YOU

- Outdoor Events
- Private Parties
- Sporting Events
- Birthday Parties
- Community Activities

Wii

TOURNAMENTS
GAME LEAGUES
OUTDOOR PARTIES



GAME LINK

WE BRING VIDEO GAME
ENTERTAINMENT TO YOU

Outdoor Events
Private Parties
Sporting Events
Birthday Parties
Community Activities

Wii

TOURNAMENTS
GAME LEAGUES
OUTDOOR PARTIES

GAME LINK

EXHIBIT 5



Game Link ®

@getlinkednow Columbus, GA

Game lounge, party room, and mobile game trailer. Don't have a lame party. Get linked now!

<http://www.getlinkednow.com>

[+ Follow](#)

[Text follow getlinkednow to 40404 in the United States](#)

[Tweets](#) [Favorites](#) [Following](#) [Followers](#) [Lists](#)



getlinkednow Game Link ®

New video posted! We've all had this happen before.
youtube.com/watch?v=lk-jqv...

26 Jun



getlinkednow Game Link ®

We're announcing the winners of our latest contest today! Two lucky fans are going to win a free 360 game!

21 Jun



getlinkednow Game Link ®

So what new system or game from E3 caught your eye the most?

14 Jun



getlinkednow Game Link ®

Great turnout at the tournament! Big thanks to everyone that came out! Pictures will be posted soon!

11 Jun



getlinkednow Game Link ®

The tourney is almost over! Someone's about to walk away with a HUGE cash prize! Didn't enter? Stay tuned for details on the next one!

11 Jun



getlinkednow Game Link ®

Are you going to be at our Black Ops tournament tomorrow? 10 AM! Cash prizes! It's the only reason to get up at 10 on a Saturday!

9 Jun



getlinkednow Game Link ®

EA is going to charge for a Modern Warfare 2 service for online

Follow Game Link ® on Twitter

Don't miss any updates from Game Link ®.

Sign up today and follow your interests!

[Sign up »](#)

Curious how Game Link ® uses Twitter?

[Discover who @getlinkednow follows](#)



About @getlinkednow

82
Tweets

11
Following

74
Followers

0
Listed

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[Advertisers](#) [Businesses](#) [Media](#) [Developers](#) [Resources](#)
© 2011 Twitter

EXHIBIT 6

[Sign Up](#)

Facebook helps you connect and share with the people in your life.



Wall

Info

Events

Photos

Reviews

Get Linked Now

Questions

About

Get Linked In to tournaments, giveaways, contests, videos, and more!

10 check-ins

685 like this

Likes



Casual Fridays Design

[Create a Page](#)

GameLink Like

Local Business · Fort Benning, Georgia



Wall

GameLink · Top Posts ▾



GameLink

We've all had days like this.



Bad Dream

www.youtube.com

At least he remembered the helmet this time.

June 26 at 7:13pm · Like · Comment



Your Gamer Site

Please create a profile on our website and refer your friends. When we get enough members and clans joined.....we can start private matches

July 7 at 2:30pm · Like · Comment



Jeremy Statum

New GameLink commercial up guys, tell us what you think!

<http://www.youtube.com/watch?v=lk-jqvQudOE>

Bad Dream

www.youtube.com

At least he remembered the helmet this time.

June 27 at 10:05am



GameLink



4. New Guy

www.youtube.com

Sometimes a hero just can't catch a break.

EXHIBIT 7

HUGE PAY-PER-MINUTE SALE

~~\$19.95~~ \$15.95

Get Access Now

This Weekend Only



Access to over **200,000** videos

Free Shipping! Minimum purchase is \$75 for US and \$150 for International.

Video Chat | Gay Store



My Account | My VOD Libraries | Help | 0 item | Checkout | \$USD

Home Adult VOD Pay Per Minute iTunes Ready Downloads DVD & Blu-ray Sex Toys Pornstars **Sale**

Search Products Advanced Search Login | New user? Register

Email Sign Up

Get 10 FREE Minutes Now!

*Limited to only one use per customer.

