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

Proceeding	91229486
Party	Plaintiff Cybernet Entertainment LLC
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Date	07/17/2017
Attachments	2017.17.7 NOR with Exhibits to file reduced.pdf(4448079 bytes )

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Attorneys for CYBERNET ENTERTAINMENT LLC

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

CYBERNET ENTERTAINMENT, LLC

Opposer;

v.

ATLANTIC INNOVATIONS, LLC

Applicant.

Opposition No.	91229486
In re App. No:	86908580
For the Mark:	MASTER KINK
App. Filed:	February 16, 2016
Applicant:	Atlantic Innovations, LLC
Published:	July 12, 2016

Opposer: Cybernet Entertainment LLC  
799 Castro Street  
San Francisco CA 94114

Applicant: Atlantic Innovations, LLC  
4 Bud Way, Suite 22  
Nashua, New Hampshire, 03063

**Represented by:**  
Brendan M. Shortell  
Lambert & Associates  
92 State Street, Suite 200  
Boston, Massachusetts, 02109

## **PLAINTIFF/OPPOSER'S NOTICE OF RELIANCE**

### **I. UNITED STATES PATENT AND TRADEMARK OFFICE ("USPTO") RECORDS**

Pursuant to Trademark Rule 2.122(d)(2) p 2.122(e) and TBMP § 704.03 and 7.04, Opposer Cybernet Entertainment LLC hereby makes of record, the following official records of the USPTO, the pending application for Master Kink that underlies this controversy, and the registration certificates for the marks held by Opposer for Kink.com and Kink.

The relevance of each of the Opposer's registration certificates for KINK and KINK.COM is that each shows Opposer's ownership rights and interest in the marks, which not only give it standing here, but form the basis for the claim that there is a likelihood of confusion between Applicant's mark MASTER KINK, based on the similarity of the marks at issue and the similarity of the goods and services at issue. As well, the registrations illustrate that Opposer is the senior user of the dominant component of the mark at issue – KINK. These registrations also corroborate Opposer's claim that the Applicant's goods and services are a natural expansion of Opposer's registered goods and services.

Opposer provides Notice of Reliance on Applicant's application for registration of its mark MASTER KINK as the relevance of such is threefold (and which is a part of this record under Trademark Rule 2.122(b), 37 C.F.R. § 2.122(b)). First, it confirms that the claimed goods and services of Applicant are similar to Opposer's registered goods and services and that they target the same community, a community that practices alternative sexuality, specifically including bondage/BDSM. Second, the application shows Applicant's alleged first date of use is in 2015, after Opposer began using its KINK.COM mark in 2012 as branding on the exact same goods and services – sex toys, bondage gear and lubricants and creams. Finally, the application illustrates that Applicant's use of the mark in commerce with an R with a circle, signifying that it is a registered trademark, is improper, and that Applicant itself, which claims it is using the mark in commerce through its website at [www.masterkink.com](http://www.masterkink.com), is not the same company listed on the MasterKink.com about us page, that is, the company actually using the mark.

**Exhibit A.** USPTO Registration Certificate for Kink.Com (U.S. Reg. 3379745), a standard character mark registered on the supplemental register by the United States Patent and Trademark office (“PTO”) on February 8, 2008, owned by Cybernet Entertainment, LLC, 1800 Mission Street San Francisco CA, 94103, and registered in international class 41 for the following goods and services: entertainment Services namely providing a website featuring, photographic, audio, video and prose presentations featuring adult entertainment, with first use in commerce on February 10, 2006.

**Exhibit B.** USPTO Registration Certificate for Kink.com (U.S. Reg. 4758649), a standard character mark registered on the principal register by the United States Patent and Trademark office (“PTO”) on June 23, 2015, owned by Cybernet Entertainment, LLC, 1800 Mission Street San Francisco CA, 94103, and registered in international class 41 for the following goods and services: entertainment Services namely providing a website featuring, photographic, audio, video and prose presentations featuring adult entertainment, with first use in commerce on February 10, 2006.

**Exhibit C.** USPTO Registration Certificate for Kink (U.S. Reg. 4996416) is a standard character mark registered on the principal register by the United States Patent and Trademark office (“PTO”) on July 12, 2016, owned by Cybernet Entertainment, LLC, 1800 Mission Street San Francisco CA, 94103, and registered in international class 41 for the following goods and services: “Entertainment and educational services, namely, providing a web site featuring photographic, audio, video and prose presentations, educational workshops, seminars and tutorial sessions, and non-downloadable videos, all of the foregoing in the field of adult entertainment.”

**Exhibit D.** USPTO Registration Certificate for the design mark “K’ with a red devil tail, (U.S. Reg. 3396959), owned by Cybernet Entertainment, LLC, 1800 Mission Street San Francisco CA, 94103, and was registered by the PTO on March 18, 2008, with first use in commerce on September 18, 2006, in international class 41 for goods and services as follows: ‘entertainment Services namely providing a website featuring, photographic, audio, video and prose presentations featuring adult entertainment.’”

**Exhibit E.** Application for MASTER KINK (Serial No. 86908580) with specimens.

## **II. ARTICLES AND PUBLICATIONS**

Pursuant to Trademark Rule 2.122(e) and TBMP § 704.08, Opposer hereby makes of record, the following printouts of publicly available articles and publications, available currently on the internet.

**Exhibits F and G,** Opposer and Applicant’s “About Us” pages publicly and currently available on their own websites respectively, are relevant to illustrate that both parties target the same consumer base with their adult entertainment and BDSM/bondage products. As well, the Applicant’s page shows that the Applicant, Atlantic Innovations LLC, is not the company listed on the [www.masterkink.com](http://www.masterkink.com) website where it alleges it makes Master Kink products available, as it declared in its application.

- **Exhibit F.** The website at <https://www.kink.com/page/about-us>, Opposer’s “About Us” page publicly and currently available online, which is relevant to illustrate that Opposer targets a BDSM community, and is a well established company that began in 1997.
- **Exhibit G.** The website at <https://www.masterkink.com/pages/about-us>, Applicant’s “*About Us.*” page, which illustrates (i) the Master Kink mark targets a BDSM community with “*adult products, specializing in restraint and bondage equipment,*” and (ii) Applicant, Atlantic Innovations LLC, is not the company using the Master Kink mark as it has sworn in its application and as the specimens of the application indicate, rather, a company called Secure Trusted, LLC is utilizing the Master Kink mark,

The following **Exhibits H through K** are relevant to illustrate that the products of Opposer and Applicant available for purchase currently, are similar or the same. Exhibit H further illustrates that Opposer was providing these products for sale to the BDSM community as early as May 13, 2012, years before Applicant alleges it began providing the same or similar products available to the same consumer base – the BDSM community - using a similar and confusing branding and mark.

- **Exhibit H.** An archive of Plaintiff/Opposer’s website from May 13, 2012, as authenticated by Mark Meagher, which shows bondage gear and adult products available for purchase through the Kink.com website, as maintained and currently available at the following internet archive:

<https://web.archive.org/web/20120513220600/http://bondagegear.kink.com:80/home.html>

- **Exhibit I.** The website at <https://store.kink.com/product/kinks-silicone-vibrating-plug/> showing adult products for purchase on the Kink.com store website, utilizing the Kink branding.
- **Exhibit J.** The website at <https://store.kink.com/product-category/authentic-kink/kink-by-doc-johnson/> showing KINK branded adult products, bondage gear and lubricants available for purchase.
- **Exhibit K.** Master Kink products available for purchase at (i) [www.amazon.com](http://www.amazon.com) (showing a flogger utilizing the Master Kink branding with an R with a circle); and (ii) [www.masterkink.com](http://www.masterkink.com).

The following **Exhibits L through O**, each of these published articles and the released documentary film, is relevant to illustrate that the public, the targeted BDSM consumer base, the media, and the community at large have come to know Opposer Cybernet Entertainment LLC as “KINK” and as such, the company has acquired secondary meaning over this otherwise descriptive term, leading the USPTO granting it registration over that term (see U.S. Reg. 4996416).

- **Exhibit L** The February 7, 2007, Wall Street Journal published an article entitled “*No Condos Please, Old Armory Finds New Life at Kink*” wherein Peter Acworth, founder and managing member/CEO of Cybernet Entertainment LLC was interviewed, and the company was repeatedly referred to as “Kink.” The link to the story can be found at <https://www.wsj.com/articles/SB117080858735100251>; and <http://www.csus.edu/indiv/e/esquivela/documents/ws%20no%20condos%20please.pdf>.
- **Exhibit M.** The April 29, 2007, New York Times Magazine published an article entitled “*A Disciplined Business*” wherein Peter Acworth, founder and managing member/CEO of Cybernet Entertainment LLC was interviewed, and the company was repeatedly referred to as “Kink.” The link to the story can be found at <http://www.nytimes.com/2007/04/29/magazine/29kink.t.html?mcubz=0>.
- **Exhibit N.** The March 30, 2009, the San Francisco Weekly published a photo journal of our production studios, the Armory, in a piece called “*A Tour of Kink's Armory*” wherein our studios and offices were repeatedly referred to as “Kink” and available at <http://www.sfweekly.com/music/bondage-sets-and-miniskirts-on-a-tour-of-kinks-armory/>.
- **Exhibit O.** The online printout of the IMDb.com movie release page regarding the 2013, full length documentary about our company entitled “KINK” was released and was featured in film festivals both nationally and internationally, including San Francisco, New York, Seattle, Hawaii, Belgium, Sweden, Denmark and Germany, at <http://www.imdb.com/title/tt2017634/>.

**Exhibit P.** The curriculum vitae of Jackie Bruckman, is relevant to illustrate her experience and expertise to support the opinions that she has provided here, including the likelihood of confusion

between the Opposer and Applicant's marks, as well as how Opposer has acquired secondary meaning of the word KINK, resulting in the USPTO granting it registration over that mark).

**Exhibit Q.** The website entitled "Worth of Web Calculator," which values a website depending upon number of factors such as website traffic, popularity in various search engines, page rank, Alexa rank and much more, appraises the Kink.com site at \$54,750,000.00. This is relevant to illustrate the commitment to branding that Opposer has made, the success that Opposer has achieved, and the threat to allowing competitors use similar marks.

**Exhibits R through S,** the websites at [www.playboysexstore.com](http://www.playboysexstore.com), and <http://www.penthousestore.com/> currently and publicly available through the internet, illustrate that it is a natural expansion for an adult entertainment provider, who becomes famous in one medium (i.e. printed magazines or digital products via the internet), to expand into selling sex toys and making those products available for purchase using its well known branding.

- **Exhibit R.** The website at [www.playboysexstore.com](http://www.playboysexstore.com), the site where the company that owns the mark "Penthouse", after achieving notoriety as a pornographic magazine producer and expanded into selling sex toys, makes those products available for purchase.
- **Exhibit S.** The website at <http://www.penthousestore.com/> , the site where the company that owns the mark "Penthouse," after achieving notoriety as a pornographic magazine producer, expanded into selling sex toys and makes them available for purchase.



## **EXHIBIT A – NOTICE OF RELIANCE**

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,379,745**

**Registered Feb. 5, 2008**

**SERVICE MARK  
SUPPLEMENTAL REGISTER**

**kink.com**

CYBERNET ENTERTAINMENT, LLC (NEW  
YORK LTD LIAB CO)  
942 MISSION STREET  
SAN FRANCISCO, CA 94103

FOR: ENTERTAINMENT SERVICES NAMELY  
PROVIDING A WEBSITE FEATURING, PHOTO-  
GRAPHIC, AUDIO, VIDEO AND PROSE PRESEN-  
TATIONS FEATURING ADULT ENTERTAINMENT  
, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2006; IN COMMERCE 2-10-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-001,285, FILED P.R. 9-18-2006; AM. S.R.  
9-14-2007.

