

BULKY DOCUMENT

(FILED ON PAPER – ENTIRE DOCUMENT EXCEEDS 100 PAGES)

Proceeding No.	3958399
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Filing Date	07/30/2015
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Part	1 of	1
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3958399

TTAB

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

Cybernet Entertainment, LLC

Petitioner;

v.

Balance Studios Inc.

Registrant.

Cancellation No. _____

In re Registration No. 3958399

For the Mark KINK ACADEMY

Registered On May 10, 2011

#777044 62

Box TTAB - Fee
Commissioner for Trademarks
2900 Chrystal Drive
Arlington VA 22202-3513

PETITION TO CANCEL

Petitioner Cybernet Entertainment LLC, the registered owner of KINK.COM, Registration Nos. 3379745 and 4758649, (hereinafter "Petitioner") believes it will be damaged by the continued registration of the design mark KINK ACADEMY, Registration No. 3958399, registered May 10, 2011 (hereinafter "Registration") by Balance Studios Inc., located at 411A Highland Avenue, #101 Somerville, Massachusetts 02144 (hereinafter "Registrant").

Petitioner hereby petitions to cancel the Registration pursuant to Section 14 of the Lanham Act, 15 USC § 1064. The grounds for cancellation are as follows:

08/03/2015 56NIM1 00000009 3958399
01 FC:6401 300.00 OP

I. Introduction

1. Petitioner reasonably believes that continued registration of the term KINK ACADEMY for Registrant's services is causing and will continue to cause it direct and ongoing injury.



07-30-2015

U.S. Patent and Trademark Office #72

2. Petitioner has been precluded from registering its' mark, KINK UNIVERSITY (App. No. 86246402), based on the United States Patent and Trademark Office (“USPTO”) determination that consumers would likely confuse that mark with Registrant's design mark, KINK ACADEMY.¹ (Ex. A.)

3. Because the terms "UNIVERSITY" and "ACADEMY" have each been deemed “merely descriptive” by the USPTO, with Petitioner and Registrant each disclaiming any right to those terms respectively, and because Registrant has explicitly disclaimed any exclusive right to the term “KINK” (Ex. B)², the question as to whether registration of KINK ACADEMY should be cancelled hinges on whether Petitioner has established rights to the term “KINK.” (Ex. C.)

4. This question has been answered in the affirmative by the USPTO, who determined on April 14, 2015, that the term **KINK has acquired distinctiveness associated with Petitioner**, through Petitioner’s longstanding use of its registered mark KINK.COM. (See Ex. A.)

5. After receiving the determination that it had acquired the right to the term KINK in April 2015, Petitioner attempted unsuccessfully to negotiate an alternative to this litigation with Ms. Erin Balch, also known as Kali Williams and/or Princess Kali, who claims to be the owner of KINK ACADEMY.

6. According to a public records search, the domain to Registrant’s website www.KinkAcademy.com was not purchased until April 16, 2007.

7. Petitioner on the other hand, acquired the domain name www.KinkUniversity.com nearly 60 days earlier on February 19, 2007, after having provided educational videos and resources to the public through KINK.COM for over a decade.

8. Because Registrant has failed to negotiate in good faith with Petitioner, despite Petitioner having acquired the rights to the term KINK, *and* because Petitioner is precluded from registering its mark KINK UNIVERSITY , cancellation of Registrant's mark, KINK ACADEMY is necessary to protect Petitioner's property rights.

¹ Petitioner intends to appeal this determination.

² Petitioner has disclaimed exclusive rights to the term UNIVERSITY in its application for registration of KINK UNIVERSITY, and Registrant disclaimed rights to the term ACADEMY.

II. “Kink.Com”

9. Petitioner KINK.COM has been in existence since 1997 and uses the tagline: “We **demystify** and celebrate alternative sexualities by providing the most ethical and authentic kinky adult entertainment.”³ (See Ex. D.)

10. Petitioner's business is dedicated to the fetish and BDSM lifestyle, via adult entertainment and educational materials available online for consumers, including members of the community and the general public. (*Id.*)

11. Petitioner is the most respected and well-known company of its kind.

12. Petitioner acquired the historic San Francisco Armory in 2006 for its business and production studios, and holds weekly public tours of the space - which regularly sell-out. (Ex. E.)

13. Petitioner has always made available, via its websites and live productions. alternative sexuality based educational content on www.Kink.Com from the onset of the business, but acquired the domain www.KinkUniversity.com on February 19, 2007 for the purpose of having an even more dedicated site within Kink.Com for alternative sexuality and BDSM education and information.

14. On February 5, 2008, the USPTO registered on the supplemental registry, Petitioner’s mark KINK.COM, Registration No. 3379745, with goods and services described as “*Entertainment Services namely providing a website featuring, photographic, audio, video and prose presentations featuring adult entertainment.*” (Ex. F.) Petitioner sought registration in International Class 41 because it included both entertainment and education.

15. On June 23, 2015, when KINK.COM acquired secondary meaning was registered on the Principal Registry, Registration No. 4758649. (Ex. G.)

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³ The definition of the word Demystify is essentially educational. Merriam-Webster: “To make something clear and easy to understand; to explain something so that it no longer confuses or mystifies someone.

III. The Registration of “*Kink Academy*” as a Design Mark

16. On May 10, 2011, Registrant's mark, KINK ACADEMY was registered as a **design mark only**, not a standard character mark, with the USPTO. (Registration No. 3958399.)

17. Registrant disclaimed exclusive right to use both the word “KINK” and the word “ACADEMY” apart from the mark as it was shown in the registration, which consists of a large purple “K” with a graduation cap and a black leash, with the text “*Kink Academy*” underneath the “K.” (See Ex. B).

IV. Petitioner's Acquired, Exclusive Right to the Term “*Kink*”

18. On May 8, 2014, Petitioner filed for registration of the mark KINK UNIVERSITY, (App. No. 86246402) describing "*educational services, namely, providing offline and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality.*" (Ex. H.)

19. On July 23, 2014, the USPTO examiner analyzed whether there would be consumer confusion with Petitioner's proposed mark KINK UNIVERSITY, and Registrant's design mark KINK ACADEMY, and determined that the terms "UNIVERSITY" and "ACADEMY" were descriptive for the educational services for both marks, and that **"KINK" was the dominant component of both marks.** (Ex. C.)

20. The USPTO examiner further determined that the **owner of the mark KINK.COM would be a decisive factor**, and on April 14, 2015, refused Petitioner's application for registration of KINK UNIVERSITY because of a likelihood of confusion with Registrant's mark, however, ruled that **"[t]he claim of acquired distinctiveness in part as to the term “KINK” based on prior U.S. Registration No. 3379745 is accepted and made of record."** (Ex. A.)

21. This finding of distinctiveness was based in part, on the overwhelming evidence that Petitioner has become known as “KINK” both in and out of the alternative sexuality and BDSM community, including but not limited to the following evidence:

- a. On April 29, 2007, the New York Times Magazine did an in depth article on Petitioner, referring to the Company in the introduction by its full name, and then exclusively referring to it as "KINK" for the remainder of the article. (Ex. I.)
- b. A February 7, 2007 salon.com⁴ article similarly refers to Petitioner as "KINK", (Ex. J) as does a March 3, 2009 San Francisco Weekly article entitled "A Tour of Kink's Armory." (Ex. K.)
- c. A documentary on Petitioner was released on January 19, 2013, produced by James Franco, entitled "KINK." (Ex. L.) The documentary was released at six film festivals across the country and also exhibited at film festivals internationally. (*Id.*)
- d. A February 7, 2007 Wall Street Journal article about the San Francisco Armory refers to Petitioner repeatedly as "KINK" (Ex. M), as does a 2015 Vice article entitled "*Inside Kink.com's San Francisco Porn Palace.*" (Ex. N.)
- e. A 2007 review of Petitioner's site "Device Bondage" refers to Petitioner as "KINK." (Ex. O.)
- f. A 2009 review by Adult Reviews about Petitioner's site "Butt Machine Boys" refers to Petitioner exclusively as "KINK." (Ex. P.)
- g. A 2009 SF Weekly exposé on Petitioner's studios also refers to Petitioner only once by its full name and then throughout as "KINK." (Ex. Q.)
- h. A 2012 Huffington Post article about Petitioner's workshops and studio tours also refers to Petitioner as "KINK." (Ex. R.)
- i. A 2013 Sundance Film Festival Review of the documentary in the Hollywood Reporter also refers to Petitioner as "KINK." (Ex. S.)
- j. A 2014 Dissent Magazine article on the history of Petitioner's studios refers to Petitioner largely as just "KINK." (Ex. T.)

⁴ An award-winning online news site with an audience of 17.6 million monthly visitors.

- k. In a 2014 SFist article on a protest by Petitioner's studios (Ex. U), and another article on Petitioner's expanding to Las Vegas (Ex. V), the authors repeatedly refer to Petitioner as "KINK."
- l. In a 2014 interview of James Franco on his film "KINK" led by Complex, both the interviewer and James Franco refer to Petitioner almost exclusively as "KINK." (Ex. W);
- m. A 2014 Forbes article on the BDSM porn industry refers to Petitioner largely as "KINK." (Ex. X.)
- n. A 2015 South Florida Gay News article on James Franco's production of the documentary "KINK" repeatedly refers to Petitioner as "KINK." (Ex. Y.)
- o. A 2015 SF Weekly article on Petitioner's reaction to the recent California condom law refers to Petitioner largely as "KINK." (Ex. Z.)
- p. The Yelp.com business website of the San Francisco Armory (Petitioner's studio) contains many reviews by visitors referring to Petitioner as "KINK." (Ex. AA.)

22. Petitioner acquired the domain name www.KinkUniversity.com on February 2007, 60 days prior to the April 2007 acquisition of the domain www.KinkAcademy.com by Registrant, and Petitioner has long been recognized as the preeminent educational resource for alternative sexuality since its inception in 1997.

23. In addition to having educational videos available on the KINK UNIVERSITY site from its onset, and launching the education-specific site KINK UNIVERSITY through KINK.COM, Petitioner holds monthly in-person sexuality workshops and has done so for many years described as "helping to **educate** people who are interested in exploring their sexuality, but may not know where to start." (See Ex. R, p.1.)

24. Registrant failed to effectively police its mark against eroded distinctiveness, as a result of Petitioner's education based KINK UNIVERSITY, which the USPTO has confirmed is a confusingly similar mark, in use in commerce.

25. Indeed, Registrant made no demand that Petitioner cease use of KINK UNIVERSITY until March of 2015, four years after KINK ACADEMY was registered, and then only when Petitioner contacted Registrant in a good faith.

V. Conclusion

26. Petitioner requests cancellation of Registrant's mark for the following reasons: (i) The USPTO has determined that Petitioner has acquired ownership of the term KINK, the undisputed dominant component of Registrant's design mark, which the USPTO has accepted and made record of; (ii) Registrant was aware of Petitioner's services through her previous work and relationship with Petitioner, long before she began to provide those same services to the community on an independent basis, and should not continue to benefit from association with the term KINK, now recognized as distinctive to Petitioner; and (iii) Registrant has failed to adequately police its design mark.

27. Accordingly, Petitioner requests cancellation of Registrant's mark – both to prevent ongoing harm to its reputation as a result of consumer confusion, and to protect its property rights and ability to register KINK UNIVERSITY.

WHEREFORE, Petitioner respectfully requests that the Registration be canceled and that this Petition to Cancel be sustained.

A fee of \$300 is submitted herewith.

A duplicate copy of this Petition to Cancel is enclosed.

Dated: July 28, 2015

AUSTIN LAW GROUP

By: 

ALEX AUSTIN, ESQ
JULIEN SWANSON, ESQ
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415-282-4511
Attorneys for Petitioner

CERTIFICATE OF MAILING

I hereby certify that this PETITION TO CANCEL is being deposited in the United States Postal Service with sufficient postage as priority express mail, using normal business practices, in an envelope addressed to the Registrant at **Balance Studios Inc., a Delaware Corporation, located at 411A Highland Avenue, #101 Somerville Massachusetts 02144**, on July 28, 2015.

Executed this 28th day of July, 2015, at San Francisco, California.

By: 
Kevin Hardekopf

PETITIONER'S EXHIBIT A

To: Cybernet Entertainment (austin@austinlawgroup.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86246402 - KINK UNIVERSITY
- N/A
Sent: 4/14/2015 11:06:38 PM
Sent As: ECOM103@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
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[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86246402

MARK: KINK UNIVERSITY

CORRESPONDENT ADDRESS:

ALEX AUSTIN
799 CASTRO ST
SAN FRANCISCO, CA 94114-2849

86246402

CLICK HERE TO RESPOND TO THIS I
<http://www.uspto.gov/trademarks/teas/response>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Cybernet Entertainment

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

austin@austinlawgroup.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 4/14/2015

THIS IS A FINAL ACTION.

This letter responds to the incoming response dated March 21, 2015.

This application has been revived.

The following requirement has been satisfied: requirement for a claim of ownership of a prior registration through the statement in the response. TMEP §§713.02, 714.04.

The claim of acquired distinctiveness in part as to the term "KINK" based on prior U.S. Registration No. 3379745 is accepted and made of record. Further, the disclaimer of the term "UNIVERSITY" is accepted and made of record.

For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to U.S. Registration No. 3958399. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.63(b).

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark was refused because of a likelihood of confusion with the mark in U.S. Registration No. 3958399. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* The relevant registration was enclosed with the previous Office action.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. *See In re Nat'l Data Corp.*, 753 F.2d at 1058, 224 USPQ at 751.

In terms of the marks, the proposed mark is KINK UNIVERSITY, while the cited mark is comprised of the letter K with the design of a mortarboard and leash and the terms KINK ACADEMY. Considering that the terms UNIVERSITY and ACADEMY are descriptive for the educational services and that literal elements dominate over design elements, the dominant components of the marks are both KINK.

In this regard, consumer confusion has been held likely for marks that do not physically sound or look alike but that convey the same idea, stimulate the same mental reaction, or may have the same overall meaning. *Proctor & Gamble Co. v. Conway*, 419 F.2d 1332, 1336, 164 USPQ 301, 304 (C.C.P.A. 1970) (holding MISTER STAIN likely to be confused with MR. CLEAN on competing cleaning products); *see In re M. Serman & Co.*, 223 USPQ 52, 53 (TTAB 1984) (holding CITY WOMAN for ladies' blouses likely to be confused with CITY GIRL for a variety of female clothing); *H. Sichel Sohne, GmbH v. John Gross & Co.*, 204 USPQ 257, 260-61 (TTAB 1979) (holding BLUE NUN for wines likely to be confused with BLUE CHAPEL for the same goods); *Ralston Purina Co. v. Old Ranchers Canning Co.*, 199 USPQ 125, 128 (TTAB 1978) (holding TUNA O' THE FARM for canned chicken likely to be confused with CHICKEN OF THE SEA for canned tuna); *Downtowner Corp. v. Uptowner Inns, Inc.*, 178 USPQ 105, 109 (TTAB 1973) (holding UPTOWNER for motor inn and restaurant services likely to be confused with DOWNTOWNER for the same services); TMEP §1207.01(b). Therefore, the fact that the marks include the different terms UNIVERSITY and ACADEMY is not enough to distinguish the commercial impressions of the marks.

The examining attorney refers to Exhibits 1-6 taken from the world wide web as evidence of the descriptive meanings of the terms "UNIVERSITY" and "ACADEMY" with respect to the services. This evidence comprises screenshots of online dictionaries defining the terms as institutions of learning and education.