Your email

I am 18 or over and agree to the [terms of use](#).

Sign Me Up Now!

ALL PACKAGES ON SALE This Weekend Only

Minutes Never Expire
No Monthly Membership Fees
Watch what you want, when you want

Load Up Now



GameLink LIVE

Stephy Lynn is online!

Browse

New Releases

Just Added

View All Categories

Select a Category

Pornstars A-Z

Studios A-Z

Series A-Z

Best Sellers

Specials

Click Here for Live Help!

Browse our Help Pages

Contact our San Francisco Customer Service team:

Hours: Mon-Fri 9am - 6pm,
Sat-Sun 9am - 5pm
(Pacific Time)

Call **1-800-944-3933**
from USA and Canada

Call **+1-415-575-9700**
from all other countries

Email: customerservice@gamelink.com

Top Trending Movies



Belladonna's Spontaneous

Buy Now



Sky Angel #92 - Ram Nagatsuki

Buy Now



Mike John's Elastic Assholes #9

Buy Now



Gag Factor #33

Buy Now



PAY PER MINUTE

- 10 minutes for \$2.95-
\$2.05
- 30 minutes for \$5.95-
\$4.75
- 60 minutes for \$8.95-
\$7.15
- 120 minutes for \$14.95-
\$11.95
- 200 minutes for \$19.95-
\$15.95
- 300 minutes for \$29.95-
\$23.95
- 500 minutes for \$49.95-
\$39.95
- 660 minutes for \$59.95-
\$47.95
- 1000 minutes for \$86.95-
\$69.55

BUY MINUTES

What's Hot Now



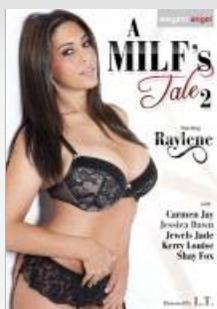
Young Harlots - Dirty Business

Buy Now



Legends And Starlets #5

Buy Now



A MILF's Tale #2

Buy Now



Phat Black Juicy Anal Booty #8

Buy Now



Top Porn Lists

- Top 100 Adult Movies
- Top 25 Black Pornstars
- Top 10 Must Have Sex Toys
- Top 25 Must Have Latinas
- Top 25 Must Have Classics
- 25 Hottest Squirt Queens
- How to: Porn on your Phone
- Top 20 Instructional Videos

See more...

HUGE PAY-PER-MINUTE SALE

~~\$19.95~~ **\$15.95**

Get Access Now
This Weekend Only



Jonni Darkko's L For London

Buy Now



Escaladies #2

Buy Now



Cash for Chunkers #5

Buy Now



Spin the Bottle (Filly Films)

Buy Now



Hot Pornstars

[View All](#)



Alexis Texas



Asa Akira



Belladonna



Bobbi Starr



Jayden James



Kimberly Kane



Kristina Rose



Lexi Belle



Lily Labeau



Tori Black

Critic's Choice

[View All](#)



Lesbian Seductions - Older and Younger #17

Buy Now



Babysitters

Buy Now



Joey Silvera's The Next She-Male Idol #2

Buy Now



Morphine

Buy Now



Best Sellers of All Time

[View All](#)

HUGE PAY-PER-MINUTE SALE

~~\$19.95~~ **\$15.95**

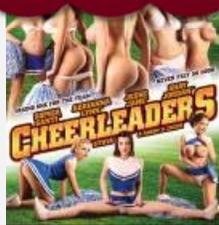
Get Access Now

This Weekend Only



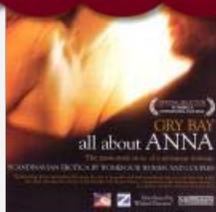
An Open Invitation: A Real Swingers' Party in San Francisco

Buy Now



Cheerleaders (Digital Playground)

Buy Now



All About Anna (Wicked Pictures)

Buy Now



Belladonna's Girl Train

Buy Now



Looking for a good deal?

We have every day deals from top studios.