JULIE THOMAS, EXAMINING ATTORNEY

## **EXHIBIT B - NOTICE OF RELIANCE**

**United States of America**  
United States Patent and Trademark Office

**kink.com**

**Reg. No. 4,758,649**

**Registered June 23, 2015**

**Int. Cl.: 41**

**SERVICE MARK**

**PRINCIPAL REGISTER**

CYBERNET ENTERTAINMENT (NEW YORK LIMITED LIABILITY COMPANY)  
1800 MISSION STREET  
SAN FRANCISCO, CA 94103

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING PHOTOGRAPHIC, AUDIO, VIDEO AND PROSE PRESENTATIONS FEATURING ADULT ENTERTAINMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2006; IN COMMERCE 2-10-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,379,745.

SEC. 2(F).

SER. NO. 86-279,026, FILED 5-12-2014.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

## **EXHIBIT C- NOTICE OF RELIANCE**

# United States of America

United States Patent and Trademark Office

# KINK

**Reg. No. 4,996,416**

**Registered July 12, 2016**

**Int. Cl.: 41**

**SERVICE MARK**

**PRINCIPAL REGISTER**

CYBERNET ENTERTAINMENT LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
1800 MISSION STREET  
SAN FRANCISCO, CA 94103

FOR: ENTERTAINMENT AND EDUCATIONAL SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING PHOTOGRAPHIC, AUDIO, VIDEO AND PROSE PRESENTATIONS, EDUCATIONAL WORKSHOPS, SEMINARS AND TUTORIAL SESSIONS, AND NON-DOWNLOADABLE VIDEOS, ALL OF THE FOREGOING IN THE FIELD OF ADULT ENTERTAINMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2006; IN COMMERCE 2-10-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 86-764,985, FILED 9-22-2015.

NANCY CLARKE, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**



## **EXHIBIT D - NOTICE OF RELIANCE**

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,396,959**

**Registered Mar. 18, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**



CYBERNET ENTERTAINMENT, LLC (NEW  
YORK LTD LIAB CO)

942 MISSION STREET

SAN FRANCISCO, CA 94103

FOR: ENTERTAINMENT SERVICES NAMELY  
PROVIDING A WEBSITE FEATURING PHOTO-  
GRAPHIC, AUDIO, VIDEO AND PROSE PRESEN-  
TATIONS FEATURING ADULT  
ENTERTAINMENT, IN CLASS 41 (U.S. CLS. 100,  
101 AND 107).

FIRST USE 1-1-2006; IN COMMERCE 9-18-2006.

THE COLOR(S) RED AND BLACK IS/ARE  
CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE LETTER "K" IN A  
GRAPHICAL FORMAT, WITH THE STEM OF THE  
K STYLIZED INTO A POINTED TAIL. THE COLOR  
RED APPEARS AS THE STYLIZED LETTER "K"  
OVER A BLACK RECTANGLE.

SER. NO. 77-001,274, FILED 9-18-2006.

KATHY DE JONGE, EXAMINING ATTORNEY

## **EXHIBIT E- NOTICE OF RELIANCE**

## Trademark/Service Mark Application, Principal Register

Serial Number: 86908580

Filing Date: 02/16/2016

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	86908580
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="#">MASTER KINK</a>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	MASTER KINK
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Atlantic Innovations, LLC
<b>INTERNAL ADDRESS</b>	Suite 22
<b>*STREET</b>	4 Bud Way
<b>*CITY</b>	Nashua
<b>*STATE</b> (Required for U.S. applicants)	New Hampshire
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants)	03063
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	limited liability company
<b>STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	New Hampshire
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	040
	Custom manufacture of adult sexual stimulation aids in the nature of bondage goods, penile toys, vibrators, glass sex toys, nipple toys, suction devices, prostate massagers, body massagers, erotic furniture, improvised sex toys, flesh-like sex toys, g-spot vibrators, vibrator wands, bullet vibrators, anal toys, couples kits comprised of adult novelties, general penetrative toys, artificial vaginas, cock rings, cock harness, penis extensions, butt plugs, anal beads, dildo, dongs, latex sex toys, silicone sex toys, lotions, lubricants, creams, massage creams, condoms, edible undergarments, latex clothing, clitoral vibrators, and massagers, dual stimulation sex toys, hand and

<b>*IDENTIFICATION</b>	finger vibrators, lingerie, panties, underwear, hosiery, clothing, shoes, restraints, bondage tape, cuffs, belts, neck bands, leather cuffs, leather belts, leather neck bands, latex belts, latex neck bands, latex cuffs, leather restraints, latex restraints, polish restraints, leather lingerie, leather panties, leather underwear, leather clothing, latex lingerie, latex panties, latex underwear, latex clothing, handcuffs, legcuffs, thumbcuffs, hooks, chains, Ball gag, Ball lock, bit gag, Bondage bed, Bondage cuffs, Bondage mittens, Bondage harness, Bondage belt, Bondage hood, Bondage tape, bondage furniture, Bondage yoke, Breast binder, Butt hook, Chastity belts, Cling film, Cock ring, Collar, Corsets, D-rings, Dental forceps, Diapers, Elbow harness, Funnel gag, Head harness, Hobble skirt, Human pony harness, Humbler, Inflatable gag, Spreader bar, Lip loop, Medical restraints, Monoglove, Mouthguard gag, Muzzle gag, Panic snaps, Penis gag, Penis Displays, Posture collar, Ring gag, Rope, Shackles and fetters, Sleepsacks, Stocks, Straitjackets, Suspension cuffs
<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 03/23/2015
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 03/23/2015
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\869\085\86908580\xml1\RFA0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\869\085\86908580\xml1\RFA0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\869\085\86908580\xml1\RFA0005.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	applicant's website
<b>INTERNATIONAL CLASS</b>	035
	Retail store services and wholesale stores services featuring adult sexual stimulation aids in the nature of bondage goods, penile toys, vibrators, glass sex toys, nipple toys, suction devices, prostate massagers, body massagers, erotic furniture, improvised sex toys, flesh-like sex toys, g-spot vibrators, vibrator wands, bullet vibrators, anal toys, couples kits comprised of adult novelties, general penetrative toys, artificial vaginas, cock rings, cock harness, penis extensions, butt plugs, anal beads, dildo, dongs, latex sex toys, silicone sex toys, lotions, lubricants, creams, massage creams, condoms, edible undergarments, latex clothing, clitoral vibrators, and massagers, dual stimulation sex toys, hand and finger vibrators, lingerie, panties, underwear, hosiery, clothing, shoes, restraints, bondage tape, cuffs, belts, neck bands, leather cuffs, leather belts, leather neck bands, latex belts, latex neck bands, latex cuffs, leather restraints, latex restraints, polish restraints, leather lingerie, leather panties, leather underwear, leather clothing, latex lingerie, latex panties, latex underwear, latex clothing, handcuffs, legcuffs, thumbcuffs, hooks, chains, Ball gag, Ball lock, bit gag, Bondage bed, Bondage cuffs, Bondage mittens, Bondage harness, Bondage belt, Bondage hood, Bondage tape, bondage furniture, Bondage yoke, Breast binder, Butt hook, Chastity belts, Cling film, Cock ring, Collar, Corsets, D-rings, Dental forceps, Diapers, Elbow harness, Funnel gag, Head harness, Hobble skirt, Human pony harness, Humbler, Inflatable gag, Spreader bar, Lip loop, Medical

<b>*IDENTIFICATION</b>	restraints, Monoglove, Mouthguard gag, Muzzle gag, Panic snaps, Penis gag, Penis Displays, Posture collar, Ring gag, Rope, Shackles and fetters, Sleepsacks, Stocks, Straitjackets, Suspension cuffs; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals in the fields of adult sexual stimulation aids in the nature of bondage goods, penile toys, vibrators, glass sex toys, nipple toys, suction devices, prostate massagers, body massagers, erotic furniture, improvised sex toys, flesh-like sex toys, g-spot vibrators, vibrator wands, bullet vibrators, anal toys, couples kits comprised of adult novelties, general penetrative toys, artificial vaginas, cock rings, cock harness, penis extensions, butt plugs, anal beads, dildo, dongs, latex sex toys, silicone sex toys, lotions, lubricants, creams, massage creams, condoms, edible undergarments, latex clothing, clitoral vibrators, and massagers, dual stimulation sex toys, hand and finger vibrators, lingerie, panties, underwear, hosiery, clothing, shoes, restraints, bondage tape, cuffs, belts, neck bands, leather cuffs, leather belts, leather neck bands, latex belts, latex neck bands, latex cuffs, leather restraints, latex restraints, polish restraints, leather lingerie, leather panties, leather underwear, leather clothing, latex lingerie, latex panties, latex underwear, latex clothing, handcuffs, legcuffs, thumbcuffs, hooks, chains, Ball gag, Ball lock, bit gag, Bondage bed, Bondage cuffs, Bondage mittens, Bondage harness, Bondage belt, Bondage hood, Bondage tape, bondage furniture, Bondage yoke, Breast binder, Butt hook, Chastity belts, Cling film, Cock ring, Collar, Corsets, D-rings, Dental forceps, Diapers, Elbow harness, Funnel gag, Head harness, Hobble skirt, Human pony harness, Humbler, Inflatable gag, Spreader bar, Lip loop, Medical restraints, Monoglove, Mouthguard gag, Muzzle gag, Panic snaps, Penis gag, Penis Displays, Posture collar, Ring gag, Rope, Shackles and fetters, Sleepsacks, Stocks, Straitjackets, Suspension cuffs
<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 03/23/2015
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 03/23/2015
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\869\085\86908580\xml1\RFA0006.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\869\085\86908580\xml1\RFA0007.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\869\085\86908580\xml1\RFA0008.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	applicant's website
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Brendan M. Shortell
<b>ATTORNEY DOCKET NUMBER</b>	14-146-MF
<b>FIRM NAME</b>	Lambert & Associates
<b>INTERNAL ADDRESS</b>	Suite 200
<b>STREET</b>	92 State Street
<b>CITY</b>	Boston

STATE	Massachusetts
COUNTRY	United States
ZIP/POSTAL CODE	02109
PHONE	6177205822
FAX	6177206307
EMAIL ADDRESS	shortell@lambertpatentlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>CORRESPONDENCE INFORMATION</b>	
NAME	Brendan M. Shortell
FIRM NAME	Lambert & Associates
INTERNAL ADDRESS	Suite 200
STREET	92 State Street
CITY	Boston
STATE	Massachusetts
COUNTRY	United States
ZIP/POSTAL CODE	02109
PHONE	6177205822
FAX	6177206307
*EMAIL ADDRESS	shortell@lambertpatentlaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	2
FEE PER CLASS	275
*TOTAL FEE DUE	550
*TOTAL FEE PAID	550
<b>SIGNATURE INFORMATION</b>	
SIGNATURE	/Brendan M. Shortell/
SIGNATORY'S NAME	Brendan M. Shortell
SIGNATORY'S POSITION	Attorney of record, member of MA bar
SIGNATORY'S PHONE NUMBER	6177205822
DATE SIGNED	02/16/2016