The services of the proposed mark are "Education services, namely, providing live and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality", while those of the cited mark are "Adult sexuality education, namely, through workshops, seminars, on-line video classes featuring information on adult role-play, bondage, domination and submission, fetishes and gender exploration designed to enhance couple's intimacy, and acknowledgment of one's own sexuality". Because both of the services are educational services related to the topic of sexuality, they are related such that there is a likelihood of confusion if both of the marks were used for the respective services.

With respect to applicant's and registrant's services, the question of likelihood of confusion is determined based on the description of the services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application and/or registration, the identified services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all services of the type described. See *In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the application uses broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in registrant's more narrow identification.

Applicant argues against the refusal by claiming that it is the senior user and its use predates that of the cited registrant. However, applicant's claim of priority of use is not relevant to this ex parte proceeding. See *In re Calgon Corp.*, 435 F.2d 596, 168 USPQ 278 (C.C.P.A. 1971). Trademark Act Section 7(b), 15 U.S.C. §1057(b), provides that a certificate of registration on the Principal Register is prima facie evidence of the validity of the registration, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the mark in commerce on or in connection with the goods and/or services specified in the certificate. During ex parte prosecution, the trademark examining attorney has no authority to review or to decide on matters that constitute a collateral attack on the cited registration. TMEP § 1207.01(d)(iv).

PROPER RESPONSE TO FINAL OFFICE ACTION

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements and/or resolves all outstanding refusals.
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; see 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; see 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING

DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820.

TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Sung In/
Sung In
Law Office 103
Phone: (571) 272-9097
Fax: (571) 272-9103
Email: sung.in@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

PETITIONER'S EXHIBIT B

To: Balance Studios Inc. (balancestudios3@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77704462 - K KINK ACADEMY
- N/A
Sent: 4/6/2010 9:05:44 AM
Sent As: ECOM112@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/704462

MARK: K KINK ACADEMY

77704462

CORRESPONDENT ADDRESS:

BALANCE STUDIOS INC.
BALANCE STUDIOS INC.
411A HIGHLAND AVE # 101
SOMERVILLE, MA 02144-2516

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Balance Studios Inc.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:** N/A

CORRESPONDENT E-MAIL ADDRESS:
balancestudios3@gmail.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 4/6/2010

AMENDMENT: In accordance with the authorization granted by Robert Edwards on 04/06/2010, the application has been AMENDED as indicated below. Please advise the undersigned examining attorney immediately if there is an objection to the amendment. **Otherwise, no response is necessary.** TMEP §707.

DISCLAIMER AMENDED

Applicant has amended the disclaimer to include the word "KINK." The amended disclaimer now reads as follows:

No claim is made to the exclusive right to use "KINK ACADEMY" apart from the mark as shown.

DESCRIPTION OF MARK AMENDED

Applicant has amended the description of the mark to now read as follows:

The mark consists of large letter "K" in the color purple with a white and purple outline, a stylized graduation cap in black on top of the left leg of the "K", a black leash attached to the lower right leg of the "K" going up and around to the left in a circular manner, with the text "Kink Academy" in black underneath the "K".

NAME OF PERSON WHO SIGNED APPLICATION CLARIFIED

Applicant has clarified that the original application was signed by Robert Edwards, President.

STIPPLING STATEMENT WITHDRAWN

Applicant has withdrawn the unnecessary stippling statement.

This information is advisory only. Applicant need not respond to this Examiner's Amendment.

ADVISORY: NEXT STEPS FOR THIS APPLICATION

At this time, the application appears ready for publication in the *Official Gazette*. Applicant will be receiving in the next few weeks an official email communication from the Office stating the date that applicant's mark will be published. Once the mark is published, it enters a 30-day review and opposition period. During this 30-day period, third parties are given the opportunity to review the mark, and the mark may be opposed by a third party if that third party believes that the mark is confusingly similar to a third-party mark.

If the mark is not opposed during this 30-day period, applicant will then receive another official communication from the Office called a "Notice of Allowance," which will require applicant to submit a Statement of Use that includes a specimen that shows applicant is actually using the mark in commerce. Applicant will have 6 months from the date the Notice of Allowance is issued/mailed to submit a specimen of use. In the present case, appropriate specimens of use could include brochures or website printouts that show both the applied-for mark and a description or listing of the educational services listed in the application.

Once an appropriate specimen of use is received and accepted by the Office, the mark will then be allowed registration on the Principal Register, and applicant will receive an official registration certificate from the Office. Once applicant receives the official registration certificate, applicant may begin using the federal registration symbol ® in connection with the mark.

To ensure that applicant receives all communications from the Office, applicant should keep the correspondence address (including the email address) for this application current at all times. Change of Correspondence forms may be accessed online at <http://www.uspto.gov/teas/eTEASpageE.htm>. Failure to respond to an official Office action that requires a response will result in abandonment of the application.

/Drew Leaser/
Trademark Examining Attorney

Law Office 112
(571) 272-1911

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

PETITIONER'S EXHIBIT C

To: Cybernet Entertainment (austin@austinlawgroup.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86246402 - KINK UNIVERSITY
- N/A
Sent: 7/23/2014 6:19:13 AM
Sent As: ECOM103@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86246402

MARK: KINK UNIVERSITY

86246402

CORRESPONDENT ADDRESS:

ALEX AUSTIN
799 CASTRO ST
SAN FRANCISCO, CA 94114-2849

CLICK HERE TO RESPOND TO
<http://www.uspto.gov/trademarks/teas/r>

APPLICANT: Cybernet Entertainment

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

austin@austinlawgroup.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 7/23/2014

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3958399. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in their entireties that confusion as to the source of the goods and/or services offered under applicant's and registrant's marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *Edom Labs., Inc. v. Lichter*, 102 USPQ2d 1546, 1551 (TTAB 2012); TMEP §1207.01(b). The focus is on the recollection of the average purchaser, who normally retains a general rather than specific impression of trademarks. *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

In terms of the marks, the proposed mark is KINK UNIVERSITY, while the cited mark is comprised of the letter K with the design of a mortarboard and leash and the terms KINK ACADEMY. Considering that the terms UNIVERSITY and ACADEMY are descriptive for the educational services and that literal elements dominate over design elements, the dominant components of the marks are both KINK.

Consumer confusion has been held likely for marks that do not physically sound or look alike but that convey the same idea, stimulate the same mental reaction, or may have the same overall meaning. *Proctor & Gamble Co. v. Conway*, 419 F.2d 1332, 1336, 164 USPQ 301, 304 (C.C.P.A. 1970) (holding MISTER STAIN likely to be confused with MR. CLEAN on competing cleaning products); *see Ralston Purina Co. v. Old Ranchers Canning Co.*, 199 USPQ 125 (TTAB 1978) (holding TUNA O' THE FARM for canned chicken likely to be confused with CHICKEN OF THE SEA for canned tuna); *Downtowner Corp. v. Uptowner Inns, Inc.*, 178 USPQ 105 (TTAB 1973) (holding UPTOWNER for motor inn and restaurant services likely to be confused with DOWNTOWNER for the same services); TMEP §1207.01(b).

In this case, despite the differences in the marks, the terms UNIVERSITY and ACADEMY, each coupled

with the dominant component KINK, convey the same idea, i.e., a traditional institute of higher learning juxtaposed next to the informal slang term for an unusual sexual preference. Therefore, the marks are similar in sound, appearance, and commercial impression.

With respect to the services, those of the proposed mark are "Education services, namely, providing live and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality", while those of the cited mark are "Adult sexuality education, namely, through workshops, seminars, on-line video classes featuring information on adult role-play, bondage, domination and submission, fetishes and gender exploration designed to enhance couple's intimacy, and acknowledgment of one's own sexuality". Because both of the services are educational services related to the topic of sexuality, they are related such that there is a likelihood of confusion if both of the marks were used for the respective services.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

CLAIM OF OWNERSHIP OF REGISTRATIONS

If applicant owns U.S. Registration No. 3379745, then applicant must submit for the application record a claim of ownership of this registration. *See* 37 C.F.R. §2.36; TMEP §812. See the attached copy of the registration. *See* TMEP §812.

Applicant may use the following format to claim ownership of the registration:

Applicant is the owner of U.S. Registration No. 3379745.

TEAS PLUS APPLICANTS – TO MAINTAIN REDUCED FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:

Applicants who filed their application online using the lower-fee TEAS Plus application form must (1) continue to submit certain documents online using TEAS, including responses to Office actions (see TMEP §819.02(b) for a complete list of these documents); (2) accept correspondence from the USPTO via e-mail throughout the examination process; and (3) maintain a valid e-mail address. *See* 37 C.F.R. §2.23(a)(1), (a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these three requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. However, in certain situations, authorizing an examiner's amendment by telephone will not incur this additional fee.

/Sung In/
Sung In
Law Office 103
Phone: (571) 272-9097
Fax: (571) 272-9103
Email: sung.in@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System

(TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

PETITIONER'S EXHIBIT D

...the

Peter

Hogtied.com

core values

BehindKink.com

PETITIONER'S EXHIBIT E

TOURS WORKSHOPS STAGE RENTALS SETS AND STAGES
PRODUCTION RENTALS & SERVICES FLOORPLANS MEDIA
HISTORY CONTACT FAQ THE ARMORY EVENTS CENTER



Kink.com Sexuality Workshop Series



Inspired by the Kink.com Mission to “demystify and celebrate alternative sexualities,” the company offers Bay Area locals and visitors the opportunity to attend workshops that will aid in providing the

information and encouragement to support exploration.

Each month features several opportunities to attend workshops that cater to a wide variety interests and experience levels. The two-hour long classes will be held in the landmark San Francisco Armory on one of the impressive sets designed by Kink.com's Art Department. Instructors include models and directors of Kink.com as well as talented and renowned educators within the sex, kink, and bdsm communities.

Come with an open mind and a positive attitude. Workshops may include live demonstrations.

Upcoming Workshops

P-Spot Play: Prostate Massage for Powerful Pleasure & Orgasms by Anya de Montigny

Thursday, July 16th, 2015 at 7-9:30pm PST

[Learn More](#)

Tickets: \$30/\$50 Couples

Sploshing! The Sticky, Slippery, (Often Edible) Fun of Wet-and-Messy Fetish by Mistress Shae Flannigan

Friday, July 24th, 2015 at 7-9pm PST

[Learn More](#)

Tickets: \$30/\$50 Couples

PETITIONER'S EXHIBIT F

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

PETITIONER'S EXHIBIT G

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>.

PETITIONER'S EXHIBIT H

Trademark Electronic Application System (TEAS) filing receipt

1. **YOUR MARK: KINK UNIVERSITY** (Standard Characters, mark.jpg)
The literal element of the mark consists of KINK UNIVERSITY.
The mark consists of standard characters, without claim to any particular font, style, size, or color.
2. **YOUR SERIAL NUMBER:** We have received your U.S. Trademark Application and assigned serial number '86246402' to your submission. A summary of your application data is provided at the bottom of this message and serves as your official filing receipt. Please keep a copy of this information for your records. All correspondence concerning the application should reference your assigned serial number.

Please read all of the important information below. Not every mark is registrable with the USPTO and we do not refund the application filing fee(s) if a registration does not ultimately issue.

3. **RECEIVING E-MAIL COMMUNICATIONS/FILING DOCUMENTS ON-LINE:** If you have authorized receipt of correspondence by e-mail, please make sure that your server will accept USPTO e-mail and not treat it as SPAM. If you have not authorized communication by e-mail, please do so at any time by using the "Change of Correspondence Address" form, available at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>. If you must submit correspondence to us, please use the Trademark Electronic Application System (TEAS) forms, available at <http://www.uspto.gov/trademarks/teas/index.jsp>.
4. **KEEP YOUR ADDRESS CURRENT IN USPTO RECORDS:** We do not extend filing deadlines due to a failure to receive USPTO mailings/e-mailings. You must update the correspondence and/or owner's address if a postal address and/or e-mail address changes, using the form(s) available at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.
5. **WARNING ABOUT UNSOLICITED COMMUNICATIONS:** You may receive trademark-related communications from private companies not associated with the USPTO. These communications frequently display customer-specific information, including your USPTO serial number or registration number and owner name, and request fees for trademark-related services, such as monitoring, listings in international publications, and document filing. None of the companies offering these services are affiliated with the USPTO or any other federal agency. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, VA, and if by e-mail, specifically from the domain "@uspto.gov." Please consult the "Warning" page on the Trademarks section of the USPTO's website for further information about unsolicited communications and to view representative examples of them. For general information on filing and maintenance requirements for trademark applications and registrations, including fees required by law, please consult www.uspto.gov, contact the TrademarkAssistanceCenter@uspto.gov or telephone 1-800-786-9199.
6. **LEGAL EXAMINATION PROCESS:** Your application is now pending examination. In

approximately 3 months, your application will be assigned to a USPTO examining attorney for review. The application cannot mature into a registration unless all legal requirements are met, and many applications never satisfy these requirements and therefore never register. The overall process can take up to 18 months.

7. **CHECK STATUS AND REVIEW DOCUMENTS OR YOUR APPLICATION MAY BE UNINTENTIONALLY ABANDONED:** You **must** check the status and review all documents associated with your application at least every 3-4 months using Trademark Status and Document Retrieval (TSDR), available at <http://tsdr.uspto.gov/>.

Promptly e-mail the TrademarkAssistanceCenter@uspto.gov or telephone 1-800-786-9199 (select option #1) if an Office action (letter from the USPTO) or notice has issued for your application that you did not receive or do not understand. Failure to respond timely to any Office action or notice may result in the abandonment of your application, requiring you to pay an additional fee to have your application revived even if you did not receive the Office action or notice.

8. **FILING ERRORS:** If you discover an error in the application data, you must file a Voluntary Amendment at <http://www.uspto.gov/trademarks/teas/miscellaneous.jsp>. Do **not** submit any proposed amendment to TEAS@uspto.gov, because the TEAS technical support team may not make any data changes. Please wait approximately 7 days after the filing date of your application to submit a Voluntary Amendment in order to allow for initial upload of your application data into the USPTO database. The assigned examining attorney will determine the acceptability of any Voluntary Amendment during examination. Not all errors may be corrected. For example, if you submitted the wrong mark or if the proposed correction would be considered a material alteration to your original filing, it will not be accepted. In this situation, your only recourse would be to file a new application, with a new fee and no refund of your original filing fee.
9. **REQUEST FOR REFUND AND/OR CANCELLATION:** Since your application has already been assigned a serial number, please do not contact TEAS@uspto.gov to request a refund or to cancel the filing. We will only cancel the filing and refund the filing fee if the application does not meet minimum filing requirements. The fee is a processing fee that the USPTO does not refund, even if your mark does not proceed to registration.

In the limited situation where you inadvertently filed identical applications, one immediately after the other, because no confirmation of the first filing was received, please provide both serial numbers to the technical support team at TEAS@uspto.gov.

10. **SelectUSA:** The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit SelectUSA.gov or call +1-202-482-6800.

SUMMARY OF APPLICATION DATA FOLLOWS:

APPLICATION DATA: Trademark/Service Mark Application, Principal Register TEAS Plus Application

The applicant, Cybernet Entertainment, a limited liability company legally organized under the laws of California, having an address of

1800 Mission Street
San Francisco, California 94103
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 041: Education services, namely, providing live and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 04/01/2014, and first used in commerce at least as early as 04/01/2014, 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 and/or services, consisting of a(n) Specimen consists of a screen shot of applicant web page with mark clearly displayed..