[Click Here](#)

Just Added

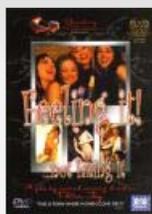
[View All](#)



Pegging - A Strap On Love Story #4



A Neighbor I Want To Fuck #3



Feeling It!



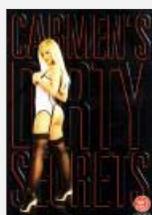
Bra, Panties, Scissors



Group Sex #3 - Let's Party!



Babysitter's Strap-On Revenge



Carmen's Dirty Secrets



Strapon #3 (New Climax Production)



Blow Him & Then You Can Fuck Me #5



Lexington Steele - MILF Magnet #6



[Home](#) | [Adult VOD](#) | [Pay Per Minute](#) | [iTunes Ready](#) | [Downloads](#) | [DVD & Blu-ray](#) | [Sex Toys](#) | [Pornstars](#) | [Video Chat](#) | [Porn Lists](#) | [Reviews](#) | [Gay](#)

[Shopping Cart](#) | [Checkout](#) | [Discount Club](#) | [Join Email List](#) | [WebMasters & Affiliates](#) | [Wholesale](#) | [RSS](#) | [Site Map](#)

Since 1993, GameLink's online adult store has offered the best selection in adult movies & sex toys. Enjoy high quality streaming video on demand, porn downloads, adult dvds adult toys & novelties, and information on the hottest pornstars! [Join our email list](#) to receive valuable coupons & discounts.

Account Information

[Login](#)
[My Account](#)
[Order History](#)
[My VOD Libraries](#)

Shipping

[Track your recent orders](#)
[Shipping Charges](#)
[Returns Policy](#)
We ship worldwide.

Customer Service

[FAQ / Help](#)
Email: customerservice@gamelink.com
Phone Toll-Free: 800.944.3933
The best customer service on the web.

Game Link.®
537 Stevenson Street, Suite 100, San Francisco, CA 94103
Tel: 415.575.9700 Fax: 208.460.3429 Order Line: 800.944.3933
Doing business on-line since 1993. SM
GLE Services Ltd. 6 Ioanni Stylianou, 2nd floor, office/flat 202, 2003 Nicosia, Cyprus

Questions? send mail to customerservice@gamelink.com.
Read our [privacy policy statement](#).
© 1997-2011 Game Link LLC. All rights reserved.
The trademark Game Link ® is a registered trademark of Game Link LLC.
A **PRIVATE** company. Publically traded on NASDAQ: PRVT.

[About GameLink](#) | [Privacy Policy](#) | [Copyright Information](#) | [18 U.S.C. §257 Recordkeeping Requirements Compliance Statement](#)

HUGE PAY-PER-MINUTE SALE

~~\$19.95~~ \$15.95

Get Access Now

This Weekend Only



Access to over **200,000** videos

Free Shipping! Minimum purchase is \$75 for US and \$150 for International.

Video Chat | Gay Store



My Account | My VOD Libraries | Help

0 item | Checkout | \$ USD

Home | Adult VOD | **Pay Per Minute** | iTunes Ready | Downloads | DVD & Blu-ray | Sex Toys | Pornstars | **Sale**

Search Products Advanced Search [Login](#) | [New user? Register](#)

Email Sign Up

Get 10 FREE Minutes Now!

*Limited to only one use per customer.

Your email

I am 18 or over and agree to the [terms of use](#).

Sign Me Up Now!

Browse

New Releases

Just Added

View All Categories

Select a Category

Blu-ray Porn

Pornstars A-Z

Studios A-Z

Series A-Z

Best Sellers

Specials

Click Here for Live Help!

Adult Movies > [Girl On Girl Porn](#) > [Lesbian](#) > Lesbian Adventures - Wet Panties Trib



Enlarge

Lesbian Adventures - Wet Panties Trib



PLAY

Pay Per Minute

As low as **8 cents** a minute.