---

## Trademark/Service Mark Application, Principal Register

Serial Number: 86908580

Filing Date: 02/16/2016

### To the Commissioner for Trademarks:

**MARK:** MASTER KINK (Standard Characters, see [mark](#))

The literal element of the mark consists of MASTER KINK.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Atlantic Innovations, LLC, a limited liability company legally organized under the laws of New Hampshire, having an address of  
Suite 22  
4 Bud Way  
Nashua, New Hampshire 03063  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 040: Custom manufacture of adult sexual stimulation aids in the nature of bondage goods, penile toys, vibrators, glass sex toys, nipple toys, suction devices, prostate massagers, body massagers, erotic furniture, improvised sex toys, flesh-like sex toys, g-spot vibrators, vibrator wands, bullet vibrators, anal toys, couples kits comprised of adult novelties, general penetrative toys, artificial vaginas, cock rings, cock harness, penis extensions, butt plugs, anal beads, dildo, dongs, latex sex toys, silicone sex toys, lotions, lubricants, creams, massage creams, condoms, edible undergarments, latex clothing, clitoral vibrators, and massagers, dual stimulation sex toys, hand and finger vibrators, lingerie, panties, underwear, hosiery, clothing, shoes, restraints, bondage tape, cuffs, belts, neck bands, leather cuffs, leather belts, leather neck bands, latex belts, latex neck bands, latex cuffs, leather restraints, latex restraints, polish restraints, leather lingerie, leather panties, leather underwear, leather clothing, latex lingerie, latex panties, latex underwear, latex clothing, handcuffs, legcuffs, thumbcuffs, hooks, chains, Ball gag, Ball lock, bit gag, Bondage bed, Bondage cuffs, Bondage mittens, Bondage harness, Bondage belt, Bondage hood, Bondage tape, bondage furniture, Bondage yoke, Breast binder, Butt hook, Chastity belts, Cling film, Cock ring, Collar, Corsets, D-rings, Dental forceps, Diapers, Elbow harness, Funnel gag, Head harness, Hobble skirt, Human pony harness, Humbler, Inflatable gag, Spreader bar, Lip loop, Medical restraints, Monoglove, Mouthguard gag, Muzzle gag, Panic snaps, Penis gag, Penis Displays, Posture collar, Ring gag, Rope, Shackles and fetters, Sleepsacks, Stocks, Straitjackets, Suspension cuffs

In International Class 040, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/23/2015, and first used in commerce at least as early as 03/23/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) applicant's website.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

International Class 035: Retail store services and wholesale stores services featuring adult sexual stimulation aids in the nature of bondage goods, penile toys, vibrators, glass sex toys, nipple toys, suction devices, prostate massagers, body massagers, erotic furniture, improvised sex toys, flesh-like sex toys, g-spot vibrators, vibrator wands, bullet vibrators, anal toys, couples kits comprised of adult novelties, general penetrative toys, artificial vaginas, cock rings, cock harness, penis extensions, butt plugs, anal beads, dildo, dongs, latex sex toys, silicone sex toys, lotions, lubricants, creams, massage creams, condoms, edible undergarments, latex clothing, clitoral vibrators, and massagers, dual stimulation sex toys, hand and finger vibrators, lingerie, panties, underwear, hosiery, clothing, shoes, restraints, bondage tape, cuffs, belts, neck bands, leather cuffs, leather belts, leather neck bands, latex belts, latex neck bands, latex cuffs, leather restraints, latex restraints, polish restraints, leather lingerie, leather panties, leather underwear, leather clothing, latex lingerie, latex panties, latex underwear, latex clothing, handcuffs, legcuffs, thumbcuffs, hooks, chains, Ball gag, Ball lock, bit gag, Bondage bed, Bondage cuffs, Bondage mittens, Bondage harness, Bondage belt, Bondage hood, Bondage tape, bondage furniture, Bondage yoke, Breast binder, Butt hook, Chastity belts, Cling film, Cock ring, Collar, Corsets, D-rings, Dental forceps, Diapers, Elbow harness, Funnel gag, Head harness, Hobble skirt, Human pony harness, Humbler, Inflatable gag, Spreader bar, Lip loop, Medical restraints, Monoglove, Mouthguard gag, Muzzle gag, Panic snaps, Penis gag, Penis Displays, Posture collar, Ring gag, Rope, Shackles and fetters, Sleepsacks, Stocks, Straitjackets, Suspension cuffs; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals in the fields of adult sexual stimulation aids in the nature of bondage goods, penile toys, vibrators,



glass sex toys, nipple toys, suction devices, prostate massagers, body massagers, erotic furniture, improvised sex toys, flesh-like sex toys, g-spot vibrators, vibrator wands, bullet vibrators, anal toys, couples kits comprised of adult novelties, general penetrative toys, artificial vaginas, cock rings, cock harness, penis extensions, butt plugs, anal beads, dildo, dongs, latex sex toys, silicone sex toys, lotions, lubricants, creams, massage creams, condoms, edible undergarments, latex clothing, clitoral vibrators, and massagers, dual stimulation sex toys, hand and finger vibrators, lingerie, panties, underwear, hosiery, clothing, shoes, restraints, bondage tape, cuffs, belts, neck bands, leather cuffs, leather belts, leather neck bands, latex belts, latex neck bands, latex cuffs, leather restraints, latex restraints, polish restraints, leather lingerie, leather panties, leather underwear, leather clothing, latex lingerie, latex panties, latex underwear, latex clothing, handcuffs, legcuffs, thumbcuffs, hooks, chains, Ball gag, Ball lock, bit gag, Bondage bed, Bondage cuffs, Bondage mittens, Bondage harness, Bondage belt, Bondage hood, Bondage tape, bondage furniture, Bondage yoke, Breast binder, Butt hook, Chastity belts, Cling film, Cock ring, Collar, Corsets, D-rings, Dental forceps, Diapers, Elbow harness, Funnel gag, Head harness, Hobble skirt, Human pony harness, Humbler, Inflatable gag, Spreader bar, Lip loop, Medical restraints, Monoglove, Mouthguard gag, Muzzle gag, Panic snaps, Penis gag, Penis Displays, Posture collar, Ring gag, Rope, Shackles and fetters, Sleepsacks, Stocks, Straitjackets, Suspension cuffs

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/23/2015, and first used in commerce at least as early as 03/23/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) applicant's website.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

The applicant's current Attorney Information:

Brendan M. Shortell of Lambert & Associates  
Suite 200  
92 State Street  
Boston, Massachusetts 02109  
United States  
6177205822(phone)  
6177206307(fax)  
shortell@lambertpatentlaw.com (authorized)

The attorney docket/reference number is 14-146-MF.

The applicant's current Correspondence Information:

Brendan M. Shortell  
Lambert & Associates  
Suite 200  
92 State Street  
Boston, Massachusetts 02109  
6177205822(phone)  
6177206307(fax)  
shortell@lambertpatentlaw.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

### Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the

validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /Brendan M. Shortell/ Date: 02/16/2016

Signatory's Name: Brendan M. Shortell

Signatory's Position: Attorney of record, member of MA bar

RAM Sale Number: 86908580

RAM Accounting Date: 02/16/2016

Serial Number: 86908580

Internet Transmission Date: Tue Feb 16 10:25:47 EST 2016

TEAS Stamp: USPTO/BAS-XXX.XXX.XXX.XX-201602161025474

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2979eb2849b9eabd40493b4272df8f8a1a6c987e

f-CC-13194-20160216101440345672

# MASTER KINK



## MASTERKINK ULTIMATE BED BONDAGE

★★★★★ (new 2 reviews) ★ Write a Review

**\$44.95**

In Stock Part Number: MK000-00

Have you or your lover been naughty?

- Adjustable for any mattress.
- Comfortable, soft straps.
- Easily loosened or tightened.
- Easy to set up.
- Easily position straps around bed for different uses.

### YOUR PRODUCT INCLUDES:

- ✓ 1 Year Guarantee
- ✓ Discreet Shipping & Billing
- ✓ FREE Express Shipping (orders \$65+)

**ADD TO CART**

[See for more info](#) | [Add to Wishlist](#)

### SAME DAY SHIPPING

Order prior to 3pm EST for same day shipping. Excluding holidays and weekends.

### DESCRIPTION

CUSTOMER REVIEWS 3 review(s) ★★★★★

#### Master Kink Bedroom Bondage Kit.ang

**Our #1 bedroom bondage kit!**



#### Turn Your Bed Into A Bondage Paradise!

This deliciously luxurious set of padded cuffs will allow you to position your lover into endless possibilities of pleasure! The bondage system easily adjusts to fit mattresses of any size, and the strong tethers keep your lover in line! Set up is easy with this seductive set! Simply run the mattress tethers under your mattress and you are ready to enjoy your kinky romp! When your finished, just tuck the tethers under your mattress for easy-access restraints whenever the mood strikes!

Cushy padded cuffs protect gentle appendages from bruising, while adjusting to accommodate even the largest man's wrist. Sturdy Velcro offers a safe, quick-release alternative to metal locking cuffs, and quality metal clasps hold the tethers to the cuffs no matter how much your "prisoner" squirms! You'll love teasing and toying with your partner when they're at your mercy with this sexy set!

Cordana, Ask me anything



10:15 AM 2/16/2016

## About Us

Master Kink® is a manufacturer of adult products, specializing in restraints and bondage equipment. We are a small company based in New Hampshire and satisfying our customers is our top priority.

We understand that the media's portrayal of BDSM is often inaccurate and offensive. We hope to challenge this depiction of the largely misunderstood BDSM community with top-notch products and education.

Thank you to all of our customers! Your feedback is extremely important to us so that we can continuously provide better products.

Sign up to our mailing list

SUBSCRIBE

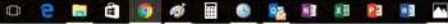
MASTER KINK

BONDAGE TIPS

PROFESSIONAL

Kink Gear

Cortana. Ask me anything.



10:19 AM  
3/16/2016



## MASTERKINK ULTIMATE BED BONDAGE

★★★★★ (new 2 reviews) ★ Write a Review

**\$44.95**

In Stock Part Number: MK000-00

Have you or your lover been naughty?

- Adjustable for any mattress.
- Comfortable, soft straps.
- Easily loosened or tightened.
- Easy to set up.
- Easily position straps around bed for different uses.

### YOUR PRODUCT INCLUDES:

- ✓ 1 Year Guarantee
- ✓ Discreet Shipping & Billing
- ✓ FREE Express Shipping (orders \$65+)

**ADD TO CART**

[See for more info](#) | [Add to Wishlist](#)

### SAME DAY SHIPPING

Order prior to 3pm EST for same day shipping (Excluding holidays and weekends).

### DESCRIPTION

CUSTOMER REVIEWS 3 review(s) ★★★★★

#### Master Kink Bedroom Bondage Kit.ang

**Our #1 bedroom bondage kit!**



#### Turn Your Bed Into A Bondage Paradise!

This deliciously luxurious set of padded cuffs will allow you to position your lover into endless possibilities of pleasure! The bondage system easily adjusts to fit mattresses of any size, and the strong tethers keep your lover in line! Set up is easy with this seductive set! Simply run the mattress tethers under your mattress and you are ready to enjoy your kinky romp! When your finished, just tuck the tethers under your mattress for easy-access restraints whenever the mood strikes!

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Cordana, Ask me anything



10:15 AM 2/16/2016

## About Us

---

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We understand that the media's portrayal of BDSM is often inaccurate and offensive. We hope to challenge this depiction of the largely misunderstood BDSM community with top-notch products and education.

Thank you to all of our customers! Your feedback is extremely important to us so that we can continuously provide better products.