Specimen-1 [SPE0-6918169191-192902695_._20140408_kink_university_SPECIMEN_SEW.JPG]

The applicant's current Attorney Information:

Alex Austin
799 Castro Street
San Francisco, California 94114
United States

The applicant's current Correspondence Information:

Alex Austin
799 Castro Street
San Francisco, California 94114
415-282-4511(phone)
austin@austinlawgroup.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; 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. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee 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 person has 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 person, 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. Section 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: /alex austin/ Date: 04/08/2014

Signatory's Name: Alex Austin

Signatory's Position: Attorney of Record, California Bar Member

Signatory's Phone Number: 415-282-4511

Thank you,

The TEAS support team

Tue Apr 08 19:44:47 EDT 2014

STAMP: USPTO/FTK-69.181.69.191-20140408194447922993-86246402-

500c9a322766ede775d05ab1df53754a897d20535ea06d50539b28a300d7f04a-CC-5509-

20140408192902695601

PETITIONER'S EXHIBIT I

A Disciplined Business



Larry Sultan For The New York Times

Peter Acworth in the San Francisco landmark that his company, Kink, bought
By JON MOALLEM
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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Enlarge This Image



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

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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, aka 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 whirred 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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My day at the Porn Palace

S/M media giant Kink.com stirred up controversy by announcing plans to move its headquarters into San Francisco's Mission District. But for Kink's performers, sex is all in a day's work.

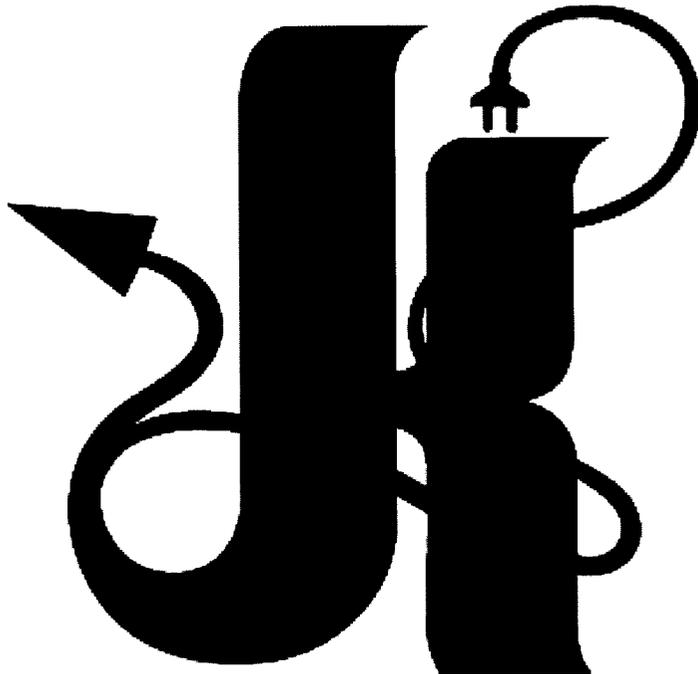
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Next to a double mirror surrounded by large round bulbs sit Tupperware boxes stacked two and three high, each with its contents marked on white stickers: eyelashes, hair accessories, brushes, empty enema bottles (of which there are two). This is the dressing room for the Kink.com building, also known as the Porn Palace, in downtown San Francisco. This is where people get ready to be filmed for the Web sites Men in Pain, Wired Pussy, Hogtied, Water Bondage, Ultimate Surrender, Fucking Machines, Sex and Submission, and Whipped Ass.

I'm spending the day on Wired Pussy. It's a Wednesday. I know the people who run Kink.com and I thought it would be an interesting thing to do.

I'm with Satine Phoenix, a model who flew in for the day from Los Angeles. The makeup

woman called in sick, so Satine is doing her own makeup. She has skin the color of sand and long, thick black hair. She's exotic, extraordinarily beautiful. She's excited to be here, excited that I'm writing about her, excited about life and filled with manic energy.

We're on the second floor of the three-story building. There are 50 full-time employees at Kink, plus contractors and talent. A profile in 7×7 magazine said Kink.com made \$18 million last year. The office is clean and well-lit with an air of efficiency. It resembles anything it's a design studio with all the high-end Macs and LCD panels. Except on most screens there's some kind of porn being edited — women with their legs forcibly spread, mouths held open with steel clamps. Nobody seems to notice.

But Kink will be leaving this building soon. The company recently purchased the Armory in San Francisco's Mission District. The Armory is a giant building that has sat empty for the past 35 years. Neighborhood activists have been trying to block the move. They say families live in the Mission. But, of course, families live everywhere. Others say the space should be used for affordable housing, but nobody has made a proposal on the space in years. Peter Acworth, the owner of Kink, points out that the Armory was originally a place where men were trained how to kill. What Kink plans to do there is far less obscene.

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Today's shoot is in the warehouse, a smaller studio off Kink's main offices. The warehouse is intentionally weathered but the equipment is all first-rate, lights, rigs and scrims comparable with anything in Hollywood. There are 11 studios in the Porn Palace, including a barn, a dungeon, a jail cell, a bar (where they also have parties every Friday night) and a hot tub.

Satine works all the time, at least four shoots a week, which should translate to \$200,000 annually, though I don't have the guts to ask. Mostly she does mainstream porn, guy on girl, girl on girl, but she really likes fetish. She also does performance art, body painting, a bondage burlesque and a weekly radio show on KSEXradio.com. I ask if she's saving for something. "I'm just paying off bills," she says. "I was an alcoholic. My skin was fucked up all the time because of alcohol and coke. I haven't had a drink in a year and a half."

Satine has been doing porn for a year now. Before that she was a stripper in San Francisco. She made her first film in San Jose and immediately moved to Los Angeles to work full time. Kink.com flies her back to the Bay Area once or twice a month.

In the dressing room with us is Princess Donna, the Web mistress for Wired Pussy. Donna is effortlessly beautiful. She has long legs and thick black hair and big eyes that soak in her surroundings. She runs the site and acts as a dominant in most of the shoots. There are four to six updates a month, and 6,000 subscribers pay an average of \$30 each. A model from Water Bondage comes into the dressing room. She looks 15, though she's actually 23, and the wardrobe coordinator helps her into a two-piece latex outfit. Donna advises the Water Bondage model to wear color-stay lipstick and eyeliner that won't run when they dunk her.

"I can't wait for what you're going to do to me," Satine says to Donna.

In Donna's office there's a large flat-panel monitor. On the screen is a still from a recent shoot — Donna on a roof in New York, wearing leopard-print tights and heels. Her foot is on another woman's head. The woman's hands are tied behind her back and Donna's hand is in the woman's ass. I can see the straining tendons in the woman's leg, her knees bound, panties around her thighs, surrounded by Word documents and spreadsheet files.

Donna was just finishing undergraduate work at New York University when she interviewed for the position of Web mistress at Wired Pussy. She had already worked two years doing bondage porn and was a high-end stripper before that.

She remembers her first bondage porn shoot. She was tied in a box with another woman, the other woman's foot tied forcibly in Donna's mouth.

"I love this job," Donna says.

Donna asks, "Are you nervous, excited?"

Satine: "Yes. I'm excited."

Donna: "What have you done since your last shoot with us?"

Satine: "I've played a lot in my personal life. Flogging. Rope bondage."

Donna: "What do you like?"

Satine: "I like duct tape. I love hair pulling and I like being face-slapped."

Donna: "You do?"

There is one woman on the camera and another shooting stills. That makes four women and me. Donna sits offstage on a wooden crate. She's wearing a polka-dot dress, a red belt, black heels. Satine sits on a chair, fully clothed, addressing the camera. Every video begins like this, with the talent reassuring the viewers (and regulators) that this a consensual scene. At some point Donna enters, grabs Satine by her hair and pulls her to the floor.

I take my shoes off, sit near the equipment rack. The people are nice, creative, interesting. But I wonder what I am seeing here that I wouldn't see just watching the video. The food cart full of Luna bars and Odwalla, the camera girls scurrying around the action? Here is one of the obvious questions: Would you let someone do something to you that you enjoyed, for a fair amount of money, on camera? Why not?

When I was 21 and dancing between films at a gay porn theater in Chicago called the Bijou, I was offered a part in a bisexual porn video. The money wasn't great, only \$300. Men don't make nearly as much as women performers. I backed out at the last minute. I was afraid it would negatively affect me later on. Now I realize it wouldn't have. Now I realize nobody would have cared that much. I wish I had done it, just to have had the experience.

Donna ties Satine with thick rope, wraps her arms around her back, ties her hair to a hook hanging from the ceiling. Donna attaches a violet wand plate, electrifying Satine's body so that every time she touches Satine's nipples Satine receives a shock. Donna has forbidden Satine from speaking and her face contorts in quiet screams.

There will be four setups today with at least a 10-minute break between each. The studio is reserved for four hours and will yield a video roughly 50 minutes in length that can be downloaded by subscribers in segments or streamed in its entirety. Photographs will also be available for download. Subscribers have access to everything and can also leave comments on the shoot, for example, "more pussy licking," and "you are so fucking hot." Subscriptions to Kink sites automatically renew and the average subscriber stays for four months. Many subscribers switch between sites.

Between setups Satine and I talk about relationships. She recently broke up with her boyfriend, who didn't want her doing male-female porn. She wasn't willing to give up control over her career. "I'm an exhibitionist," Satine says. "I like it when people watch. And I like boy-girl scenes, I like fucking. This is who I am."



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Much of the action in the second scene revolves around whether Donna is going to let Satine have an orgasm. "Do you want to come, you fucking whore?" Satine's hands are attached to her ankles, a vibrator between her legs. Occasionally Donna shocks Satine with a cattle prod.

Observation 1: This is not fake. Satine and Donna are truly in role. Satine is feeling submissive and Donna is definitely on top. Donna is hurting Satine; Satine is being hurt.

Observation 2: Everyone here seems to enjoy his or her work. At least today.

Between setups Satine puts on a blue robe that has "slave" embroidered on its chest. I'm on the floor and she's on the chair resting her feet on my knees. "I'm going to get a benefactor to pay for fake boobs," she says. "It's nice when someone will do that for you. I know people that have gotten \$2,000 boobs, but it's not the kind of thing you want to save money on. A good boob job costs \$10,000."

Satine has red marks along her belly where Donna yanked a string of clips she'd attached to Satine's stomach and nipples. Watching it, I actually felt empathy for Satine. Satine was blindfolded. I saw Donna twisting her fingers through the white string holding the clips. I knew she was going to pull the clips and I knew it was going to hurt. I almost covered my face in my hands.

In the third setup Satine is duct-taped to a rectangular wooden beam. A gas mask is placed over her head. During this scene an electric acrylic plug is slid into her vagina. Donna slaps at it continually, open-handed, occasionally moving to a counter to turn some knobs on the machine, increasing the juice.

For the climactic scene, Satine is gagged and tied with her legs held apart by a spreader bar, her head forward and her hair tied to the front of the trunk she's squatting on. Donna places voice-activated electrodes on Satine's ass so every time Satine moans she's electrified. Meanwhile Donna slaps her between her legs with a cane.

Halfway through the shoot they have to stop because Satine is crying.

No crying is allowed in Kink.com videos.

"I'm sorry," Satine says. "It just feels so good."

When the shoot is over Donna asks, "How you doing, baby?"

"My vagina," Satine jokes with a Russian accent. "She is broken." After that there is lots of talk, jokes. They talk about various sex toys, the Monkey Rocker. The Sybian. "Seriously," Donna says. "Every time I would cane you I would get a throb in my pussy."

When I leave the Porn Palace half an hour later it's dark and I find that both wheels have been stolen from my bicycle. This has nothing to do with the article except to prove that it's possible to watch someone shove an electrified plug in someone's pussy while a thief casually takes an Allen wrench to your transportation on a downtown street. Though that's also wrong. The Porn Palace is half a block from the largest shopping center on the West Coast, the fashionable Westfield Mall. But a half-block in the other direction is Sixth Street, the last remnant of a downtown that wasn't always so prosperous. Filled with junkies, transient hotels, outreach centers and shooting galleries, Sixth Street is littered with the limping desperate and the drooling insane.

Which could be a metaphor for porn, an industry in an economic no man's land. But the porn industry is twice the size of the mainstream film industry, leaving open the question of what "mainstream" really means. You may or may not be into electrified bondage, but if you're male, chances are you've watched porn or bought a dirty magazine in the past year. If you didn't, look at your friends; they did. Chances are you didn't tell anybody about the porn you watched. Chances are you're surrounded by people whose desires you would consider strange if you knew what they were.

San Francisco, with its open sexuality, is the perfect place for a company like Kink.com. But many porn sites are shutting down because of new regulations by the Bush administration. Some that have been closed, like Insex.com, are seeking buyers in foreign

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countries.

I asked Satine what she wanted to do after this was over, when she was done making porn. She told me she was just gaining experience for a graphic novel she's writing about her life. She said she wants to move to Japan, open a sea farm. She also wants to live in India and study tantra. She wants to have a restaurant and she wants to document it all via her graphic novels and her Web site.

"Just whatever I decide to do at the time," she said. "I go in about three-year spans. I might completely change my mind."

Stephen Elliott is the author of six books, including "Happy Baby." His next book, "The Adderall Diaries: A Memoir of Moods, Masochism, and Murder," is forthcoming from Graywolf Press.

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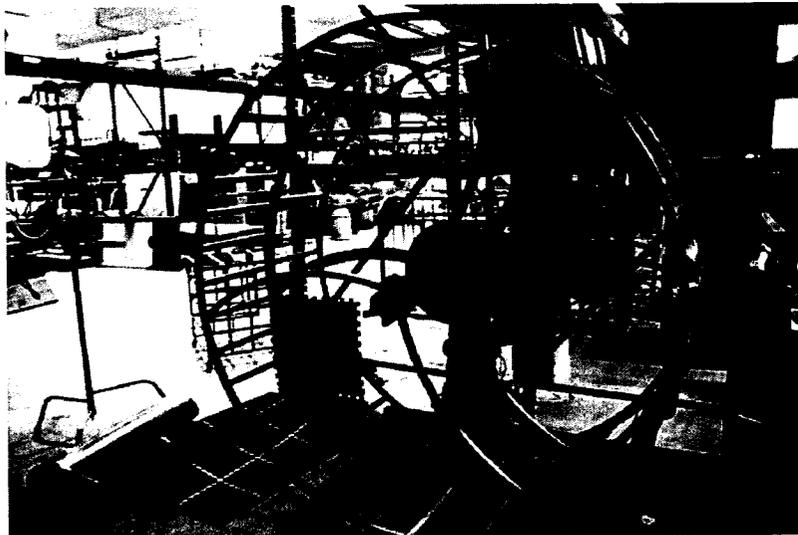
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A Tour of Kink's Armory

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.

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USA	1 June 2013	(Seattle International Film Festival)
USA	21 June 2013	(Frameline Film Festival)
USA	9 September 2013	(New Fest)
Denmark	7 October 2013	(MIX Copenhagen)
USA	12 October 2013	(Hawaii Film Festival)
Belgium	31 October 2013	(Razor Reel Fantastic Film Festival Bruges)
Sweden	11 November 2013	(Stockholm International Film Festival)
USA	22 August 2014	(New York City, New York)
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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

 VIDEO

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."