Two explosive series become one in Sweetheart Video's *Lesbian Adventures - Wet Panties Trib!* [Read More](#)

★★★★★ (11 customer ratings) [Login](#) to rate this item

Studio: [Sweetheart Video](#)

Own It

Rent It from **\$4.95**

Stream To Own
\$9.95

Download To Own
\$9.95

- Windows Media \$9.95
- Mobile/iTunes Ready \$9.95

DVD
\$24.95

Usually ships same day

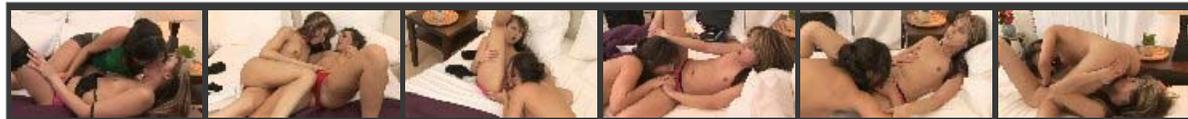
Add To Cart

Add To Cart

Add To Cart

Scenes | Description | Stars | Series | Reviews | Articles

Scene 1 PLAY



More detail

Scene 2 PLAY



More detail

Scene 3 PLAY



HUGE PAY-PER-MINUTE SALE

~~\$19.95~~ \$15.95

Get Access Now

This Weekend Only

Scene 4 



More detail 

You Might Also Like:



Lesbian Beauties #4 - Interracial Ebony and Ivory

 PLAY



New Girls On The Block

 PLAY



Girl Play (Elegant Angel)

 PLAY



In The Family (Viv Thomas)

 PLAY



Hustler's Anastasia Pierce Is All Tied Up



Pin-Up Girls #3 (Girlfriends Films)

 PLAY

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[Shopping Cart](#) | [Checkout](#) | [Discount Club](#) | [Join Email List](#) | [WebMasters & Affiliates](#) | [Wholesale](#) | [RSS](#) | [Site Map](#)

Since 1993, GameLink's online adult store has offered the best selection in adult movies & sex toys. Enjoy high quality streaming video on demand, porn downloads, adult dvds adult toys & novelties, and information on the hottest pornstars! [Join our email list](#) to receive valuable coupons & discounts.

<p>Account Information Login My Account Order History My VOD Libraries</p>	<p>Shipping Track your recent orders Shipping Charges Returns Policy We ship worldwide.</p>	<p>Customer Service FAQ / Help Email: customerservice@gamelink.com Phone Toll-Free: 800.944.3933 The best customer service on the web.</p>
---	--	---

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EXHIBIT 8

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About GameLink

GameLink is the original online adult store. Founded in 1993, San Francisco based GameLink LLC is one of the leading online retailers of adult entertainment in the US. GameLink currently has over 60 employees and focuses on online distribution of adult content through its website [www.GameLink.com](#), which provides an enhanced user experience and state-of-the-art functionality. GameLink maintains distribution agreements with all major US adult content providers and offers over 65,000 titles available in multiple popular media formats. The company has established an industry leading reputation for innovative online retail and eCommerce solutions and strives to provide unparalleled customer service.

It was early 1993 when GameLink uploaded their first digital catalogue to a BBS, advertising it on Compuserve and AOL. Central to GameLink's strategy was the development of a sophisticated database to enable scalability and superior customer service. The company's roots are in selling CD-Rom games (hence, the name GameLink), but when a friend suggested adding an adult video to their selection, GameLink received more orders in one day for the adult video than all orders for games in the previous week. GameLink quickly shifted their business plan to fill this overlooked distribution channel.

GameLink's litany of "industry firsts" includes online sales of videos; the industry's first dynamic database-driven website with comprehensive indexing of stars, producers, and production companies; direct tie-in to inventory and order-management systems; real-time order tracking; streaming video; real-time personalization; secure pay-per-view high-bandwidth video on demand; Stream-to-Own™ video on demand; and dynamic merchandising tools for affiliates.

GameLink's first-in-class video on demand solution is now integrated with GameLink's comprehensive indexing database and personalization tools, making the GameLink infrastructure among the most sophisticated and successful enterprises on the Internet. In 2009, the company became part of [Private Media Group](#).

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