Sign up to our mailing list

SUBSCRIBE



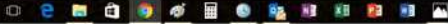
MASTER KINK

BONDAGE TIPS

PROFESSIONAL

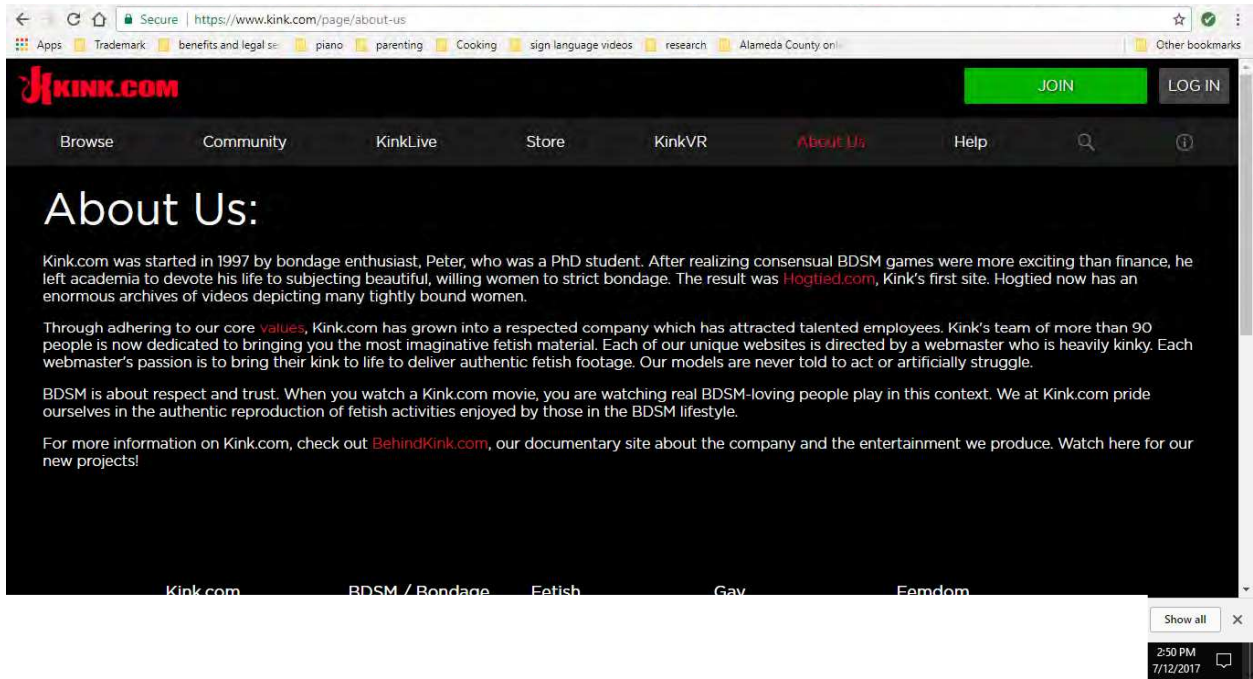
Kink Gear

Cortana. Ask me anything.



10:19 AM  
3/16/2016

## **EXHIBIT F- NOTICE OF RELIANCE**



## **EXHIBIT G- NOTICE OF RELIANCE**

MASTER KINK



## About Us

Secure Trusted, LLC is a manufacturer of adult products, specializing in restraints and bondage equipment. We are a small company based in New Hampshire and satisfying our customers is our top priority.

We understand that the media's portrayal of BDSM is often inaccurate and offensive. We hope to challenge this depiction of the largely misunderstood BDSM community with top-notch products and education.

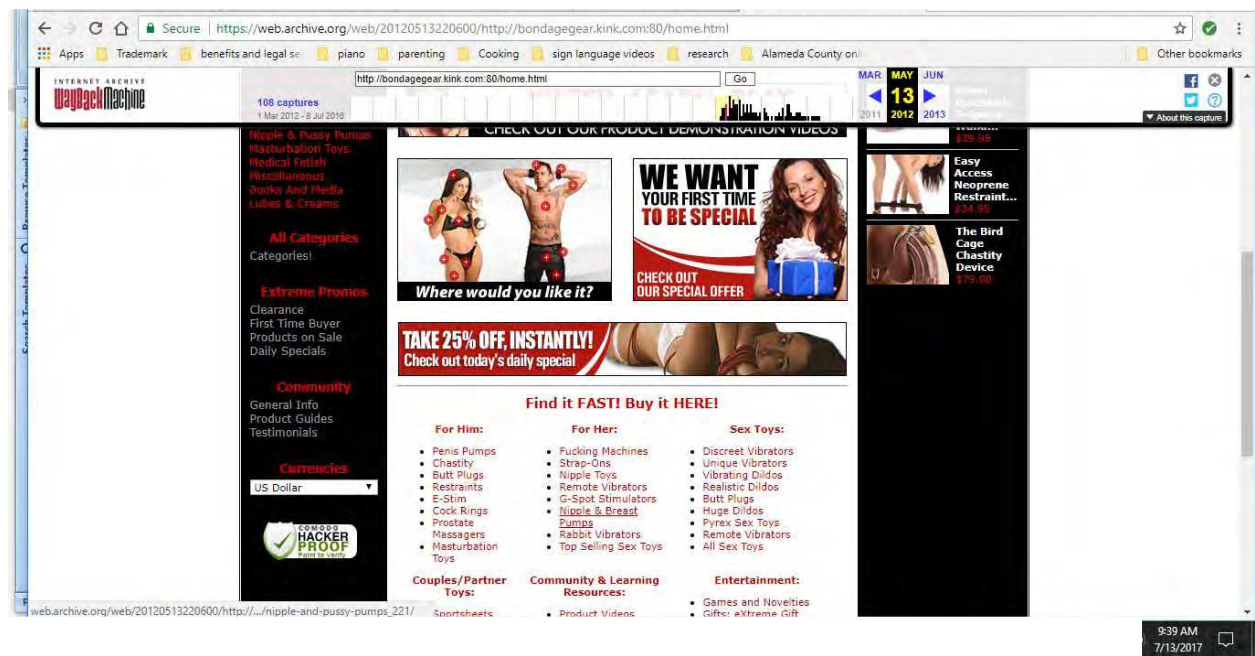
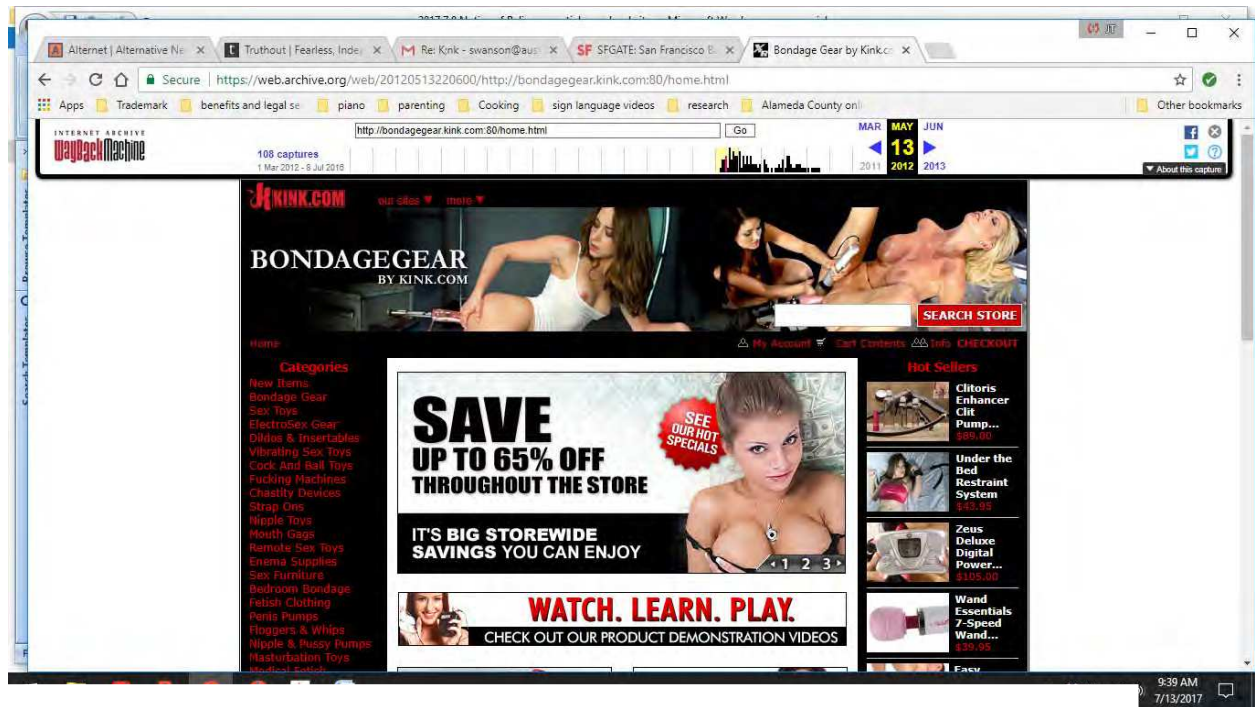
Thank you to all of our customers! Your feedback is extremely important to us so that we can continuously provide better products.

Show all X

1:45 PM  
7/5/2017



## **EXHIBIT H- NOTICE OF RELIANCE**



## **EXHIBIT I- NOTICE OF RELIANCE**




Secure | <https://store.kink.com/product/kinks-silicone-vibrating-plug/>

Apps | Trademark | benefits and legal se | piano | parenting | Cooking | sign language videos | research | Alameda County onl | Other bookmarks

**KINK STORE** KINK BRAND FETISH SHOP BY SEX TOYS BDSM GEAR GENERAL STORE INFO

Home > Authentic Kink > Kink by Doc Johnson > Kink Anal > Kink's Silicone Vibrating Plug



## Kink's Silicone Vibrating Plug

- 10 Powerful Functions
- Can Be Used with or without Vibrating Bullet
- Simple Handheld Control

**\$34.99**

COLOR  
Choose an option

1 **ADD TO CART**


11:02 AM 7/3/2017

Secure | <https://store.kink.com/product-category/authentic-kink/kink-by-doc-johnson/kink-anal/>

Apps | Trademark | benefits and legal se | piano | parenting | Cooking | sign language videos | research | Alameda County onl | Other bookmarks

**KINK STORE** KINK BRAND FETISH SHOP BY SEX TOYS BDSM GEAR GENERAL STORE INFO

Home > Authentic Kink > Kink by Doc Johnson > Kink Anal



## Kink's Ridged - Silicone Vibrating Plug

- 10 Powerful Functions
- Extreme Size Ideal for Experienced Players
- Graduated Ripples Heighten Sensation

**\$70.99**

COLOR  
Choose an option

1 **ADD TO CART**

11:03 AM 7/3/2017

Secure | <https://store.kink.com/product-category/authentic-kink/kink-by-doe-johnson/kink-anal/>

Apps | Trademark | benefits and legal se | piano | parenting | Cooking | sign language videos | research | Alameda County onli | Other bookmarks

**KINK STORE**

Kink's Silicone Anal Beads

**Kink Lube: Anal 4oz**

- Extra-Thick Water-Based Formula
- Long-Lasting for Intense Play
- Texture and Consistency of Saliva

Earn 28 Points  
**\$13.99**  
In stock

1 **ADD TO CART**

Windows taskbar: 11:03 AM 7/3/2017

Secure | <https://store.kink.com/product-category/bdsm-gear/floggers-whips/>

Apps | Trademark | benefits and legal se | piano | parenting | Cooking | sign language videos | research | Alameda County onli | Other bookmarks