Write to Vauhini Vara at vauhini.vara@wsj.com

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(1)

Inside Kink.com's San Francisco Porn Palace

February 20, 2015

by Kevin E. G. Perry

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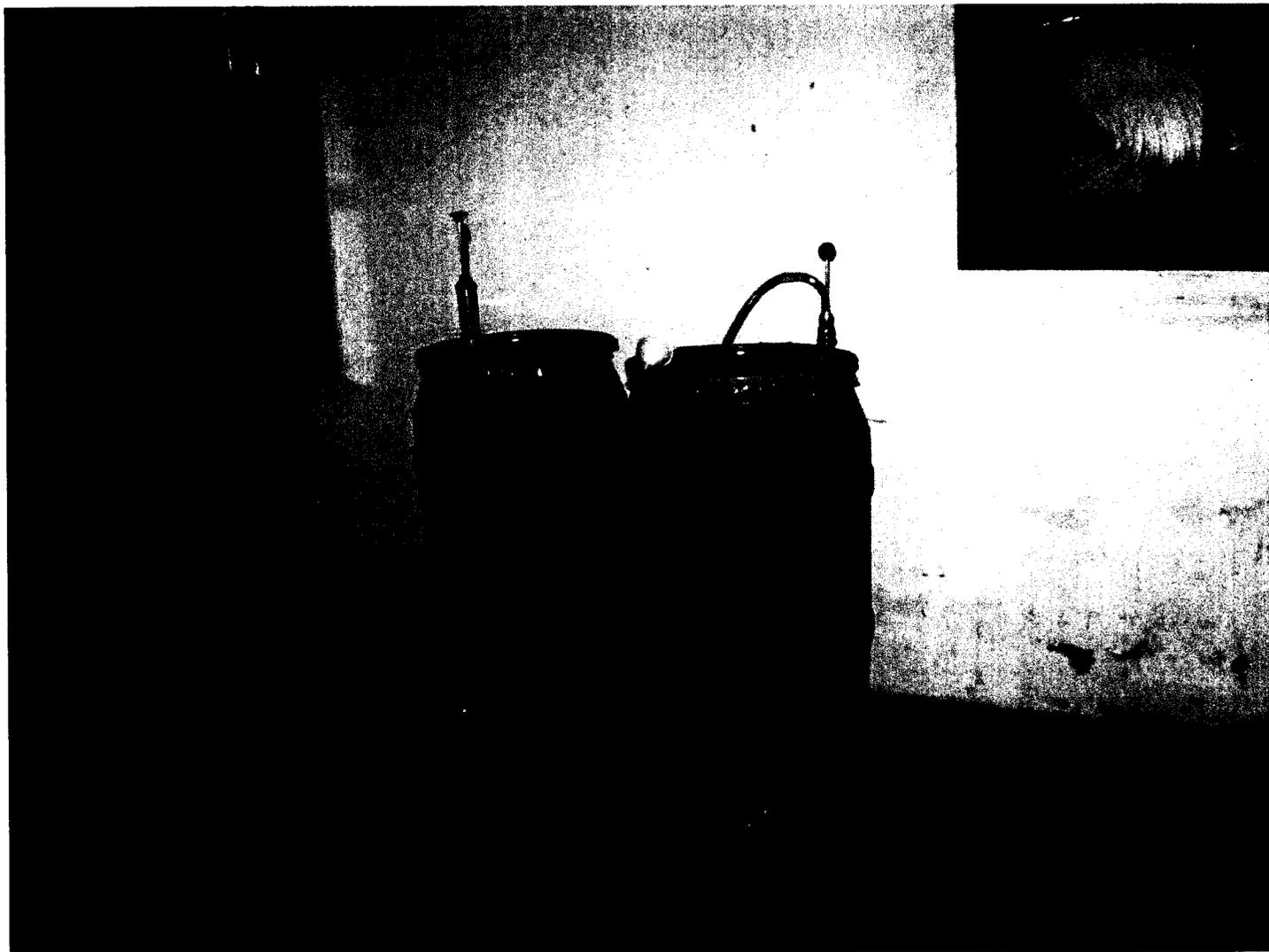
Kink.com HQ. All photos courtesy of the author

The basement of the San Francisco Armory used to be where the National Guard kept its guns and ammo. If you go there now you'll see a chainsaw with all the sharp edges replaced with plastic tongues, a room full of dildos attached to drills, and two bright blue 55-gallon barrels of natural, water-based lube. One hundred and ten gallons is a hell of a lot of lube.

You see, shortly after the National Guard left the Armory in 1976, the former headquarters was registered as a historical landmark. This meant that whoever bought the two-acre, redbrick, Moorish revival castle would not be able to make any major architectural changes, so the building sat more or less empty for 30 years. The trouble was, they needed to find a millionaire buyer with a mountain of cash and a desire to own a network of dingy dungeons, and even in San Francisco that isn't an easy task.

That was, until Peter Acworth came along. Acworth grew up in Britain before moving to America in 1996 to study finance at Columbia. The following year, after reading a tabloid story about a fireman who made \$250,000 dollars selling porn online, Acworth decided to start his own website dedicated to the porn he wanted to watch himself. It happened that he was into the kind of stuff that half the planet were in denial about until *Fifty Shades of Grey* came along.

Continued below.



The barrels of lube

Judging by the success of his site, Kink.com, plenty of people were already well aware of the pleasures of a well-aimed whip before EL James sold all those paperbacks. By 2006, Acworth was able to drop a cool \$14.6 million to buy the San Francisco Armory and turn it into the world's biggest BDSM porn studio. Kink.com and its various subsidiary sites now produce hours upon hours of hardcore porn there every week. No wonder they get through so much lube.

In an era of free streaming porn, Kink.com's paid-for content and high production values mark it out as an anomaly and a rare success story, so I decided it would be a good idea to go to San Francisco to sign up for their daily \$25 tour and see inside the studio for myself.



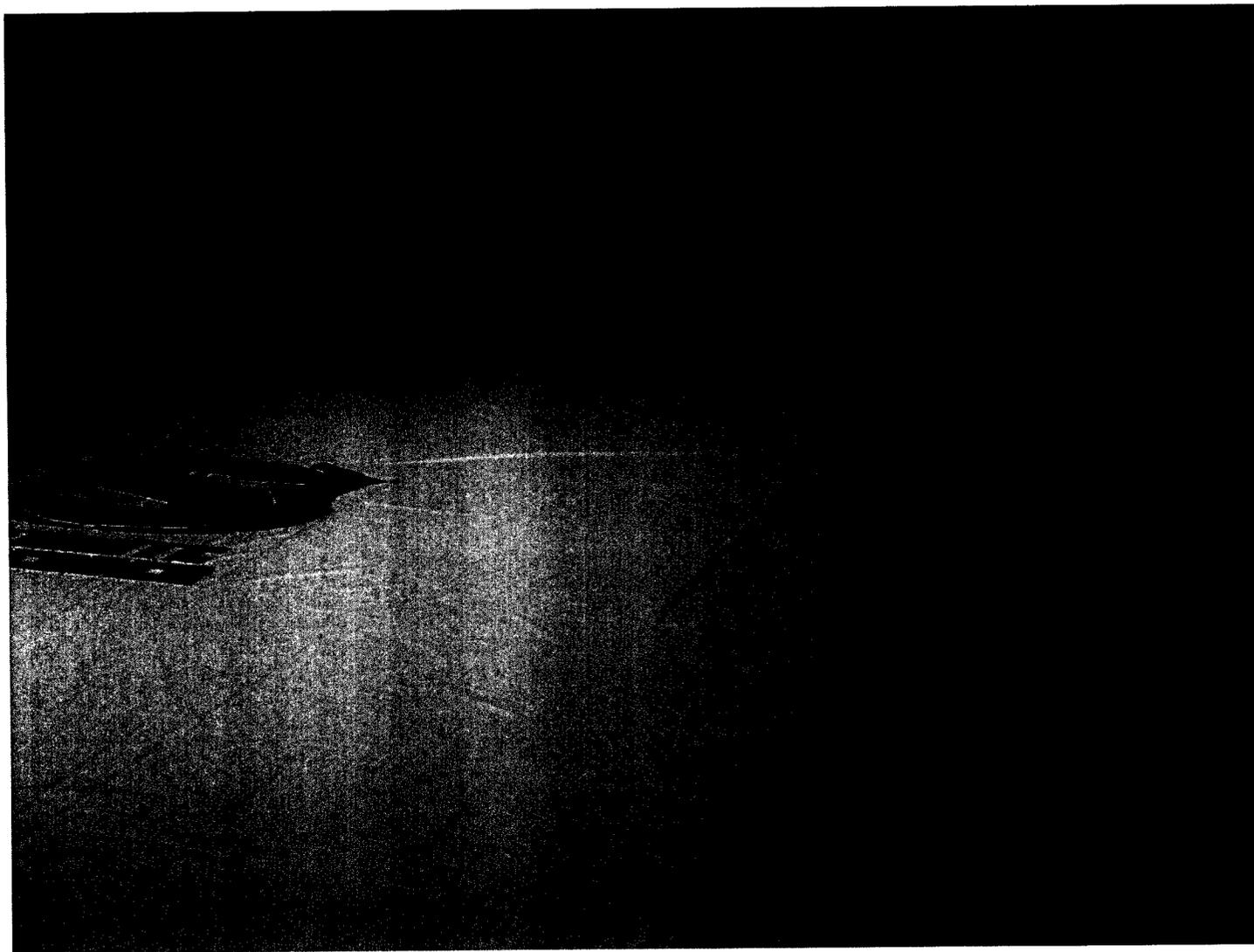
Dane, my guide

Which is how I found myself down on my knees in one of their dungeons. The first thing you notice when you're down there is that although the floors look like they're made from hard, cracked concrete, they're really covered in soft, springy rubber. Dane, who performs at Kink.com under the screen name "Bastian," is our tour guide for the day.

He's one of those conventionally good-looking all-American types who'd seem wholesome to the point of cheesiness if it wasn't for where we were. You wouldn't have him down as a sexual deviant. In another life he'd have made a great Jehovah's Witness.

"We don't like to hurt our models," he says, explaining the rubber flooring. Then his face breaks into a wicked grin. "Well, of course we do like to hurt our models... but only in the agreed ways."

Dane explains that, even though Kink.com make graphic, BDSM porn, the site still does its best to keep their models safe. "We're making porn for people like us, who can't enjoy a really sexy, really heavy dominant-submissive scene if we didn't know that everyone was actually being taken care of," he says. "We've created a space where someone is free to do that while still maintaining control of their agency throughout the process."



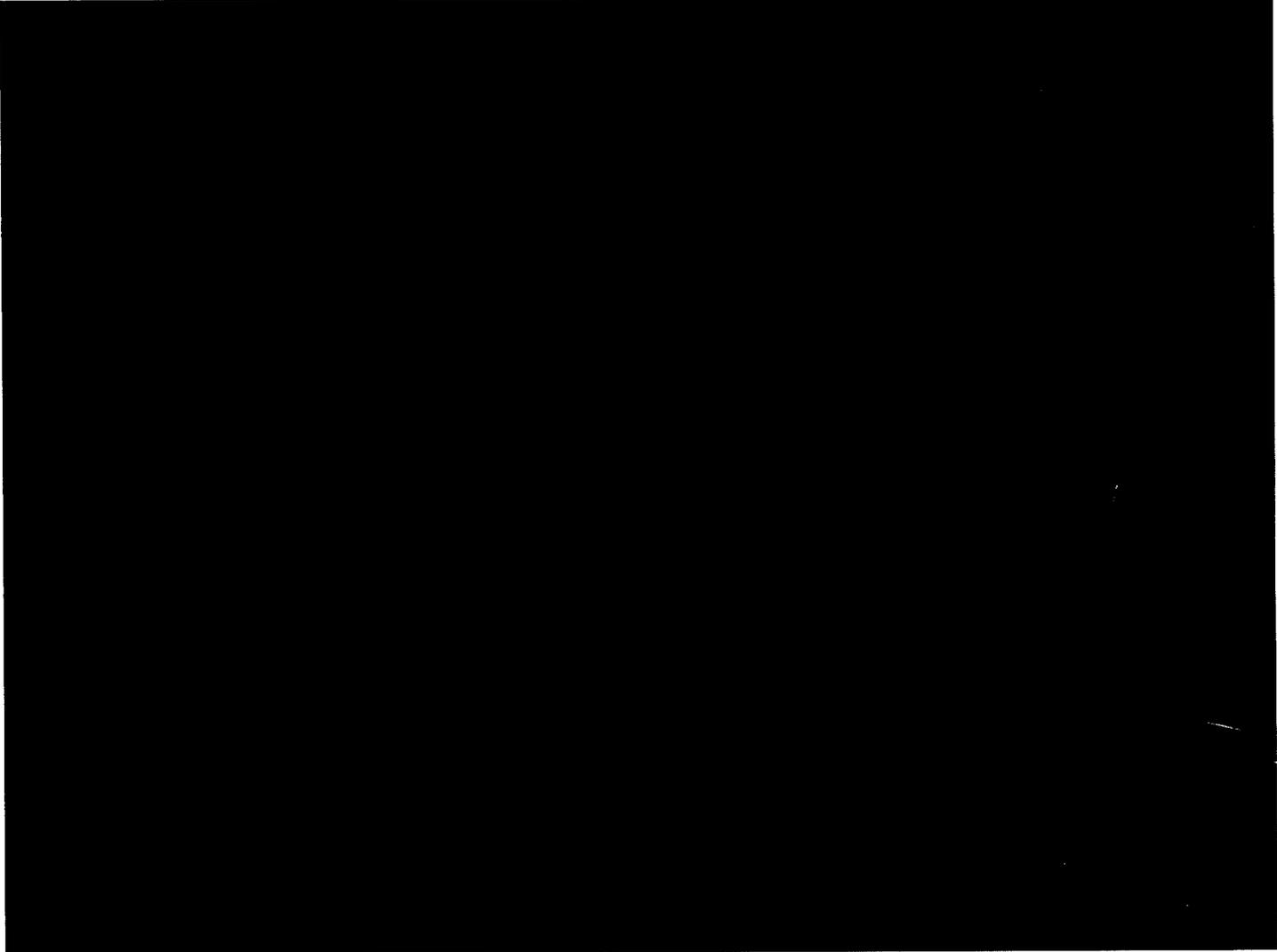
There's a whole world of different Kink.com sets down in the dungeons which serve their various websites—24 in all. First up is "Ultimate Surrender," an all-girl, college-style wrestling tournament. Part of the appeal of this site is that it's a real sporting event—unlike pro wrestling, there are no scripts. The competitors get a bonus if they win so they really do fight it out to pin their opponents down.

This being porn of course, they also get points for undressing, fingering or even motor-boating the opposition. Once a month, Kink.com invites a studio audience down who sit on the side lines, hold up signs to support their favorites and scream "Sit on her face" at the top of their lungs.