FREE SHIPPING ON US ORDERS OVER \$99+ **SIGN IN** **CREATE ACCOUNT**

**KINK STORE** KINK BRAND FETISH SHOP BY SEX TOYS BDSM GEAR GENERAL STORE INFO

Home > BDSM Gear > Floggers & Whips

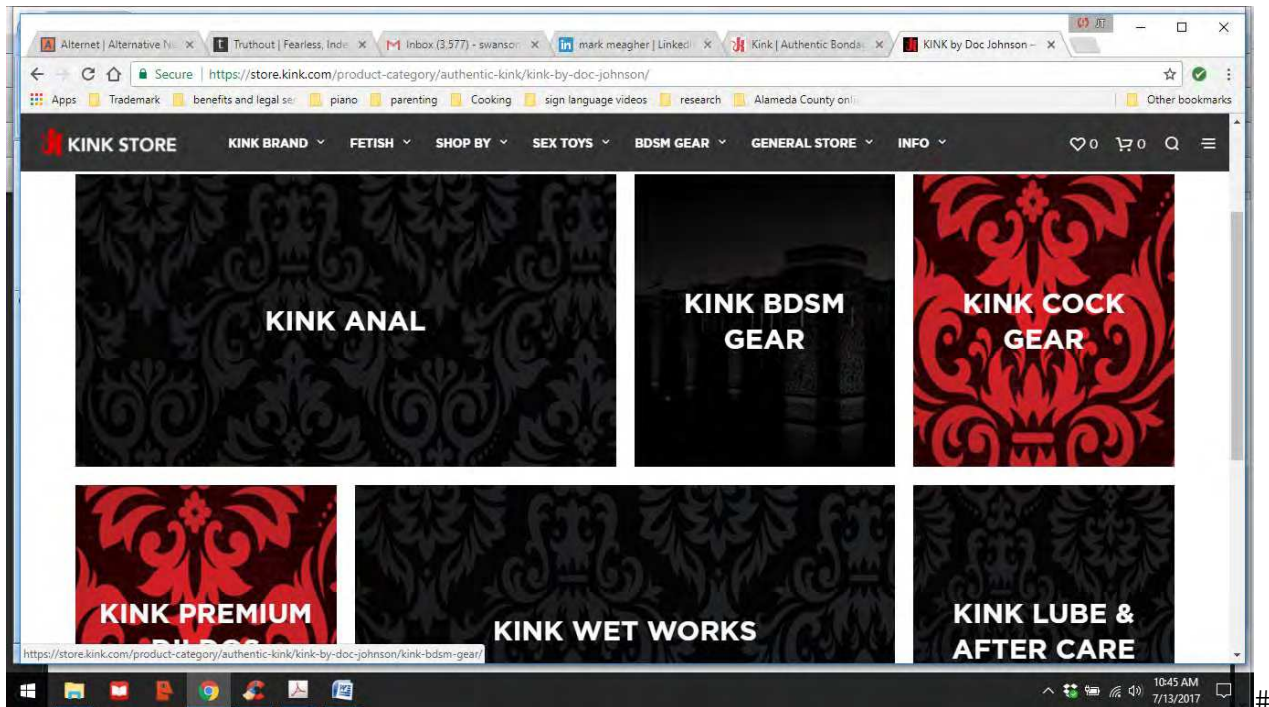
**FLOGGERS**

**WHIPS**

<https://store.kink.com/product-category/bdsm-gear/floggers-whips/whips/>

Windows taskbar: 11:04 AM 7/3/2017

## **EXHIBIT J- NOTICE OF RELIANCE**



## **EXHIBIT K- NOTICE OF RELIANCE**

Secure | https://www.amazon.com/Master-Kink-Flogger-Whip-Personal/dp/B016OPZH2C/ref=sr\_1\_1\_a\_it?ie=UTF8&qid=1499018379&sr=8-1&keywords="master+kink"

Departments - Browsing History - It's Amazon.com Today's Deals Gift Cards & Registry Sell Help EN Hello, jf Account & Lists - Orders Prime - Cart


Health & Personal Care Household Supplies Vitamins & Diet Supplements Baby & Child Care Health Care Sports Nutrition Sexual Wellness Health & Wellness Medical Supplies & Equipment

prime now Get \$10 OFF order & FREE 2-hour delivery shop now

Back to search results for "master kink"

### Master Kink Flogger Whip - Bondage Sex Toy - Adult Fetish Product for Kinky Couples - 50 Shades - Sexy Personal Fantasy Product MasterKink

★★★★★ 14 customer reviews



Price: **\$14.95 & FREE Shipping**  
Note: Not eligible for Amazon Prime.

**Only 15 left in stock - order soon.** Ships from and sold by [Secure Trusted LLC](#).

Get it as soon as **July 6 - 10** when you choose **Standard Shipping** at checkout.

Ship to: It Swanson - San Francisco - 94114

Qty: 1 [Turn on 1-click ordering](#)


[Add to Cart](#)  
[Add to List](#)  
[Add to Wedding Registry](#)

13-17131 ninth cir...pdf wiretapappealOK.pdf Show all

11:00 AM 7/2/2017

Secure | https://www.masterkink.com/collections/restraints/products/pleasure-tape

MASTER KINK



### Pleasure Tape

\$ 10.95

[ADD TO CART](#)

- Non-Adhesive
- Reusable
- PVC (Contains Latex)

This pleasure tape is not made with any adhesive, it's made from shiny PVC that stretches and sticks only to itself. Wrap this around your submissive partner's

13-17131 ninth cir...pdf wiretapappealOK.pdf Show all

11:01 AM 7/2/2017

#





MASTER KINK<sup>TM</sup>



Whip Me Flogger

#

## **EXHIBIT L- NOTICE OF RELIANCE**



# THE WALL STREET JOURNAL.

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<http://www.wsj.com/articles/SB117080858735100251>

A-HED

## No Condos, Please: Old Armory Finds New Life in Porn

Other Plans Fall Victim To San Francisco Zoning; Fears of 'Dark Spirits'

By **VAUHINI VARA**

Updated Feb. 7, 2007 12:01 a.m. ET

SAN FRANCISCO -- When the National Guard left this city's historic State Armory and Arsenal building in 1975, the big Moorish castle fell into disrepair. Today, it has a controversial new lease on life.

Over the years, developers suggested turning the 1914 building, which is a mile from City Hall on the edge of the Mission District, into a church, storage space or an apartment complex. But proposals kept getting shot down, many of them falling victim to the city's powerful Planning Department and a thicket of zoning rules. Developers joked that the 200,000-square-foot Armory, which is on the National Register of Historic Places, was cursed.

It turns out there was an easy way to preserve the Armory that doesn't run afoul of San Francisco's planners: make pornography there. In December, Peter Acworth, chief executive of the Internet porn company Kink.com, bought the landmark building for \$14.5 million. Last week, Kink began shooting bondage films at the site, and the Planning Department doesn't have a problem with that.

Mr. Acworth says city officials were especially pleased that he planned to use the Armory as is, without making big changes to its interior. That way, he didn't have to go before San Francisco's Landmarks Board for approval. In fact, the building's very details -- the dungeon-like boiler room, shadowy rifle range and wet basement -- appealed to Mr. Acworth.

"It's an authentic castle, whereas we had been building fake castles all this time" for our



San Francisco's Armory building, abandoned for more than 30 years, is now home to a pornographic movie studio.

films, Mr. Acworth says.

The Armory is also zoned for "heavy commercial" use. Real-estate developers need special permission to build, say, condos or a church. Making films -- even dirty movies -- is OK. Tim Frye, a city planner who helps oversee the Mission neighborhood, says he found no reason to block the sale of the Armory to Kink. "Film production is a very sympathetic use" of the building, he says. "What happens in there is a private matter."

## Heated Debate

Mr. Acworth's *fait accompli* has now sparked a heated debate over San Francisco's real-estate planning maze. Developers complain that outdated rules make it a nightmare for mainstream businesses to build in the most desirable parts of the city. Nonprofit groups gripe that planners are so focused on economic growth that the city sacrifices affordable housing. Some merchants say San Francisco's government cares only about its wealthier neighborhoods and lets just about anyone enter the Mission, a formerly low-income area that has lately filled with bars, restaurants and young hipster residents. Mission District activists are planning a protest this week.

The flap has drawn in the mayor, Gavin Newsom. Last week, Mr. Newsom announced plans to hold a community meeting to discuss use of the Armory and revisit city-planning rules. "I'm not going to moralize it, but I don't think this is the appropriate place" for a porn film studio, says the mayor, who recently admitted to having an affair with his re-election campaign manager's wife. "This is a city with a housing crisis, and

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 VIDEO
 

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Dark rooms and vast space at the San Francisco Armory appealed to Peter Acworth, CEO of Kink.com, who bought the building for \$14.5 million. WSJ's Vauhini Vara spoke with Acworth at the Armory on the first day of filming video for the site.

now here we are with an adult studio near schools?"

Since 1975, the Armory has changed hands a number of times as development proposals have come and gone. The building has become dilapidated, with broken windows and rusted bathroom fixtures. A stream -- once meant to provide a water supply for soldiers trapped in the building -- runs through the basement. Graffiti mars the red-

brick facade.

Former suitors took it all in and saw a massive renovation project. Mr. Acworth saw the perfect backdrop for Kink's hardcore videos. The 36-year-old Englishman says he had been studying for a graduate degree in finance in 1997 when he decided to drop out, move to San Francisco and start filming risqué videos in his apartment. In 1999, he launched CyberNet Entertainment LLC, which later became Kink. By last year, the company had \$20 million in annual revenue, Mr. Acworth says, and nearly 70 employees, and it needed new digs.



**Peter Acworth**

Mr. Acworth, who was introduced to the Armory by a movie location scout in 2005, was immediately inspired by the building's size, winding stone staircases and marble columns. He kept in touch with the building's owner, a company run by businessman Kelly Ng. He had tried to sell the Armory several times but to no avail, and his own two-year effort to convert it to condominium apartments kept hitting roadblocks. In November, Mr. Acworth entered talks to buy the Armory. His lawyer sent a letter to a city planning official named Larry Badiner, stating that Kink intended to use the Armory to make "independent films and NC-17 rated films." NC-17 is the designation given to X-rated movies, denying admission to anyone under the age of 17.

In January, Mr. Badiner responded, saying the proposed use seemed just fine. The zoning official says he didn't notice the wording about NC-17 films. "Frankly, I kind of missed that," he says.

Still, Mr. Badiner and other officials who signed off on the plan say it's hard to imagine a better proposal than this one. Amit Ghosh, director of the city's Planning Department, has publicly said, "The planning code...is not really worried with moral propriety."

Mr. Acworth says he was surprised things went so smoothly for Kink at the Planning Department. "It's kind of funny that it's porn that has got everyone thinking" about how the planning rules should change, he adds.

Mr. Acworth says he plans to rent some space in the Armory to mainstream film producers, and that he will use the building to shoot his own features. Among the film ideas floated by his employees: shooting a naked-paintball scene, suspending women from the 65-foot-ceiling of the building's onetime drill court and using the dark, underground hallways to make zombie movies.

## First Shoot

On a recent afternoon, he and a small film crew got ready for their first shoot in the building, on a balcony above the drill court where officers once practiced marching. A model wearing a bathrobe stood above a row of suggestive props and asked, "Is my hair OK?" Mr. Acworth says there was no plot to the movie.

Mr. Acworth said he had been thinking of hoisting a flag with Kink's logo -- a K with a devil's tail -- on the roof. But when a neighbor asked about the "dark spirits" Mr. Acworth was bringing to the neighborhood, he changed his mind. To curry favor with neighbors, he plans to use parts of the Armory for community activities, like internship programs -- in film production, not porn, he says. He plans to fix the windows and get rid of the graffiti.

Mr. Acworth hopes the current uproar will quickly subside. One tip from the lobbyist he hired to help him promote Kink's cause: Don't say anything bad about the mayor. "I'm sure Gavin's a decent enough bloke," Mr. Acworth says of Mr. Newsom, but when it comes to Kink's Armory purchase, he adds, "I don't think there's anything he can do about it." Mr. Newsom's response: "You don't enter into a community with opposition in the mayor's office." He warns that if Mr. Acworth rubs people the wrong way, "there could be future roadblocks."

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## **EXHIBIT M- NOTICE OF RELIANCE**

A Disciplined Business



Larry Sultan For The New York Times

Peter Acworth in the San Francisco landmark that his company, Kink, bought.  
By JON MOOALLEM  
Published: April 29, 2007

Peter Acworth is 36 and trim, with a pale, boyish face. He grew up in the English Midlands, the son of a sculptor and a former Jesuit priest, and came to the United States in 1996 to get a Ph.D. in finance at [Columbia University](#). He had already worked for Baring Brothers in London and was on track to do analytical research on Wall Street. Then, after his first year, he read in a British tabloid about a fireman who sold pornographic pictures on the Internet. “He had made a quarter of a million pounds over a short period doing nothing very clever at all,” Acworth told me not long ago, pointing to the clipping framed in his office in downtown San Francisco. “So I basically just ripped off that idea.”

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Larry Sultan For The New York Times  
Open House When the neighbors complained, Acworth invited them in.

Acworth has since built what is arguably the country’s most successful fetish porn company, Kink.com — a fast-growing suite of 10 S-and-M and bondage-themed Web sites, each updated weekly with a new half-hour or hour video segment. Kink has 60,000 subscribers; access to each site costs about \$30 a month. Acworth founded Kink’s first site, Hogtied, while still at Columbia. He purchased licensed digital photographs for content, many of which were simply old bondage-magazine spreads, torn out and scanned. Almost immediately, Hogtied made several hundred dollars a day — then, with a few ads in place, more than a thousand. In 1998, Acworth dropped out of grad school and moved to San Francisco, which he had always regarded as the world’s “fetish capital,” to run Hogtied full time. His mother worried that the lifestyle of a self-employed Web master might get lonely.

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At the time, online porn was still an unruly if lucrative amateur hour. With the big companies of the San Fernando Valley — the center of pornographic video production — moving online sluggishly, if at all, a disparate crowd of upstarts was getting rich quickly. But just as quickly, the disarray of those early days soon constricted into a fiercely competitive, \$3-billion-a-year American industry. “You can’t just throw up an adult Web site and watch the dollars roll in anymore,” says Kathee Brewer, editor of the trade magazine AVN Online, which covers the online adult industry. Many of the sites that have lasted, she adds, were founded, like Kink, by serious-minded, tech-oriented entrepreneurs working outside the influence of the porn establishment.

It has long been noted that the San Fernando Valley is increasingly populated by strait-laced corporate managers and not by the oily, medallion-wearing men we once assumed. But succeeding on the Web, or simply surviving its escalating demands, has required more sophisticated entrepreneurial types. With the Internet pushing porn discreetly into the homes of conventional consumers, making it more a part of everyday life and less seedy-seeming, the industry has been better able than ever to attract that sort of employee. That is, as pornography becomes a more mainstream product, it becomes an equally mainstream career. If anything, Kink may be an exaggerated example of just how ordinary pornographers will get, despite the wince-inducing grisliness of its content, which even by porn-industry standards is morbidly eccentric.

Talking with Kink’s 70 employees, the majority of whom are in their 20s or 30s, it would seem that porn has become just another career that creative people latch onto in the fog following college — years spent meandering between unpaid internships and dispiriting corporations, lashed with debt. A young woman who calls herself Cat Rich told me that she volunteered as a civilian nurse in Iraq after graduation but wound up back in Indiana selling cars; she is now Kink’s events coordinator. A [Harvard](#) alum in Kink’s marketing department worked in restaurants after moving to San Francisco and got his first adult-industry job after searching for the word “fun” on Craigslist. A cameraman, one of several employees with film degrees, was not only laid off in the dot-com bust but also found himself owing \$14,000 in a perplexing stock-option scheme gone sour. “I promised myself I would never work at a dot-com again, but here I am,” he said, and “it feels very much like the blissful dot-com days before the crash.” There are weekly catered lunches, a health plan stretching to vision insurance and, even harder to come by, a pervasive feeling of usefulness. Reena Patel, Kink’s vice president for marketing, who has an M.B.A. and previously worked at [Merrill Lynch](#), told me, “I actually apply my education to this job.”

Everyone at the company works 10 to 6. Matt Williams, who directs both Hogtied and the hard-hitting girl-on-girl wrestling site Ultimate Surrender, told me: “I like this because when eight hours are done, I’m done. I go home, and my job doesn’t follow me.” Williams used to shoot for a smaller, more sinister-seeming S-and-M site that is now shut down. He lives in the suburbs and has a child. “My wife and I watch ‘American Idol,’ ” he said, as if to show how average he is.

It was a recurring theme. Patel acknowledged the image of pornographers as “a bunch of sleazy guys that are drunk all day.” “I probably had some of the same misconceptions,” she said. “But we have 401(k) plans.”

A few weeks after Patel and I first spoke, Kink incited a minor media blitz by purchasing, for \$14.5 million, the State Armory and Arsenal in San Francisco as its new offices and studios. The armory, which is on the National Register of Historic Places, is a 200,000-square-foot, brick, castlelike colossus in the Mission District. It had been abandoned by its only tenant, the National Guard, in the mid-’70s. After 30 years of disuse, its underground horse stables and ballroom; officers’ quarters, pool and banks of urinals; hockey-arena-like drill court with 70-foot ceilings and stadium seating — all of it — had attained a look of palatial depravity. It was the exact aesthetic Acworth and his directors had been struggling for so long to build from scratch. At the time the deed transferred in December, the basement pumps had shut off, and the creek that rushes through the armory subbasement had filled the old shooting range with several feet of water. Acworth





was ecstatic. He imagined models waist-deep, with helmets and headlamps, or someone suspended over the waterline in a cage. "It could be very cinematic," he told me.

By early February, a fraction of the basement had been readied for a first official shoot. They were filming an update for the site Men In Pain. It would feature two players billed as Wild Bill and Claire Adams. Adams, who is 25, gave up on a philosophy degree to become a bondage rigger. (Last year, she tied up the actor Peter Sarsgaard for a bondage-themed spread in Vanity Fair.) She wore a fishnet top and a miniature barbell through each nipple.

She laid her leather jacket over a concrete slab, and she and Bill sat down, nuzzling. Then she looked into the camera and, very cordially, spoke: "I'm Claire Adams." "And I'm Wild Bill." "And welcome to a very special Men In Pain update." Just like that, like the opener of some fireside holiday special. They interviewed each other. She asked if there was anything she shouldn't do, any ground rules. "I don't like my ears being slapped," he said.

They started on an old stage in the armory gymnasium, rundown to the point of missing its floorboards entirely and gathering trash — a Coke case, a poster advertising youth boxing classes once held here — in the underpinnings. There, Wild Bill was tied to a column and flogged. (There are rarely story lines in Kink's porn, and acting is discouraged.) His crotch was slapped. Later, in the boiler room, he would be kicked and suspended from the ceiling on his back, like a hairy spider. In between takes, after Wild Bill mentioned getting a little back pain, Adams would adjust the cat's-cradle of ropes.

Even as child, Acworth told me, he liked seeing people bound. "I would get an erection while watching a cowboy-and-Indian movie where somebody was getting tied up," he said, "which I didn't really understand." For a long time, he experimented by tying up himself, alone; he was shy and didn't have a girlfriend until his 20s. It seemed natural that when starting Kink, he would gear his company toward the subculture around consensual sex play involving bondage, discipline, domination, submission and sadomasochism — the B.D.S.M. community. It was a way to indulge his own fetish but also a shrewd business decision. With a bondage site, Acworth told me, he knew what the customer wanted.

Initially, his instinct proved sound. But shortly after he moved to San Francisco to leap full time into the lavish free-for-all of online porn, Hogtied's sales leveled off. Similar sites, often featuring the same licensed photographs, littered the Web. So Acworth started producing his own content in his spare bedroom. He would tether models to a homemade wooden scaffold, set up a tripod and film himself busily whipping, spanking and tickling them with various implements — all the while clicking still photos with a remote. He wore a black mask and called himself Peter Rogers in case he decided to abandon the stagnating business and return to Columbia.

The ways online porn was created, marketed and sold were beginning to be reinvented. Or, rather, they were finally being properly invented. Even by 1999, search engines like [Yahoo](#) were harder to outsmart, and Acworth's tricks for getting Hogtied ranked highly no longer worked. He followed the lead of bigger porn sites, recruiting vast networks of "affiliates" to lure traffic to Kink's sites with smartly placed ads, galleries of free samples, spam or other means. The industry's first affiliates were hobbyists, amateur connoisseurs collecting their favorite online porn in galleries or directing others toward it in newsgroups. Today it's a competitive industry in its own right, with self-employed, stay-at-home entrepreneurs using a variety of increasingly sophisticated advertising tools. Companies like Kink or Naughty America — another prominent suite of porn sites with far more conventional content (errant secretaries, hair-twirling co-eds) — now work with invisible sales forces of tens of thousands of affiliates.

But in those early years, with credit-card numbers circulating among unscrupulous Web masters and affiliates, various frauds proliferated. Prime among them was "credit-card banging," whereby a person subscribing to one site might find he has been charged for a

slew of others. For their part, customers found that they could easily repudiate charges they had authorized; Internet porn involved no physical delivery, and card companies, apt to take the nice suburban husband's word over the pornographer's, frequently issued chargebacks.

Such headaches were not limited to porn. But porn was one of the few things being rampantly bought and sold online, and the financial sector, which hadn't yet worked out a viable system for e-commerce, scrambled to develop one on the fly. Many banks and credit-card companies, including [American Express](#), refused to deal with porn; others steadily introduced stiffer regulations and fees for high-risk industries. A site with more than 2.5 percent of its purchases charged back could be subject to closer oversight and penalties; eventually, its merchant account, and thus its ability to process credit cards, might be revoked. Soon, the standard allowable chargeback ratio lowered to 1 percent. Third-party billing companies stepped in to process the charges through their own merchant accounts, but they routinely take 15 percent or more of each transaction. (Paypal, which charged as little as 2.9 percent, ceased dealing with porn in 2002.) For the typical, sloppy amateur — the lackluster guy with a digital camera and some lady friends — billing suddenly became a nightmare. "And without billing, it just don't work," says Gary Kremen, who founded both the porn site Sex.com and the dating site Match.com in the mid-'90s. "Because what are you going to do, send money in the mail?"

Kink has managed to retain its own merchant account, a rarity in the business. Acworth claims its chargebacks have always been minimal, in part because of the company's own meticulousness but also, perhaps, because of the nature of its customers. "People that buy our content are people that are genuinely into the fetish," he says. A B.D.S.M. enthusiast may spend hundreds or thousands of dollars a year on S-and-M paraphernalia or to attend fetish festivals like the Folsom Street Fair in San Francisco. "I think it probably tends to be a somewhat more refined clientele," Acworth suggests. According to Scott Rabinowitz of Traffic Dude, an advertising consultant for the adult industry, high-quality niche sites have always been more profitable and attractive to affiliates. Narrowly targeted sites generally get a far higher percentage of their Web traffic subscribing. They also keep those customers longer; while most companies retain the average customer for less than three months, Rabinowitz suspects an average Kink subscriber stays at least three times as long. In fact, much of the industry has learned to be as specialized as Kink was from the start, with catch-all pornographic "megasites" making way for smaller, formulaic ones like My Friend's Hot Mom or Chunky Angels. Meanwhile, Acworth's second site was dedicated entirely to women having sex with large and distressingly elaborate machines. Another features water torture. Thus Kink seems to have survived all of these various shake-ups not only on Acworth's business sense but his kinkiness.

By now, real success and longevity online require both technological skill and a certain fiduciary seriousness. Acworth put Kink's stellar benefits in place partly so he could steal top-flight people away from mainstream corporations. In the Bay Area, Rabinowitz says, the dot-com bust fed an entirely new class of talent into porn: "Middle-food-chain technical players could come over and create pivotal roles for themselves."

I met several dot-com era castoffs who were entrenched in Kink's I.T. department and another, Paco Cohen, loading a crate of neatly cataloged riding crops and nipple pincers onto a truck the morning of the first armory shoot. Cohen, who was wearing blue-tinted glasses and a windbreaker with Colonel Sanders's head embroidered on the breast, was a project manager for an [AT&T](#) affiliate in the area for four years. ("Baby-sitting for adults" is how he explained the job.) One day, he watched 700 people get laid off. Then he was told that his new boss was someone he had never heard of who worked in New Jersey. "I stayed there for two years just waiting to be laid off, and that was when I started hating it," he said.

Later that afternoon, waiting for Wild Bill to be fitted with a gag, Cohen told me that a disproportionate number of Kink employees, himself included, graduated from the [University of California](#) at Santa Cruz. "And that's funny," he said, because he felt the

faculty there was trapped in a very 1970s, antiporn mind-set. Another, more recent Santa Cruz grad overheard our conversation and disagreed. The two debated it. Cohen told her that all of his professors had read way too much Andrea Dworkin. "Everything there is like a Marxist-feminist analysis," he said dismissively.