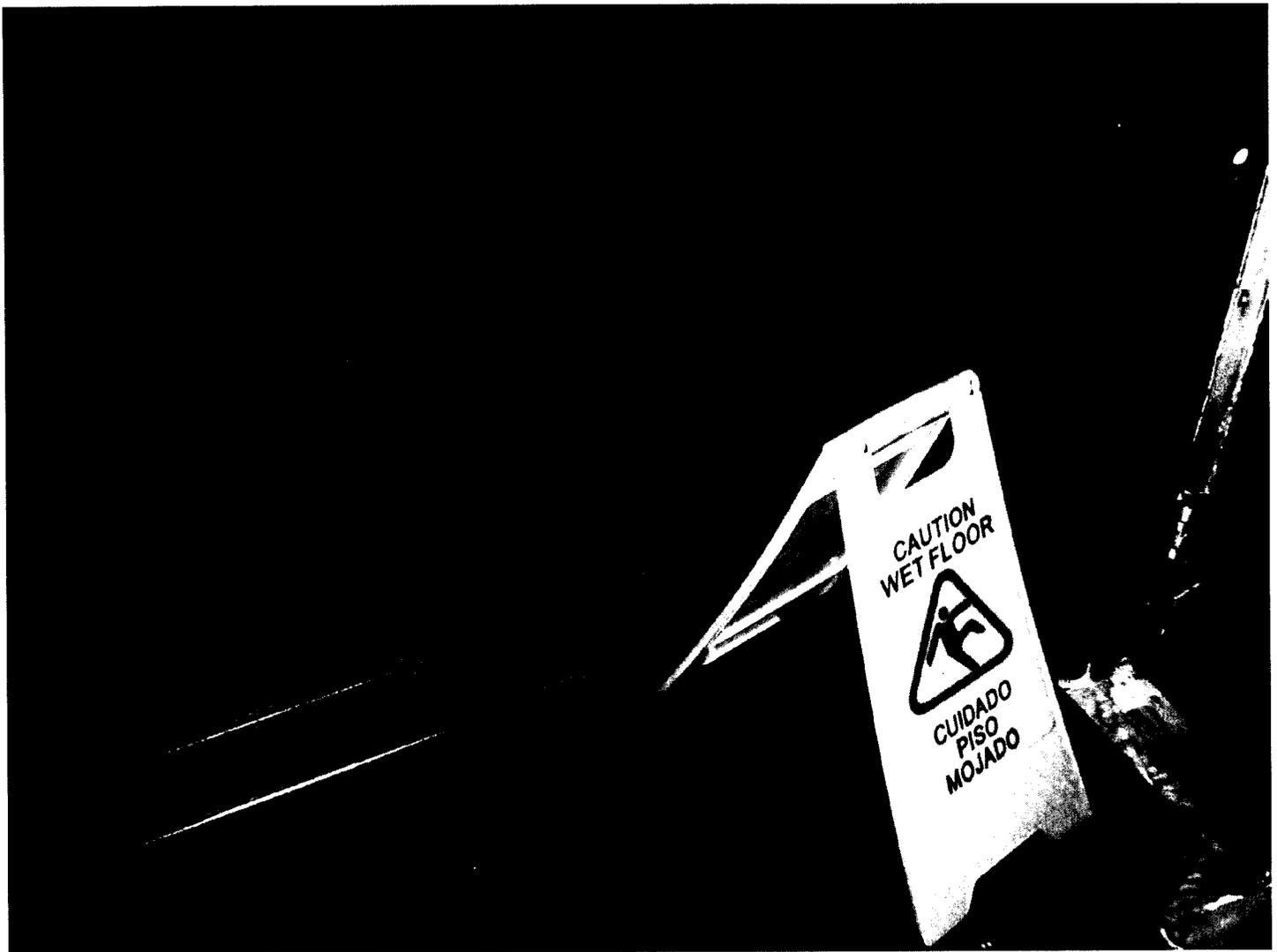
Round the corner from the "Ultimate Surrender" wrestling arena is "Naked Combat," the all-male alternative styled like an X-rated version of *Fight Club*. Further on are the cages and chain rooms used for Kink's long-running series "The Training of O." It's based on the French erotic classic *Story of O*, which was written in 1954 by Anne Desclos under the pen name Pauline Réage, and let's just say *Fifty Shades* pales in comparison.

In this studio, Kink puts their "slaves" through some of the most physically and mentally strenuous porn conceivable. The series' director, James Mogul, is notorious for putting his models through a gauntlet of "slave training exercises," so even experienced porn stars end up doing things for the first time. There's an air of improv to it all, which I guess makes him the BDSM game's Mike Leigh.



It's while walking around the "Training of O" set that I really start to appreciate just how good Kink's art department are. You couldn't really use dirty, dingy basements with stagnant water and rusty chains to shoot porn. Health and safety would have a field day. Instead, everything is scrupulously clean but designed to look like it's been rotting away in the dark for years.

As I leave the studio, I see a sign reminding staff of just how clean and careful they have to be "!!! You Must Wear Surgical Gloves Whenever Handling Anything That Has Been In Contact With Bodily Fluids !!!" it begins, before telling staff to always change gloves between "handling different toys." It's the hardcore world's version of those signs in the office toilets reminding you to wash your hands.

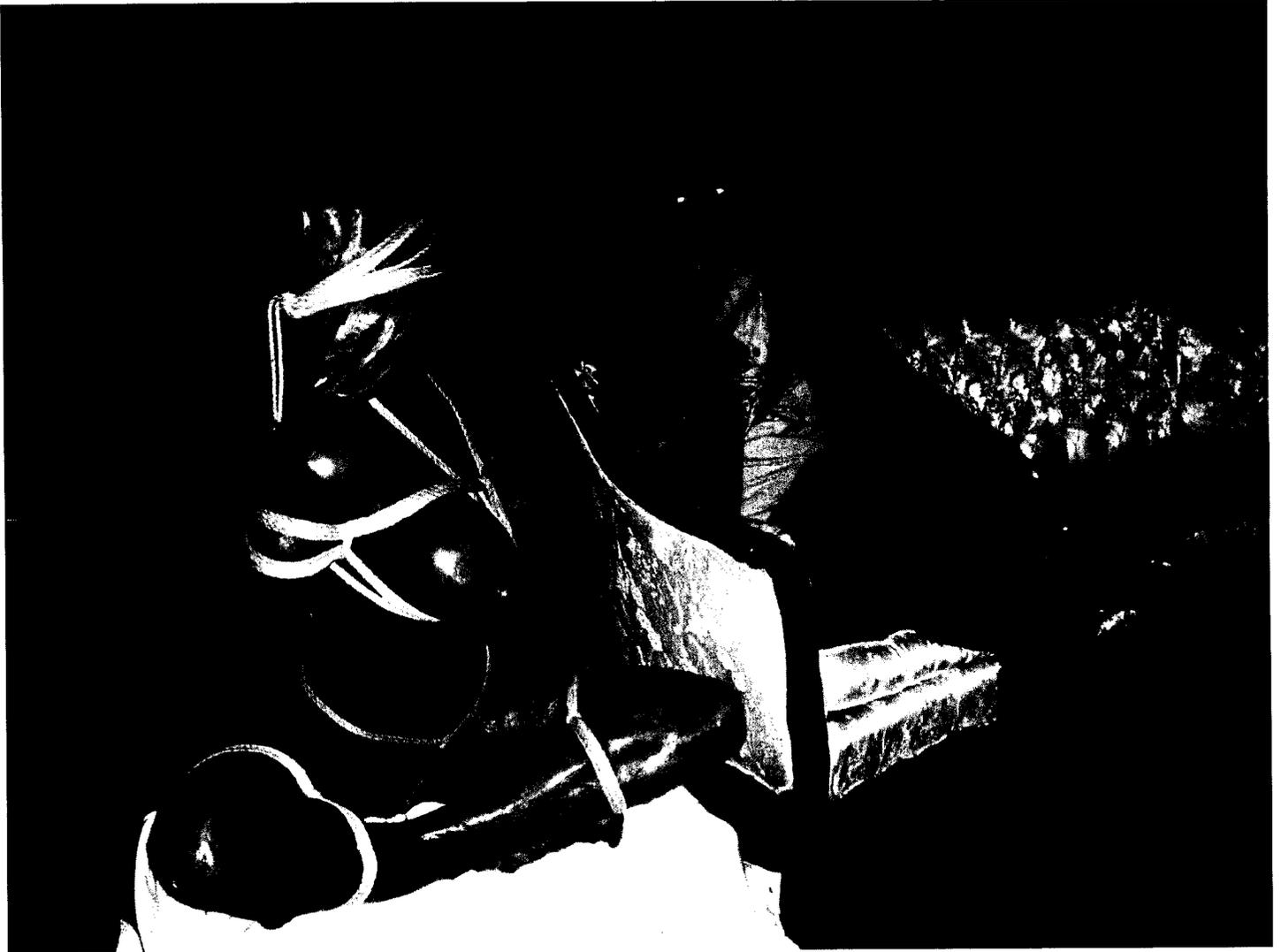


After the dungeons come yet more sets. These are used for videos like "Bound in Public" or "Bound and Disgraced," so they're designed to look like we're outside in the real world. There are houses, bars, doctor's offices, police cells, and school rooms all laid out in flawless detail in the basement of the Armory. Dane tells us that they have to pride themselves on that attention to detail. "If we make a mistake in the algebra on the blackboard behind some people fucking (<http://blackboardsinporn.blogspot.com/>)," he says, "then that's what people will write in about."

If you fancy yourself as the next James Deen, appearing as a background extra in a "public" scene is one way to get onto a porn set before you throw yourself in at the deep end. If you find yourself in San Francisco, you can apply online to appear as a member of the public. You can even go as a couple—it'd be a hell of a first date.

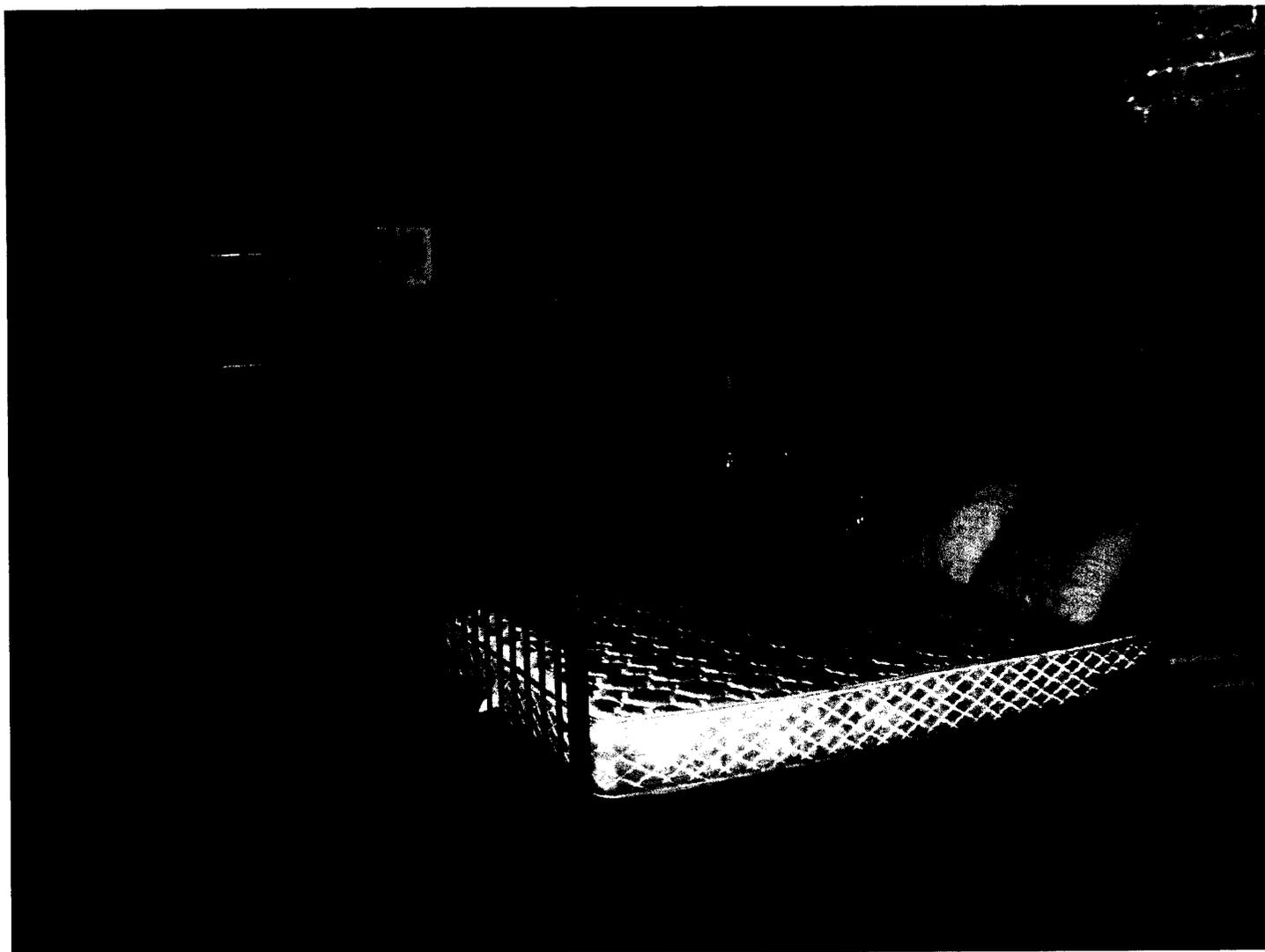


If you're looking to make a bigger commitment, Kink.com is always hiring. Their rates vary from \$200 to \$800 per shoot for men, or from \$500 to \$1,300 per shoot for women. When you sign up you'll be given a "Yes-No-Maybe" list so that you can say what you're into and what you're willing to try. Naturally, the highest rates are reserved for those rare specimens who are up for doing the stuff that the fewest people want to.



The author, pictured with Carol Acworth's statue

I tell Dane I'll get back to him about the "Yes-No-Maybe" list, but before I leave the Armory there's one more place he wants to show us. We head all the way up to the top floor of the building and enter what could be a stately home if it wasn't for the antique gynecological table and all the graphic, hardcore porn portrait paintings hanging on the walls. One of the most eyebrow-raising statues is a naked, large-breasted woman sculpted by Carol Acworth—that's the bosses' mum. After she finished, her son Peter completed the piece by trussing it up with bondage rope. A real family affair.



This is the "Upper Floor," Kink.com's private member's club. It's essentially *Downton Abbey*, but with ball gags and more leather than Kanye's wardrobe. On the Upper Floor, models act out master-servant fantasies at regular parties in front of a hand-picked crowd of BDSM fans. They have a strict guest list, so you can't just wander in if you've watched a couple of videos and now consider yourself a budding Christian Grey. You've got to earn an invitation by introducing yourself to a guy called Maestro Stefanos at one of San Francisco's BDSM nights, and I'm guessing guys who call themselves "Maestro Stefanos" know what they like.

What's really interesting about the Upper Floor is that they livestream their parties, and people log in from all over the world to watch and chat to participants and other fans. This means that BDSM fans in Smalltown, Nowheresville, who find it next to impossible to meet anyone who shares their tastes can tune into what Dane calls "transmissions from the kinky mothership." That seems to be what's made Kink.com such a success. The internet might be awash with free porn, but people still have a fetish for community.

Follow Kevin on **Twitter**. (<https://twitter.com/KevinEGPerry>)

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(whatsapp://send?
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Device Bondage review

Device Bondage

Initial Review: 2015-04-26
Last Update: 2015-02-15

DeviceBondage is the latest miracle brought to us by the people behind KINK. Since they bought the Armory in SanFran for \$13m to shoot bondage porn (and hell they made news with that), they have been shooting very high quality content.

Content	Cost / Markup	Final Score
Quantity 12.5 / 15	Value/Money 4.5 / 20	82.0
Quality 14.0 / 15	Markup 0.0 / 5	
Update Freq. 8.5 / 10		
Exclusivity 10.0 / 10		
Entertainment 8.5 / 10		
Downloadability 5.0 / 5	Navigation	
Extras 3.0 / 5	Navigation 3.0 / 5	
	Design 3.0 / 5	

Out of 100

Pros

The content is absolutely awesome and 100% exclusive. Their models are all really beautiful - see for yourself. Everything is done by true niche experts. Detailed updates (all information one could ask for). Site has a list of future shoot dates (for this site and the other network sites) and the name of the directors and models who will be involved. Lots of useful extras in the site (device gallery shows the instruments used in the videos; plus forums and live shows). A model directory is present for better model search. Members can choose the pictures they like and the site will put them all in a zip file for you. Pictures are of good quality (sizes are about 1200x800 px).
UPDATE(2012-01-10): Site updates approximately every 4 days - amazing!
Members can comment on videos and share their suggestions with the director.
Bonus access to 22 sites is included with your membership.

Cons

Navigation could use some improvement. There are no full downloads (videos can be downloaded in parts as zip files, though).

Bottom Line

DeviceBondage is a monster, not just in relation to its price. This one will grow fast and soon be pumped with incredible content. If you like bondage and IF you can afford this one GO for it. The content is really awesome. Considering the site updates twice a week you MIGHT even consider the multi month memberships... the price gets a little better with those.

[Enter Device Bondage](#)

The Facts

Category:
BDSM

Secondary Categor(ies):
Fetish, Hardcore

Updates:
Details: Weekly
Update Log: Yes
Dated Content: Yes

Join Options:
Credit Card, Check, Postal Mail

Pictures:

805 photo sets (avg. 90 pictures)
Hi-Res: Y | Different Sizes: Y | ZIP Files: Y | Slideshow: N
Image Resolutions: 533x800 (Standard), 800x1200 (High Res)

contentCALC [?]:
As of today, 2015-03-30, there should be **811 photo sets** available
contentCALC accuracy:
Has been verified 10 times, last on 2015-02-16, and arrived at **100% accuracy.**

Videos:

805 video sets (avg. 15 minutes)
Downloadable: Y | Streams: Y | One-File Downloads: N | Multi-Bandwidth: Y | Vid Caps: N
Average movie size: 120 MB (1/5-File HD WMV), 40 MB (1/5-File High WMV), 230 MB (1/5-File High MPEG 4), 60 MB (1/5-File Low MPEG 4)

contentCALC [?]:
As of today, 2015-03-30, there should be **811 video sets** available
contentCALC accuracy:
Has been verified 10 times, last on 2015-02-16, and arrived at **100% accuracy.**

Video Format(s):

RM: 854x480, 906 kbps
WMV HD: 1280x720, 1.62 Mbps
WMV High: 960x540, 984 Kbps
Flash: 722x404, bitrate unknown
mp4: 1280x720, 3000 Kbps (HD) / 640x360, 861.76 Kbps (small screen)

Video Skip:

Can skip ahead.

Other Vid Details:

Medium-sized watermark Smooth Flash Player.

More Content Details:

Content Rotation: No rotation.
Download Limit: There appears to be no download limit.
Condoms used in scenes: No
Content / Model categorization: by name, by number of shoots, by latest performance

Content Exclusivity:

100% Exclusive.

Download Speed:

465 KB/s (reviewers max: 527 KB/s / 4219 kbps).

Logging In:

Only log in required. Content doesn't require re-entry of login info. Not saved after browser was closed.

Model Appearance:

Mostly white, amateurish, from thin to normal body type

[RSS FEED](#) [Y? ? ..](#)
[BOOKMARK](#) [...](#)

Model info:

Model Index: No

[Video Review currently N/A](#)
[Members Area Screenshots](#)
[Launch Gallery Console](#)

This DeviceBondage.com review is based on the facts / status when written / updated on 2007-04-27:

Written by John, a junior writer.

The Site:

Device Bondage offers a dark, grimy layout that instantly gives you the feeling of authenticity. It's simple yet very real, and very suitable for its topic. Here there seems to be something for the thirsty sadist in all of us: top quality bondage movies, real live shows featuring some very attractive ladies, a gallery with dreadfully detailed images of some of the most horrible torture devices you can imagine, a member's forum with surprising activity for such a new site, and also a complete schedule of all the upcoming shoots.

THE CONTENT:

'The quality is obviously there' is the first thing that came to mind when I first saw the inside of this site. Not a not small compliment coming from someone who is not a particular fan of the niche. I was very impressed. There seems to be an incredible amount of work and detail behind each single shot. You can definitely feel the girl's pain as if it were your own, which I think is something a lot of members will appreciate. The atmosphere of the site is dark and gruesome, especially in their Device Gallery, which illustrates a series of shocking machines carefully designed for applying pain. The page looks as if it was ripped out of a medieval book of torture. You can click on any of the devices and be rewarded with a creepy third-dimensional presentation (done very nicely I might add) and a short text description explaining what such a marvelous instrument is capable of and it's history. This part alone should be worth the price of membership for some torture buffs out there.

Device Bondage has only approximately 20 scenes you will not find on any other site. It's obvious they cater to a very selective audience, who only want to see the real deal. Each video is divided into different clips. The videos have anywhere from 5 to 10 breathtaking, very high-quality clips, that also offer the member a chance to leave feedback or comments for the scene, which a lot of people do, and some of them can be very humorous. There is a lot of interaction between the actress and director in these videos, you can tell it's very personal experience for both of them. Overall I was very impressed with the video quality.

Device Bondage has some top-notch pictures as well. Every photograph is extremely meticulous and well prepared, and the girls look very beautiful in their pain. Some scenes offer a lot more pics than others, but they are all worth a look. Again the dark dungeon atmosphere plays itself out very nicely in these pictures.

As for the models some of them are shockingly pretty and innocent-looking. It's amazing to see them in some of those bizarre positions; you really wouldn't believe it's them. Every scene is accompanied by a few paragraphs of text that summarize the scene. Some texts offer cool info about the unique locations where the shoots occur, others say something about the model and how she felt before, during and after the shoot, while others just like to ramble on every painful detail. Either way, I found them to be pretty entertaining.

Device Bondage also adds a feature that lets you watch live shows via streaming video. Some these shows last several hours, and there's a chat room where you can interact with the model and other members, ask questions and even offer suggestions.

The forum seems to be visited by some interesting characters that sound like real experts on the subject of torture. If this is the community you've been searching for, than Device Bondage might just be the perfect site for you. The films are constructively criticized, with members adding suggestions for the directors.

THE CRITICISM

Some scenes should have offer pictures and others should simply have more footage. There doesn't seem to be a clear balance in regards to this. Something else I didn't like very much was that when you clicked on some of the menu options they opened up on another browser. For example if you click on the Models option, a new window will pop up with the girls. Why this is I'm not sure, but I found it to be a bit distracting. I will also have to mention the price of course. I know the content is very expensive to shoot and everything but 55 bucks... Jesus.

THE CONCLUSION

In terms of reality and gruesomeness, Device Bondage seems to be in a league of its own. Entering the site is like entering a dark dungeon, filled with beautiful women being tortured medieval-style with wooden horses, gags, neck and wrist spreaders and other delightful pieces of equipment that'll shock you. The girls are lead through pure hell by the directors, and you're right there to witness the entire experience from start to finish.

[Quick Tour Preview](#)

INCLUDED

with your membership:

1. [Fucking Machines](#) - 85
2. [Water Bondage](#) - 84
3. [Hog Tied](#) - 84
4. [Wired Pussy](#) - 83.5
5. [Ultimate Surrender](#) - 82.5
6. [Whipped Ass](#) - 82.5
7. [Men In Pain](#) - 81.5
8. [Sex And Submission](#) - 80.5
9. [3D Kink](#) - 78.5
10. [The Training of O](#) - 78
11. [Bound Gods](#) - 76.5
12. [Public Disgrace](#) - 76
13. [TS Seduction](#) - 74.5
14. [Behind Kink](#) - 74
15. [Naked Kombat](#) - 71.5
16. [Butt Machine Boys](#) - 68.5
17. [Divine Bitches](#) - 67.5
18. [The Upper Floor](#) - 67

[Preview Tours](#)

Visitor Ratings:

100

Votes: 1

Average Rating: 95.0 / 100

Review Log:

2015-02-16: Quick Facts updated, contentCALC verified.
 2013-05-28: Quick Facts updated, contentCALC reset.
 2012-01-10: Quick Facts updated, contentCALC reset.
 2009-04-29: Quick Facts updated, contentCALC verified.
 2007-04-27: Device Bondage review published.
 2007-04-25: Sample DeviceBondage galleries added.
 2007-04-23: Quick Facts added,

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6 Tribal Male 8.0
7 My Humble Sissy 8.0
8 Fetish Force 8.0
9 Group Med Exams 8.0
10 Boy Fetish Central 8.0

All Fetish sites or other categories.

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Butt Machine Boys review

Summary: Butt Machine Boys is unlike any masturbation or insertion site that you've ever seen before - and that's a good thing. They use crazy ass machines to deliver plenty of power to their guys' asses, and the HD quality video that they've been adding in is just great. Even though the site has just been relaunched after a 5 year pause, this is a must see.

Visit Butt Machine Boys

Overall score:
Content Quality:
Speed:
Content vs. promised:
Price vs. content:
Navigation:
About Our Ratings

Intro promises

130 + Shoots
HD video

Author:
Tiffany, 2009-09-08

Categories:
Fetish

Tags:
gay fetish, gay fucking machines, gay sex machine

First impression

Butt Machine Boys is one of the most unique gay sites on the market, and it's no surprise that Kink is behind it. It's the only site that I've ever seen that combines horny guys and male masturbation with ridiculous fucking machines that give these boys the relentless fucking that they ache for.

Kink is behind some of the hottest fetish sites on the net, and it looks like they're taking on another unique area with gay fucking machines. Their member's area design is rather dark and simple, which is classic Kink. This actually used to be one of their older sites, and they have just recently begun updating again. What a happy time to be reviewing it, eh?

Our opinion

There are 142 episodes with a video and photo set at Butt Machine Boys. Since they've started updating again, they have stuck to a weekly update schedule. This is one of my favorite site focuses from the Kink crew, so it's great that they've fired up their engines again and have started pulverizing plenty of man ass.

If you've never had the pleasure of seeing a fucking machine, they're basically exactly what it sounds like - a machine made for fucking, and it doesn't need any rest. That's great for those guys that get annoyed at the stamina of their partners, as well as the ones that want something way different for their masturbation fun.

The videos are pretty lengthy - even the earliest are 20 minutes long, and they're reaching up to around 40 minutes with some of the latest episodes. Butt Machine Boys has been around since 2001, so the quality spread and formats on the videos vary quite a bit.

For the latest videos, you get a choice between Flash streaming, WMV HD, MP4 HD, WMV SD, and MP4 Ipod. These are shown at 1280x720 and 1.5 mbps for the two HD videos, the SD is shown at 960x540 and 900 kbps, and the Ipod version is shown at 640x360 and 800 kbps. HD quality fucking videos are as hot as you can imagine, and the quality is some of the best that I've seen in porn. The machines that they have on hand are rather impressive, and I find myself wondering how much it would cost to stock up my basement. Older videos have videos in WMV and MP4s, and are shown at 640x480 and 1 mbps and 480x360 and 800 kbps. All videos offer smaller clips for quick downloads, or a full scene download.

Photo set sizes range from 100 to 200 photos per shoot, and although they aren't screencaps they do follow the flow of the scene nicely. The photos are offered in high and low resolution, which just gives you two different quality versions of the same photos. The larger is shown at 1200x800, and the smaller is 800x533. The quality is amazing either way, and you'll be taken into the machine

Screenshots

Butt Machine Boys review

fucking once again. You can use Pic Lens to browse or a zip download.

Kink really doesn't offer bonuses with their sites, but you do get access to their forums, which are pretty active and always interesting. The site specific forum is rather small, but you can get to the overall Kink forums pretty easily, and there are plenty of fetish minded people there.

Conclusion

Butt Machine Boys is one of the most unique gay masturbation / insertion sites out there. The content is unique, hell the machines are unique, and the HD quality videos are well worth the price of admission. They are just at the beginning of their relaunch, so it's only going to keep getting better. For that reason the quality score only reflects the quality of the newest updates.

Pricing

Price	Period	Rebills	Additional Info
USD 24.99	1 month / 30 days	Rebills after every period	
USD 39.99	2 months / 60 days	Rebills after every period	
USD 49.99	3 months / 90 days	Rebills after every period	
USD 89.99	6 months / 180 days	NON recurring	
USD 159.99	1 year	NON recurring	

Payment Processors:
DHD, Epoch

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Random Review

External Opinions

Don't take our word for it and see what others think! We have collected a list of opinions and impressions from other sites, so you can compare them all from one place.

Name	Date	Score	Name	Date	Score
Porn Adept	2014-10-16	76/100	Adult Reviews	2009-09-08	8.0/10
Porn Paysites	2010-10-22	68/100	Porn DB	2009-08-10	4.5/5
Nude Reviews	2010-03-19	84.0/100			

Total average: **79.5/100** Our score: **8.0/10**

Overall Score:

User Comments

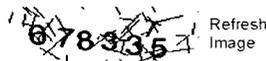
Write your comment - feedback is appreciated

Name:

Comment:

Handy Studs is a solid site that might not stand out in a crowd, but it doesn't do too bad on its own either. That's more...
Read the full Handy Studs review.

Reviewed: 2010-04-03
Category: Hardcore



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User	Comment
Richard 2015-01-06 14:17:18	Buff and fit would love to be a butt machine boy.

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By Matt



The Most Jaw-Dropping Quotes of Monday's 'Roast of Justin Bieber'

By Dan



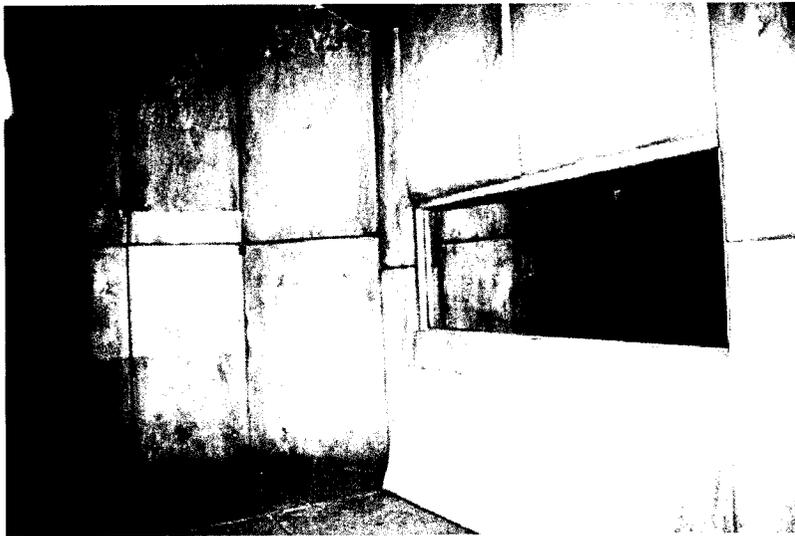
Live Review: Seth Avett & Jessica Lea Mayfield Do Elliott Smith Right at the

By

Sexy SF

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.

Search

Would Better Call Saul have been better off as a sequel instead of a prequel?



- Sequel, I know which characters a...
- Sequel, I wanted to know about lif...
- Prequel, I want to know Saul's bac...
- Prequel, it's fine the way it is now.