Soon, with Wild Bill tied to his column again, Adams coiled leather twine around his testicles and cinched it tautly to the back of a wooden chair, some feet away. She crouched and flicked him with her finger, hard. I saw Cohen turn away, wrenching his face in what looked like the empathetic cringe men make. But it wasn't. He was yawning.

Three days after the shoot, 60 Mission residents protested in front of the armory. While some gladly denounced the filth they had seen, or merely imagined, on Kink's Web sites, the protesters as a whole seemed to believe, officially at least, that not being O.K. with porn was somehow politically incorrect.

"We're not making moral judgments against pornography," one woman said over a megaphone as the rain started. Another assured me, "We're not a bunch of conservative reactionaries." They just didn't want Kink in their neighborhood — not near several community-outreach centers and schools. Even Mayor Gavin Newsom's office, in a statement sharing the neighbors' general concerns, added the caveat, "While not wanting to be prudish. . . ."

Their frustration stemmed from deeper issues. Roberto Hernández, a Mission native, told me that the neighborhood "has been a train wreck" since the spate of evictions, largely of Latinos, during the dot-com boom. Its problems are legion — drugs, prostitution, vandalism — especially in the shadow of the derelict armory. "We've made numerous attempts as a community to get something positive into the building," Hernández said. (Neighbors also helped quash various proposals including one for luxury condos.) It seemed as if some in the beleaguered community had come to view the armory as a 200,000-square-foot storehouse of infinite promise. Now, regardless of how unfeasible turning it into affordable housing or a recreation center actually was, there was no chance at all. The previous owner sold it discreetly, without any neighborhood input.

The protesters handed out placards. One read, "No Dead End Jobs," and among Kink employees who heard about it the next day, this seemed to sting the most. Pamela O'Tey, one of two people in Kink's accounting department, said that with her last employer, a large coffee corporation, she did auditing — period. "So I have to be appreciative of a company that is superwilling to teach you whatever you want to know," she said. O'Tey hadn't let Kink's critics get to her. She understood their wariness; she has two young sons herself and is president of her P.T.A. "But today," she told me later, "is the first day I felt like I might cry."

As the protesters began chanting, "Shut Them Down," the staff of a youth-services center gathered under umbrellas. The Mission is working to keep its kids out of prostitution and away from violence, they said. Kink, which they saw as standing for both, would now negate that work. The sad thing, one woman told me, is that a job at Kink "is probably a better opportunity than we can offer them. I'm sure they pay good. I'm sure it's not slave wages there."

While the rally continued, a few television crews were quietly lured through a side door to meet with Acworth. He looked anxious, silhouetted in the mammoth drill court. The instant he gleaned a reporter's question, he would interrupt and, very hurriedly, sputter out the things he had been trying to communicate to his new neighbors: Kink's impact could only be positive, he said. He would plant trees and light up the building, warding off the junkies and prostitutes; clean the graffiti and fix the windows; bring jobs to the city by renting the drill court as a sound stage for Hollywood films. As he frequently did, he invited any and all neighbors to visit the company and see what goes on there for themselves.

Acworth wanted to be outside communicating with the protesters, not hiding in his

fortress. “If my message is that I’m available, I should be out there,” he said again to his staff, who had discouraged it. He fidgeted. He turned to the last camera crew, packing its gear, and asked: “What do you guys think? Do you think I should go outside?” Everyone said no, politely. Acworth fidgeted some more.

In a way, the armory, the titanic building itself, embodies the circumstances of porn these days: it is an exceedingly conspicuous presence in the community but also thoroughly sealed off and opaque. Kink could have tried to slip into the building innocuously, preserving that arrangement, yet Acworth seems bent on doing the opposite: he wants, very visibly and proactively, to be a good neighbor. (The week after the protest, he wrote an op-ed article for The San Francisco Chronicle, re-extending his open invitation to visitors.) Since the sale, he has been committed to making the armory’s two-foot-thick walls as transparent as possible — and B.D.S.M. along with it.

While Acworth clearly enjoys retelling Kink’s materialistic creation myth — the fireman article, the laughably easy money — he also describes the company as having a certain social mission. Too often, he told me, B.D.S.M. is conflated with rape or abuse. He realized early on that building a respectable company devoted to the fetish could help “demystify” it. People who felt conflicted about their kinkiness, as he once had, “would realize they’re not alone and, in fact, that there’s a big world of people that are into this stuff and that it can be done in a safe and respectful way. Loving partners can do this to each other.” Kink’s required pre- and post-scene interviews, like the one I watched Wild Bill and Adams tape, for example, are meant to break the fourth wall, assuring audiences that, as in real-life B.D.S.M. play, everything is negotiated in advance and rooted in a certain etiquette and trust — that everyone is friends. The company actually requires that each model be shown smiling during the segments.

Surprisingly, the commingling of pain and sex, the very core of Kink’s business, has long been unnerving within even the porn industry itself. For decades, the conventional wisdom among mainstream porn producers was that mixing the two, specifically showing bondage and intercourse simultaneously, might invite an obscenity prosecution. “People assumed that it was in the federal obscenity statute, that there was some specification about bondage and penetration,” says I. S. Levine, a k a Ernest Greene, longtime video director and screenwriter in the San Fernando Valley. “It just became one of these things everybody believed.” Bondage, he adds, was typically only shown in films without any visible penetration and sometimes hardly any nudity. Even Kink waited until 2005 before daring to show a man having intercourse with a bound woman.

This self-imposed prohibition likely stemmed from the Meese Commission, the attorney general’s controversial report on pornography released in 1986. The commission determined that some women were forced to perform in porn — particularly “in the fringe areas of bondage [and] sadomasochism” — and questioned how people could know whether a given S-and-M scene was or wasn’t documenting actual rape. “Obviously we are not dealing with people that can act, so they can’t act the pain,” one law-enforcement agent testified. (Last month, a Brooklyn federal court found a man guilty of sex trafficking and forced labor when a female “slave” testified that S-and-M acts he filmed and posted online were not consensual.)

Twenty years later, the subject of violent pornography’s effects on its audience is still debated. (Psychologists generally understand “violent pornography” as depictions of rape, coercion or some extreme imbalance of power; the term doesn’t specifically, or even necessarily, include B.D.S.M. porn.) Neil Malamuth, a U.C.L.A. psychologist, explains that the actual findings are nuanced enough to displease both sides of the political spectrum: heavy consumption of violent pornography is one of several risk factors that, working together, can increase the likelihood of sexual aggression in some men. The ambiguity of the research, according to Paul Cambria, an attorney who has represented the industry for 25 years, leaves pornography coupling sex to any depictions of violence potentially harder to defend.

According to the [United States Supreme Court](#), one measure of obscenity is whether an

average adult in the community would deem it obscene. In the Reagan era, federal attorneys often had a video from a Southern California porn studio sent to places like Tulsa or Birmingham and prosecuted the company when it arrived. Thus they could lock in a far-more-conservative community standard than that of Los Angeles. But it has always been unclear what community standard applies to the Web. Moreover, while the Reagan administration fervidly prosecuted pornographers, the Internet sprung up smack in the middle of the Clinton years, a relatively tranquil time for legitimate adult businesses.

Nevertheless, Levine says, the Web masters who first challenged the industry's reticence about S-and-M weren't seasoned pornographers accustomed to calculating such risks in the first place. They were "lifestylers" like Acworth and his directors, merely recreating what they saw all the time in underground clubs. "They set out to do what is natural to them," Levine says, "and the roof didn't fall in."

Acworth, in fact, seems to police his content simply by the values of the B.D.S.M. community, laboring to make its playful, consensual spirit transparent. Given the ultimate subjectivity of obscenity law, he told me, he can only rely on his own comfort level. Like many companies, Kink has also developed a list of "shooting rules." It bars things Acworth finds distasteful or dangerous, including crying, urination, blood and needle play, "forcing models to put their heads down the toilet," filming anyone who is drunk or high and electroshocks above the waist — except in certain cases, like when using "nipple clamps where the nipple completes the circuit." Several industry people told me that Kink is known for treating its models courteously and professionally. "They are very ethical," says Mark Spiegler, a porn talent manager, "which is not the norm in this business, either."

Though President [George W. Bush](#) signaled he would renew vigorous obscenity prosecutions, the Justice Department never got around to any significant crackdown. Fetish sites like Kink carried on confidently and grew. At the same time, an unprecedented volume of porn has spurred producers to distinguish themselves with more extreme content — and, as that becomes commoditized and omnipresent, still more extreme stuff. By now, even the biggest DVD companies have gradually followed the lead of sites like Kink into S-and-M-themed or other edgy content. Levine directed "Jenna Loves Pain," an S-and-M film for one of the industry's largest studios, starring Jenna Jameson, one of the world's most famous porn stars. Its tagline: "Look Who's Learning the Ropes."

Cambria, the attorney, says he sees pornographers of all stripes producing material now that they wouldn't have touched eight or nine years ago. "Maybe many years with no consequences emboldened them," he told me. "But it may very well have educated the public too, and that plays into the community-standard test." The longer something is out in the open, and the more you see average people enjoying it, "the more you say, 'Well, this is a part of America,' " he explained. "Familiarity leads to acceptance."

The porn business, in short, has a community standard of its own. What starts on the fringes works its way to the center. And this affects all of us since, more and more, the center of porn culture has converged with the fringes of popular culture. But Kink's purchase of the armory represents a quirky quantum leap in the process Cambria describes: taking a real-life fetish traditionally relegated to underground clubs and the ethereal back channels of the Web and moving it directly into a brick-and-mortar landmark in the middle of a city — unabashedly, with the conviction that both it and porn can belong there.

For those who feel that B.D.S.M. porn, or any porn, is toxic and reprehensible, the fact that at least some of it is being produced by thoughtful, educated young people might only be more troubling — a sign of how deep into respectable society it has reached. Then Cambria's point would be more terrifying still: as such material stitches itself more tightly into the mainstream, through both its consumers and its producers, it strengthens its own legality. It makes itself unobscene.

But Acworth, for his part, seems to find hope in some of the developments of the last decade, signs that some unfortunate misunderstandings are being righted. I asked him what he would think if one day he could walk into [Wal-Mart](#) and find racks of constrictive leather corsets. “I think it would be great,” he said. Though at that point, he added, in a world so awash with kinkiness: “I’ll probably stop making money. But I won’t mind that. A life goal will have been completed.”

Early one morning in late February, a group of predominately Latino parents from a nearby elementary school and their principal arrived at the armory. They had taken Kink up on its offer of a tour.

Mothers hoisted their strollers in teams of two as Lisset Barcellos, Kink’s longtime executive producer, invited them down the central staircase. Speaking in Spanish, Barcellos led them through the basement, refurbished considerably in the month since that first shoot. On the fourth floor, she took them past a freshly painted medical set with a table of surgical tools and gynecological chair. This is where crews keep their supplies, she explained at one point, opening a prop crate with a drawer marked “Vibrators/Insertables.” Acworth, looking as if he just woke up, darted ahead of the tour, switching on lights, trying to be helpful.

Wild Bill and Claire Adams’s episode of *Men in Pain* would go online two days later. Kink was simultaneously opening several new sites and preparing an ambitious four-hour live feed of something called *Device Bondage*. (Its high-quality, streaming content would be lauded by the technology news site Cnet as an innovative way to stay ahead of the problem of piracy.) While opposition hadn’t died out in the Mission, the news coverage of it had, and the elementary-school group, for its part, seemed only faintly disgruntled, if at all. A few women asked to be warned the next time Kink had a party; the company had just been a host for 400 industry people, in town for the GayVN Awards, the so-called Oscars of gay porn. But someone also asked about holding school events in the armory.