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Greetings From Your New All Shook Down Editor



Chuck Prophet on SXSW Survival

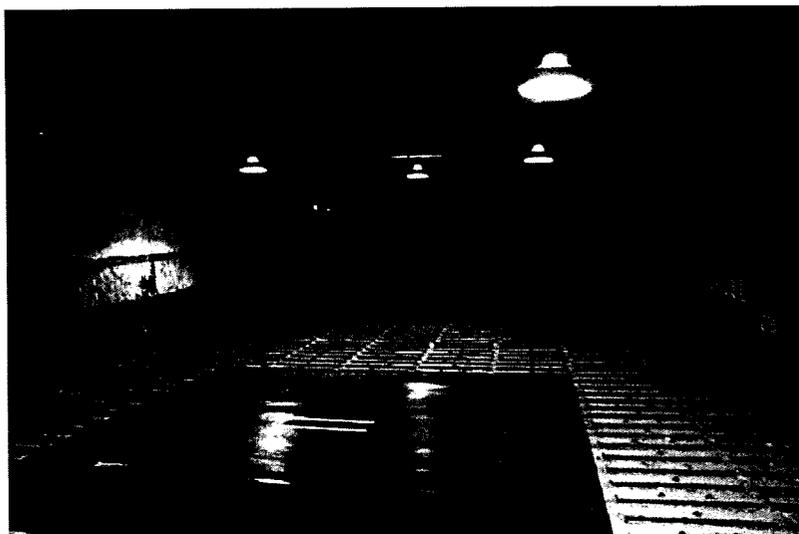


SXSW: Friday Brings the Zombies, E-40, and Bushwick Bill With Thee Oh Sees



Music Heroes: Brendan Getzell

Go Do This Thing Tomorrow: Support



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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3,183

All Shook Down
21 hrs

What's up!? I'm the new editor here at All Shook Down.

Greetings From Your New All Shook Down Editor

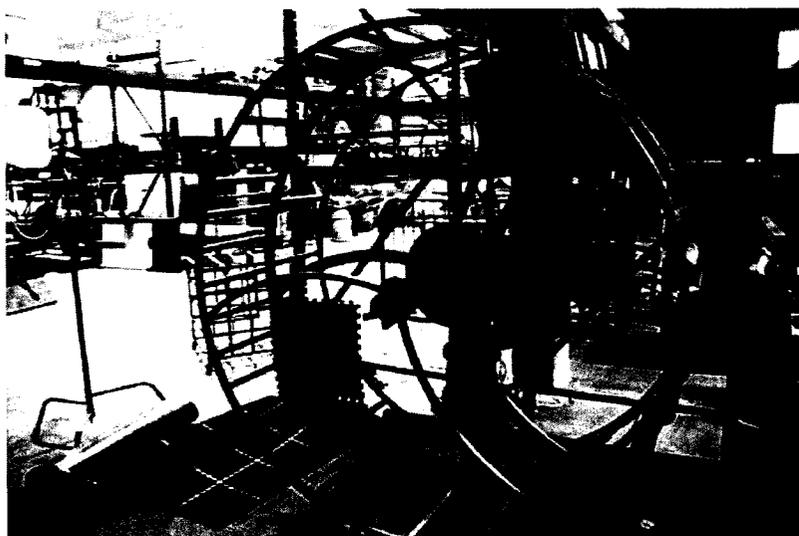
Facebook social plugin

SLIDESHOWS

WrestleMania City Tour

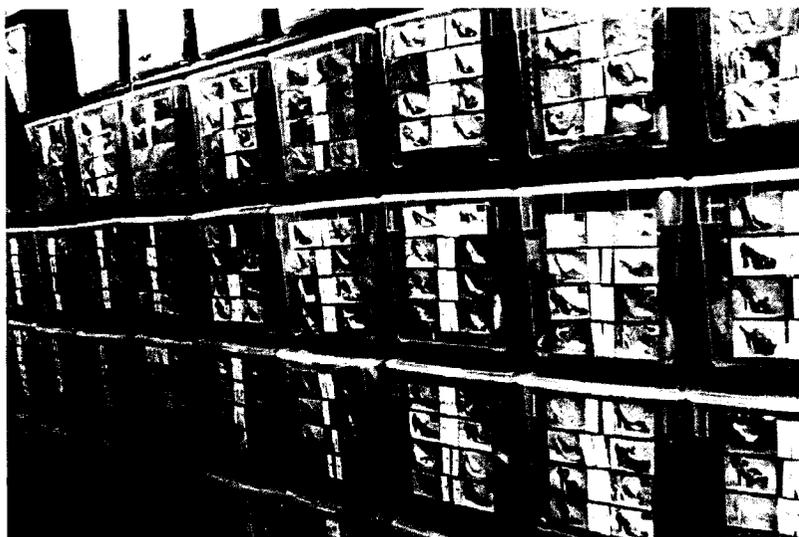
WrestleMania 31 @ Levi's Stadium

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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

3,183

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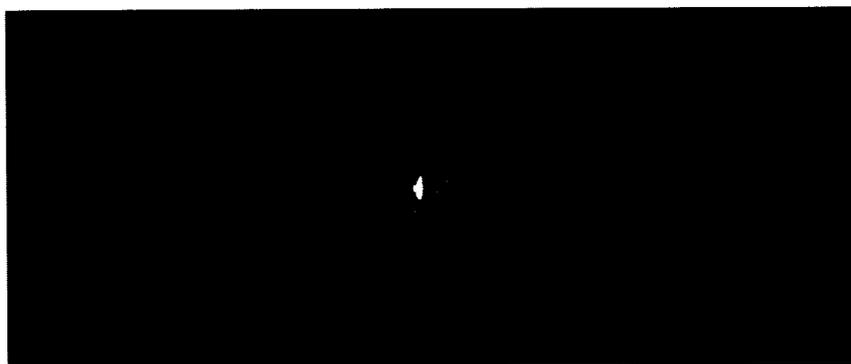
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July 3, 2015

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Kink.com Now Offering Sex Workshops With Live Demonstrations

Posted: 12/03/2012 8:32 pm EST Updated: 02/02/2013 5:12 am EST



Kink.com, San Francisco's largest fetish pornography company, has expanded into nothing short of an empire as of late.

Not only does the sexy organization, situated inside the city's historic Armory building, offer its infamous guided tours, but this year alone they opened a sister bar across the street and expanded operations down to Los Angeles. Their exploits have captured the attention of multifaceted movie extraordinaire James Franco, whose documentary "Kink" was recently selected to premiere at the Sundance Film Festival.

And in perhaps Kink's most titillating venture yet, the company has been quietly rolling out a series of sex workshops since summertime. The classes have begun to catch on with the community, and recent ones have been popular enough to sell out.

"The workshop series helps us educate people who are interested in exploring their sexuality, but may not know where to start," Kink spokesman Mike Stabile told The Huffington Post. "We bring in experts and create a safe space for people to learn, ask questions and talk about sex frankly and without judgment."

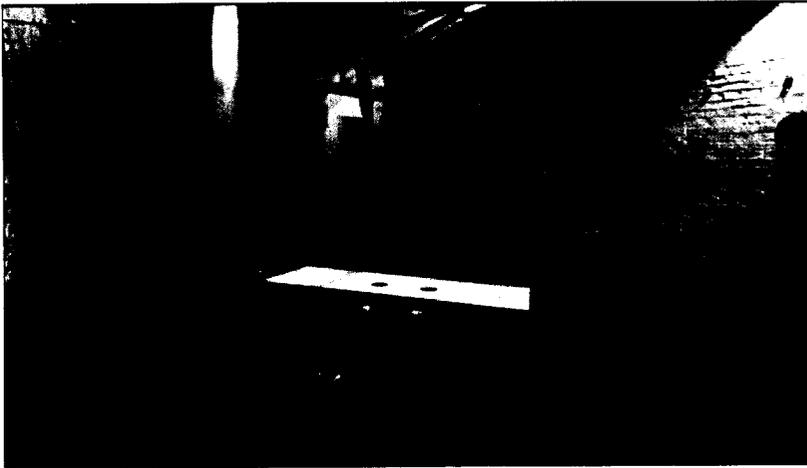
Sometimes the workshops even include live demonstrations, like last week's oral sex tutorial with porn star Rain DeGrey.

"They have to sit through a lecture before we get to the good stuff," she said in a statement. "We do techniques, physical response and have a question and answer period before moving on to the demonstrations."

According to DeGrey, her clientele has varied widely across demographics. "It's young and old, married and single, men and women, gay and straight," she said. "We get a lot of people who are newbies, who are really curious about the scene."

Indeed, workshop curator Nic Rathert told HuffPost that the initial idea for the classes came from folks who had been previously unexposed to the fetish world. "We were getting a lot of people on the tours who were kink-curious," she said. "We could direct them to some of the BDSM clubs and organizations, but there wasn't much out there for beginners, for people who were interested in exploring slowly."

Upcoming classes include a lectures on g-spot stimulation and "bedroom bondage." [Click here](#) to learn more, and scroll through some photographs of Kink's sets in the slideshow below:



Photographs *courtesy of California Home + Design.*

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Kink: Sundance Review

6:32 PM PST 1/22/2013 by John DeFore

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The Bottom Line

Good-spirited doc humanizes the producers of what many would consider very twisted material.

Venue:

Sundance Film Festival, Midnight

Director:

Christina Voros

The James Franco-produced documentary goes behind the scenes with the world's leading producer of BDSM porn.

PARK CITY -- **James Franco** doesn't think there are enough penises at Sundance. After re-creating the censored bits of *Cruising* in *Interior. Leather Bar.*, he acts as producer here, all but twisting director **Christina Voros'** arm to convince her to make a film about Kink.com, the world's leading producer of bondage and sadomasochistic porn. (What Kink wouldn't pay to have a film of Franco twisting Voros' arm...) The result is a friendly film about lots of seemingly reasonable people who do terrible things to each other on camera for money.

RECOMMENDED



James Franco
'Interior. Leather Bar.', 'kink' »



Sundance 2013:
James Franco and Christina Voros on Porn, 'Fifty Shades' and New Doc 'kink' (Q&A) »



James Franco's Inauguration Poem: He Knew Me From 'Spider-Man'

VIDEO: THR's Sundance Video Diaries

It's not every doc in which you can hear lines like "Sorry, we have a gang-bang going on next door" and "There's a way to step on a cock where you don't hurt it, hon." There are fewer films still in which you might then see the latter claim in action. (Plenty of erect members appear here, sometimes handled quite comically; onscreen penetrations are seen only briefly.)

Even so, much genuine pain is inflicted in Kink's vast San Francisco studios, and *kink* does much to explain both what this does for people (one describes "subspace," in which pain releases pleasure-enhancing dopamine; another compares it to running a marathon) and the extent to which this particular porn company strives to



»
**BERLIN 2013:
 Films From James
 Franco, Abhishek
 Kapoor Added to
 Panorama Sidebar**
 »

keep it all friendly. Torturers take pride in being able to endure what they dish out; safe words are sacred; and "aftercare," in which directors comfort those they've just subjected to simulated assault, is a major part of the game. It's a world with rules, we see, in which each "model" (they're not called actors here) dictates what can happen when the cameras roll. "I like choking," for example, "but

don't call me 'bitch.'"

Voros' interviewees, from models and directors to company founder **Peter Acworth** (who ran his first website for a year from a grad-school dorm room), are articulate, adjusted-seeming people who can talk convincingly about misperceptions and stigmas surrounding both porn and BDSM (the catchall label for all this spanking, choking and such). A more convincing case for masochism was made in **Kirby Dick's** 1997 *Sick*. But the case of **Bob Flanagan**, whose embrace of pain was tied to his experience of cystic fibrosis, is too particular to provide the kind of general explanations these men and women offer.

PHOTOS: The Scene at Sundance

Kink is quite convincing in presenting this one workplace as a happy, sane environment where people respect each other and aren't manipulated into doing things they don't ultimately enjoy. But it leaves plenty of room to presume that Kink.com is an outlier in the industry, and it never asks if good vibes behind the scenes have any correlation with the mindsets of the people who pay to watch these videos. No one is asked if -- however OK it might be to enjoy playing out an abuse fantasy with a loved one -- producers have any qualms about supplying a steady stream of such scenes to an audience that is probably not solely composed of groovy feminists.

Discussing such questions would make *kink* a much bigger project, of course. Voros may be quietly acknowledging such concerns when she ends the film with a black screen -- letting a particularly vicious torture scene play only in audio for a while, then rolling credits with no music behind them.

Production Company: Rabbit Bandini

Director: Christina Voros

Producers: James Franco, Miles Levy, Vince Jolivette

Directors of photography: Christina Voros, Dave Malloure, Kim Parker

Editor: Ian Olds

Sales: Preferred Content

No rating, 79 minutes

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For the Love of Kink

Melissa Gira Grant ■ Spring 2014

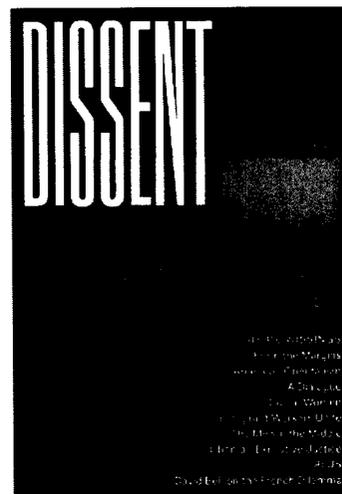


In the Parlor at Kink's Armory Studios (davitydave/Flickr)

When the old San Francisco Armory was sold to the Internet porn production company Kink.com in 2006, they paid \$14.5 million. The long-abandoned property, which is said to resemble a “Moorish castle,” once housed the National Guard, stationed there to quash the city’s 1934 general strike. The armory stands at the corner of Mission and 14th Street, a few blocks from the lone fire hydrant that saved the neighborhood from the flames of the 1906 quake just six years before the armory was built, and also a few blocks from the salvaged-wood cafes and velvet-roped dive bars that herald, for many, a new form of siege. It’s Kink’s flags that fly now from the top of one of the armory’s brick turrets, with the company’s URL visible even on Google Street View.

In the years since, while Twitter was launching a short bike or BART ride away, while Facebook was opening up to the world outside the brick confines of the Ivies, Kink transformed the armory into its own platform, a fantasy-stocked retreat furnished by and for the pleasure and reward of CEO Peter Acworth. It’s a rare accomplishment: a porn production studio that aims to favorably represent a sexual subculture, that holds free sex parties and (paid) public tours, that positions itself as a San Francisco institution with unironic civic pride.

On the day I called Stefanos, producer of the live shows Kink puts on in the castle’s gothic penthouse called the Upper Floor, it was around lunchtime. He apologized to me for the background noise; employees were rushing around him to get to the catered meal Kink offers its staff four days each week. Kink employs directors, editors, IT staff, and a talent department. They employ production assistants who double as set photographers, and whom you can watch moving furniture and props on the Upper Floor live webcams when there are no performers around.



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During Upper Floor parties, in addition to Kink's staff, there are contract caterers and bartenders on set, along with the contract actors hired to perform sex and S&M scenes with one another. Like most adult industry performers, they are regarded as independent contractors, paid by the shoot. By contrast, Stefanos and Kink's full-time off-camera staff are employees.

But Stefanos is also a performer. In addition to serving as the real-life host of the party, he told me, "I play a character who, I jokingly say, he's a cross between Tony Stark and Hugh Hefner, a guy who just throws parties at this house owned by Mr. Acworth."

The distinction isn't immediately evident to the viewer, who can't tell which role—house manager of the pornography production business called the Upper Floor, or house performer acting out a sexually dominant fantasy—Stefanos is playing as he introduces, inspects, and stimulates the performers for the party guests and for the cameras.

Like those performers, Stefanos has a profile page on the Upper Floor website, listing his gender, hair color, body type, and cock length, and an index of each video shoot he's appeared in. Fans leave him comments like "World class again Maestro" and "Truly exceptional and very educational. A big thank you for everyone who took part." He's got skin in the game, but he's also setting the rules.

This platform is Kink's product—not only its live-streaming S&M sex shows and video archives, but the promise that the sex acts on the website and within the castle walls are authentic, even improvised, and portray the models' genuine excitement. It's most important to get a real performance from people, Stefanos told me. On the Upper Floor, he explained, "People tell me they feel much more at home, and it allows people to feel more relaxed. What happens is the guests themselves just begin to play with one another, just like a play party."