The tour ended in the drill court. An enormous parade-float-like vehicle — built by Kink’s in-house carpenters and metalworkers for a recent arts festival — was parked in a far corner. It was made to look like an old Western saloon, with cactuses, bar stools and an upright piano. A poster advertised Peter Acworth for sheriff.+

Soon a dozen people had climbed onto the float, and Acworth took the driver’s seat. Suddenly he was piloting the women around the empty drill court in so many expansive loops — extremely fast, with a childlike impervious grin. After a while, he whirled his saloon to nearly the exact center of the arena. He parked. Behind him, the huddled mothers laughed. One, lowering her hips slightly, began to twirl her arm cavalierly over her head, as if working a lasso.

Jon Mooallem, a contributing writer, last wrote for the magazine about designer dogs.

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## A Tour of Kink's Armory

March 30, 2009

Once a month, alternative porn studio Kink.com opens the doors of its giant brick fortress to free public tours. No, visitors don't get to watch any sex scenes in action. But they do get to explore the intersection of an authentically antique interior with fabricated dank, dark sets. Photos by Bonnie Ruberg.



From the Armory's storage section: a giant hamster wheel, which performers used with a trough for bondage, tempts visitors to climb in and go for a roll.

Read the related article by Bonnie Ruberg.

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## Bondage Sets and Miniskirts on a Tour of Kink's Armory

Posted By Bonnie Ruberg on Mon, Mar 30, 2009 at 2:24 PM



Padded Cell Set.

If you think the old Armory at 14th and Mission -- a giant brick fortress fashioned back in the 1910's as a recreated Moorish castle -- looks imposing from the outside, check out its insides. Once a month Kink.com, the alternative porn studio that owns the enormous building, opens its doors for free public tours. No, visitors don't get to watch any sex scenes in action. However, they do get to explore the intersection of an authentically antique interior with fabricated dank, dark sets - of real prison cells and BDSM restraint devices, all under the same roof. After all, not only does the Armory, which housed the National Guard until the 1970's, have a military history, it's also the site of weekly shoots for seventeen different fetish websites.

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The Exercise Room.

The first floor of the building, which houses Kink's office, has been entirely restored, and sparkles with old-fashioned charm. Once downstairs though, former PR director Thomas Roche (Kink laid off 11% of their staff only a few days after my tour) shows off the old exercise room, an eerily empty, cavernous room from which the floorboards have been stripped. In their place rest a few wrestling mats. Here, explains Roche, Kink shoots some of its all male bondage scenes. Like much of the Armory, the exercise room has a rough and spooky feel - the atmosphere around which gives the studio's films a unique edge.



The Bathroom Set - Grimy on Purpose.

Across the hall, in an old communal shower room, Kink has built over the stark white tiles and created a new bathroom set, one that's much grimmer than the original. Brown faux-mold drips down the walls, making a muck-filled backdrop for an even muckier pair of grimy toilets. That's the thing about the Armory in its current state. While Kink has put thousands and thousands of dollars into restoring it, its charm still comes from its coarse feel, from its sense of its air of old-fashioned decay in the heart of a relatively new city. Like two of the old stable rooms that have been converted into a padded cell and a cold-war era interrogation room, the Armory is simultaneously the "real deal" and a meta, self-referential fabrication.



Legislation to "Save San Francisco's Nightlife"



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Giant Hamster Wheel for Bondage.

The antiques in the Armory's storage room however, Roche explains, are real enough. Row after row of leather-covered, ornate torture items - none of them used to actually torture, of course - create a scene even the Marquis de Sade would envy. On one shelf sits a cage shaped like a kneeling body, with only the head left free. In another corner a giant hamster wheel, which performers use with a trough for water bondage, tempts visitors to climb in and go for a roll.



Foot Fetish Bonanza.

The multitude of treasures in storage is only rivaled by Kink's collection of sex toys, scores of which sit on racks in the toy cleaning/laundry room, where dildos and butt plugs get boiled in bulk. For a month after user, ball gags get quarantined in Tupperware, like leftovers, to prevent spreading germs. Upstairs in the wardrobe room, awaits every item of clothing a porn star could ever want. Rows upon rows of miniskirts give way to racks of lingerie and literally hundreds of pairs of high heels.

"No one here has sex naked," Roche laughs. On the way out we pass by the old National Guard jail cells, the site of some real human suffering, presumably. Unlike most of the other eerie spots in the Amory, these haven't been incorporated into a set. Instead they sit, untouched, hidden under a set of stairs, a testament to the building past and sexy present.



All Shook Down

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## About The Author



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Kink (2013)

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<a href="#">USA</a>	21 June <a href="#">2013</a>	(Frameline Film Festival)
<a href="#">USA</a>	9 September <a href="#">2013</a>	(New Fest)
<a href="#">Denmark</a>	7 October <a href="#">2013</a>	(MIX Copenhagen)
<a href="#">USA</a>	12 October <a href="#">2013</a>	(Hawaii Film Festival)
<a href="#">Belgium</a>	31 October <a href="#">2013</a>	(Razor Reel Fantastic Film Festival Bruges)
<a href="#">Sweden</a>	11 November <a href="#">2013</a>	(Stockholm International Film Festival)
<a href="#">USA</a>	22 August <a href="#">2014</a>	(New York City, New York)
<a href="#">Sweden</a>	29 October <a href="#">2014</a>	(DVD premiere)
<a href="#">Germany</a>	26 June <a href="#">2015</a>	(DVD premiere)

## Also Known As (AKA)

<a href="#">Germany</a>	Kink - The 51st Shade of Grey
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James Franco and Christina Voros at an event for Kink (2013)

---

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## **EXHIBIT P- NOTICE OF RELIANCE**

**Jackie Rednour-Bruckman**  
Curriculum Vitae

Summary
---------

Jackie Bruckman is the Executive Vice President and Equity Partner of Good Vibrations (Barnaby Ltd), a legendary adult sex education based heritage brand retailer which has been in existence for 40 years, operating in California and Massachusetts.

Bruckman has an extensive 24 years experience in the Adult industry, specializing in operations, marketing, management, strategy, sales, Ecommerce, web development, fulfillment logistics, business strategy, community relations and public speaking.

Bruckman also serves as Executive Producer of Good Vibrations video on demand site and channels, including management of all digital content, and is the Executive Producer of Good Releasing, the company's digital production arm.

Bruckman is the co-founder of S.I.R. Video Productions, an adult film production company that has been operating for the past 19 years.

Experience
------------

**Executive Vice President**

**Good Vibrations**

August 2009 - Present

Executive Management of multi-channel retailer with specialty in Operations, Marketing, Management, Sales, Ecommerce, Web development, Fulfillment Logistics, and business strategy. Good Vibrations is based in SF Bay Area and Boston MA with 10 stores, a web site, VOD site, wholesale private label product division, and education department specializing in sexual health & wellness, education, and empowerment. Women-friendly, community minded, socially conscious trusted heritage brand for 40 years.

**Co-Founder**

**S.I.R. Video Productions**

1998 – Present

Award winning and critically acclaimed women owned independent production company with catalog of seven movies including the seminal cult classic, Bend Over Boyfriend. First and only lesbian and women owned company to be awarded full feature AVN industry award.

**Keynote Speaker**

**CatalystCon**

September 2013 – April 2016

Opening and closing Keynote plenary and presentations on Queer and transsexual health, sex positive parenting, for sexuality conference attended by academics, educators, authors, sex workers, bloggers.

**Chief Operating Officer**

**Good Vibrations**

2009 - 2012

Oversaw operations for a multi-channel, retail operation based in the Bay Area and Massachusetts. Managed retail sales in six stores, online, wholesale, as well as education divisions specializing in sexual health and wellness for a women-friendly, trusted heritage brand of 40 years.

**Director of Web Operations**

**TIB**

2007 – 2009

Regarding a multi-channel retail operation, both online and mortar. Oversaw operations of web and fulfillment, served on senior management team, worked directly with owners, launched ERP, shopping cart, hosting platform, and cc processing integration.

**Director of Operations**

**CreateSpace/Amazon**

2004 – 2007

Amazon owned subsidiary, DVD on demand publishing house, launched CD on demand and proprietary software platforms, ran operations of duplication services and fulfillment ops before, during, and after Amazon acquisition...shipping app. 5,000 pieces/day.

**Quality Assurance Director**

**Ask.com,**

1999 – 2001

Joined company prior to IPO, and ran the division of regression testing, and black box testing for product launches (from beta to gold).

**Quality Assurance Tester**

**P.F Magic**

January 1997 – December 1997

Conducted regression testing, and credited in Dogz2: Your virtual Petz copyright, PF Magic 1997.

Publications/ Features
------------------------

***Coming Out Like A Porn Star: Essays on Pornography, Protection, and Privacy***

Edited by Jiz Lee

Three L Media publisher

2015

***New Views On Pornography: Sexuality, Politics, and the Law***

Editors- Lynn Comella and Shira Tarrant

Praeger publisher, imprint of ABC-CLIO LLC

2015

***Pills, Thrills, Chills, and Heartache: Adventures in First Person***

Edited by Michelle Tea and Clint Catalyst

Alyson Books

2004

***The Sex & Pleasure Book***

Queen, Carol Ph.D., Rednour, Shar.

Good Vibrations; 1 edition,

Aug 2015

***Virgin Territory***

Edited by Shar Rednour

Masquerade Books

1996

***Virgin Territory 2***

Edited by Shar Rednour

Richard Kasak Books

1997

***Women Who Are Changing Pornography***

Milne, Carly

Seal Press,

October 2005

Interviewed and featured in Village Voice, Cosmo, SF Bay Guardian, Playboy, Playgirl, Adult Video News (AVN), Xbiz Magazine, Store Erotica Magazine, Adam's Film World, and many other magazines and journals.

Education
-----------

Bachelor of Arts (BA), San Francisco State University

Master of Poetics, New College of California

## **EXHIBIT Q- NOTICE OF RELIANCE**



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165,312,000 visits  
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Estimated pageviews per day:

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Browser compatibility test:

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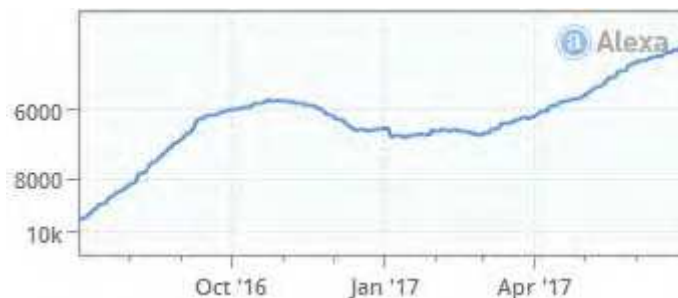
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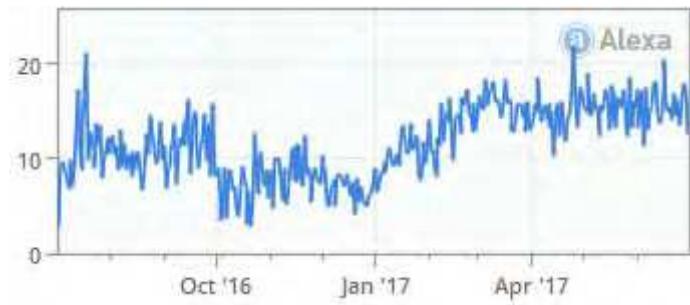
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## CERTIFICATE OF SERVICE

I hereby certify that, on this 17<sup>th</sup> day of July 2017, I caused a true and correct copy of the foregoing Notice of Reliance to be served via email to Applicant's attorney of record, at the following address:

Brendan Shortell, shortell@lambertpatentlaw.com

I also caused a hard copy of the above to be mailed via United States mail to the following address:

Brendan M. Shortell, Esq.  
159 Main Street,  
Nashua, NH 03064

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17<sup>th</sup> day of July 2017, in San Francisco, CA.



\_\_\_\_\_  
Julien Swanson