But the work of producing a real performance is easy for Kink to obscure, especially within the physically dominating structure of the castle. Every Upper Floor video starts with a shot of the armory, dramatically lit, flags on its top waving, then fades to an image of the Kink logo. The leather, iron, and brick aesthetics may signal erotic torment, but there's homey consistency to the Upper Floor shows, with regularly scheduled brunches and orgies. A rotating yet recurring cast of characters appear each time and on the same sets, like the "house slaves" in the Kink uniform of black stockings with a contrasting red weft, held up by black garters. A viewer can imagine she is looking in not on a porn set but on some ongoing, unfolding sexual moment.

The work that goes into producing real sexual performances for viewers is principally the work of performers, who Stefanos repeatedly told me have their boundaries treated with respect. Performers state their limits up front and producers agree, and it would be considered unethical for producers to alter that agreement with performers.

But the boundaries Stefanos referred to were on-camera boundaries: the kinds of sex they would and would not perform. In 2010, when Kink abruptly changed the pay structure for its webcam performers on its Kink Live site from an hourly rate to a commission-only system, several models appealed to Acworth. One of the performers was fired, apparently in retaliation for her organizing with other performers to reverse the pay cut. That performer, Maxine Holloway, and three other models pursued a lawsuit against Kink, which was settled out of court.

Democratiya

The journal *Democratiya* was launched in 2005. Sixteen issues, one book, and a quarter-million readers later, *Democratiya* was incorporated into *Dissent*.

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“As models we want to perform well, we want to push our boundaries, we want to look desirable on film, so we can get paid, propel our careers, and hopefully be hired again and again,” Holloway wrote on her blog. “As a director you have deadlines, product, budgets, employees and profits that you are responsible for. Each party has their own pressures. But it is important to recognize who has more power in the situation.”

When I ask Stefanos about how he understands his job, he told me:

I’ve had people ask me, “Don’t you think you’re taking away people’s work by doing what you’re doing?” And I’m not sure that I’m taking away people’s work. I feel like, if people look at what I do up here as “evil,” the reasoning that I have—and maybe not the smartest reasoning in the world—is that if what I do is evil, I feel like I’m the lesser of all those evils. And the reason that I’m here is that I can inform everyone of the risks before they take them. And I’m not sure that everyone else would do that. I sort of feel like this would happen without me.

He was right, in that the business model Kink has adopted existed before he was hired, and the decision to cut live webcam performers’ pay at the same time the Upper Floor expanded wasn’t his to make. It’s hard enough in a business that doesn’t involve the production of a stigmatized sexual performance to talk about power, control, and ethics. But just as when Google aspires not to “be evil,” “evil” redirects us to questions of our intent, and not our impact.

Kink has long touted itself as not just a porn company but an ethical reflection of real-life kinky sex. They advertise the Upper Floor as “erotic alternative lifestyle ‘wiki culture’ at its finest; in every way, it is a collaborative enterprise created by a worldwide network of participating members.” Producing the Upper Floor isn’t limited to the work of Kink’s paid performers, that is: it’s also the work of the community members.

Stefanos uses “community” to mean both the paying members and the extras who lend their performances to parties live-streamed to members for a fee; in exchange, these extras receive a “free” membership to the site. He pitches the experience to extras as a full-service sex party, with opulent sets, expensive BDSM furniture, sex toys, a bar, and initiation into the Kink community. But the extras—unlike the paid performers who also engage in sexual performance on camera at the parties—are not regarded by Kink as performers. They are considered “guests.”

“I think in the culture of San Francisco—a number of people who come to these parties go to other parties, and they’ll pay \$25, \$50 to get into the party just to use someone’s equipment and to play and socialize,” said Stefanos. “And in some people’s minds, I think, since they are already going to be playing in public—they’re already out in some way about their kinkiness on the Internet—in their mind, this is just another play space, and the exchange is instead of giving a business \$25 or \$50, we get to have their image.”

That is, for some of Kink.com’s community members, performing on the Upper Floor could feel more like a service Kink offered *to them*. There are probably more public

sex play spaces in the San Francisco Bay Area than anywhere else in this hemisphere, but Kink's are certainly more lavish and, for some, come with a certain prestige that just having kinky sex in a homegrown dungeon—without the cameras, without the “fame”—does not. After the parties, Stefanos told me, he sometimes sends the guests still photographs that he thinks they'd like as keepsakes. They can post them to their online profiles on sites like Fetlife, on pseudonymous personal blogs, or slightly blurred on Instagram.

“This is almost the ultimate form of ‘do what you love,’” said Georgina Voss, a researcher and writer who examines how technologies are designed, interpreted, and regulated, particularly in the creative and culture industries, including the adult industry. I rang her over Skype to ask her if the porn industry was going the way of all creative industries online: replacing the professionals with amateurs. With “do what you love,” Voss referred back to Miya Tokumitsu's [essay](#) of the same name in *Jacobin*. It's easier to direct porn performers to “do what you love,” perhaps, when even the producers who depend on it don't readily regard the work of performing sex as work, but instead as sexual expression.

This reluctance, along with the various poor working conditions we're supposed to absorb in exchange for “doing what we love,” Voss said, is in a way “almost the perfect storm of what's going on in culture industries. Because what is more fun than sex—with someone you love in a really nice place?”

On the Upper Floor website, there's a map showing the location of each webcam, and I choose one to watch. Dining Room 1, Slave Quarters, the Parlor, the Lounge. It's a little like a text-based online chat world of the 1990s—a LambaMOO with real people in it. In the Lounge there's a fire lit in the hearth, or an image of a fire—it's so far across the room, it's hard to see. Four Oriental carpets lie at the edges of the cam's view, and a burgundy velvet sofa is set against one wall. A black leather spanking bench—telltale and waist-high—is just about centered in the shot. I imagine watching these cams before arriving at a shoot or a party, hanging out in these empty rooms, planning my best angles.

F. and C. are a couple from the East Coast who attended an event at the Upper Floor (and who requested anonymity in order to preserve their privacy—their names, C. explained, meaning more in a search engine than their faces). I asked them if it is obvious where the cameras are and where the room is mic'd. “No, no, no. Not at all,” C. said.

“It's obvious they were up in the walls, and we didn't have any sense of what was going on,” F. added. “And I was being live-streamed. I kind of got a kick out of the idea that people were masturbating to us.”

“It's actually really wild, because—we were told about the cameras, and we thought, that's . . . that's . . . weird,” C. continued. “But also—kind of fun. And then making it further interesting was that you didn't know where the cameras were, and you would kind of forget about them. Except—that . . .”

“I forgot about them,” F. said.

“Well, I can't say I forgot about them,” C. said, “because I think the fact that you couldn't see them made it almost all the more like, at any minute you could be on camera.”

“I mostly paid attention to the other people in the room,” F. said. “I probably thought, oh, there’s some guy in Rotterdam beating off to us now, but I’m much more interested in that guy over there who is watching.”

“We were providing a fair amount of spectacle,” C. said. The form of the production itself, she said—the not knowing what was being seen—made their labor invisible to them.

To those walking or riding by Kink’s castle in the Mission, the productions inside are also invisible. Their neighbors have no way of knowing what’s going on from the outside, but they could always watch the webcams if they’re curious. This was one of Kink’s big selling points when neighborhood activists protested their arrival: their business was discreet, and now that they’d be taking over the armory, there’d be someone with a vested interest in tending to the litter and broken windows. Kink employed and reversed the rationale commonly used by city planners and police to evict sex businesses. They’d be the good cop, keeping the streets clean and the sex out of view.

In San Francisco, as in many cities, sex—particularly anything marked as sexual deviance—is what gets gentrified *out*. Walk toward the Bay from Kink’s front door and in a few blocks you’ll pass through SoMa, once home to independent leather shops, leather bars, and bathhouses. Anthropologist Gayle Rubin has documented the community there, “one of the most extensively and densely occupied leather neighborhoods in the world,” a community dispersed through waves of gentrification and devastated by the plague years of AIDS.

“When leather bars and sex clubs were closed in the mid-1980s,” Rubin noted, “new ones did not replace them. Most were succeeded by restaurants, bars, dance clubs, and music halls catering to a primarily heterosexual clientele.” The leather community itself became “privatized,” and the sex scene moved “underground, out of sight, and out of the headlines.”

I would go to SoMa for two reasons when I lived in San Francisco. In the quiet years before the second Internet boom, I worked as an apprentice to an experienced dominatrix, and everything I would need or need to learn could be found there. In the chaotic years ramping up to mass social media adoption, though, it was startup parties that took me to SoMa—still working, only now collecting stories as a writer for a tech website. One of the last I made it to was a launch for a now-shuttered Yahoo product, held at a former bathhouse. Scores of skinny engineer boys in hoodies flocked around with drinks in hand where men once cruised. Superficially, maybe, Kink.com is in the position to combine San Francisco’s best known exports, but only once the sex has been straightened up—submissive women far outnumber anyone that resembles SoMa’s leathermen on Kink.com—and taken entirely off the streets.

The Upper Floor, with its regal affectations and exclusive invite list, classes up commercial sex, and, to a certain extent, makes it acceptable. Stefanos estimates that 90 percent of the guests at the party shoots have zero aspirations of working in porn: riffing on what he says guests have told him, he added, “It’s like, if I was getting paid for it, I’d have to think too hard about it.”

Guests, like all of us accustomed to converting our offline lives into online content, have no reason to feel they are working while on the Upper Floor. Rather, they are something like users, perfecting and performing an ideal version of their sexual selves. What’s described as a time of great innovation and disruption in online porn—user-generated content, live updates, all feeding your own platform and brand—is the

same game that is playing out on Facebook.

Before attending a party, Stefanos tells me, each guest on his list will be sent an email containing rules and requirements for the event:

... simple things like, “You have to be over 21,” “Hey, you have to have a valid ID,” “Here’s the dress code.” And then there are other rules like, “Hey, if you choose to play, here are the things you can and cannot do there in the play space.” And then I talk about consensuality, and I talk about very specific things like what fluids you can and cannot exchange, what toys you can and cannot play with. I explain we’ll be shooting video, and we’re gonna be using your image, you’re not required to play—obviously—but we’re not going to stop you.

In some cases, guests arrive at the Upper Floor with their own guests (like C. and F.) who have not seen the rules beforehand. Still, Stefanos said, before entering the live set, all guests are met by a staff member from the talent department who asks them to sign a release giving Kink the rights to their images and to complete what’s known in the business as 2257 paperwork—after a section of the law requiring that producers collect from adult performers their full legal names, home addresses, all aliases under which they have performed, and a copy of their photo identifications, information that must be made available for inspection by the government upon request. “We explain to them that the information we collect has to be kept for at least seven years,” Stefanos said.

“There may have been stuff in the papers we signed, saying we would take all precautions,” C. recalls. “But I don’t think I really would have read that.”

“I just signed them!” F. said. “It’s like the iTunes agreement.”

“Exactly! How can we just press ‘continue’?”

For a porn performer, this paperwork is just part of the job. For someone attending an Upper Floor party for the first time, this is also likely their first exposure to this system—even if they don’t think of themselves as a porn performer. The process might mirror what guests have encountered at any number of parties where by entering they waived their rights not to be photographed—or at a sex party where they signed an agreement not to take photographs—and so it might even feel familiar.

Those sex parties, however, are community affairs, held in rented spaces and produced by volunteers. Aside from the kink itself, there is little resemblance to Kink. “You are in this very controlled space,” Georgina Voss said, “which is ironically setting itself up as very liberalized. It’s not like a sex party, where you are going in and you’re having to say, ‘I will not take photos of anyone’—because that would be a dick thing to do. That’s a *private* space, where we have a social contract with each other. But the social contract we have at Kink.com is a corporate contract.”

Blurring and obscuring that contract is embedded in the Upper Floor’s business model, which treats what should be understood as its talent like participants in a sexual documentary. The performers may be acting out S&M sex they also enjoy at home, but on set, they are performing work that once commanded a fee.

To an extent, audiences don't want to know—or at least want to pretend—that what they are seeing isn't work, either. "I have members of our website," said Stefanos, "who tell me that seeing me and other real people on that porn site—not paid models, right, not professional porn stars . . . gives them comfort. People have thanked me for it." Stefanos is both a paid performer and a real person, of course. So are all porn performers.

With their "guests," however, Kink can offer those idealized "real" people, paid only in their exposure. If you aren't being paid, as Stefanos describes his audience's understanding, then you must be doing what you love. That holds true on the Upper Floor just the same as on Facebook. We're all skimming just as fast through our user agreements, unsure where the cameras will find us.

Melissa Gira Grant is the author of *Playing the Whore: The Work of Sex Work* (Verso).

Join *Melissa Gira Grant* and fellow Dissent authors *Sarah Jaffe*, *Sydette Harry*, and *Moshe Marvit* this Saturday, May 31, at *Left Forum in New York City* for [a panel discussion on labor in the digital economy](#).



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Video Released From Saturday Armory Protest; Kink.com's Peter Acworth Responds

by [Jay Barmann](#) in [News](#) on Jul 3, 2014 9:58 am

Peter Acworth Responds To Pride Prison Party Protest



The ongoing insanity surrounding the prison theme of a gay circuit party is hopefully winding down. However, some involved with Saturday's protest outside the Armory, and the subsequent arrest and brief imprisonment of three women for some allegedly violent acts against police and security guards, have kept up the fight, focusing their attention specifically on Kink.com, one of the partners in the event that started this all.

Now, Kink CEO Peter Acworth has released a video statement giving his side of the events, and expressing regrets that anyone had to be arrested. He makes clear that Kink is not looking to press any charges against anyone. But in the video, it is clear that some protesters were more in search of a fight than others.

The video above shows protesters moving metal barricades that had been set up to corral arriving partygoers in an entry line, and several barricades being moved into 14th Street in order to block oncoming car traffic. In one moment, you can hear someone shout, "We're here, we're queer, we will fuck you up!"

There is, however, no footage of anything being thrown or any guards being assaulted — Acworth says that one of the guards was punched and one of the protesters arrested, Prisca Carpenter, was arrested on suspicion of assault with a deadly weapon and criminal threats against a life, as well as resisting arrest.

Last night, some protesters returned to the 16th and Mission BART plaza for another rally, originally intended to protest the incarceration of the three protesters, who were released yesterday. Gay Shame released this flyer, noting their release but saying there's now "2.5 million more to go." Below, an image from last night's rally.



Photo: Andrew Szeto/Facebook

In summary, different factions of the LGBTQ community disagree about what makes a good party (Acworth notes that WE, the European circuit promoters Kink partnered with on this Prison of Love party, had done the prison-themed thing many times all over the world), and some enjoy a good protest on a Saturday night.

For his part, Acworth says he agrees with Gay Shame's cause, thinks incarceration is a terrible problem in this country, but it was just too late to change the theme of the party after the backlash began. Most of the 3,000 or so gay men who danced to house music in the Drill Court that night did not seem to care.

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Exclusive: Kink.com Begins Shooting In Las Vegas Ahead Of Possible Condom Law

by [Jay Barmann](#) in [News](#) on Jul 15, 2014 4:30 pm



The Armory. Photo courtesy of Kink.com

In advance of the potential passage of a state law that would require condoms on all pornography sets in California, [Kink.com](#) (NSFW!) has made good on a threat to leave San Francisco by renting a new office in Las Vegas and taking an exploratory mission there in the last week. Kink CEO Peter Acworth has issued a statement about the trip, saying the company did two full feature shoots there and did some feeling out of Nevada's permitting rules, all in preparation for a possible move if [AB 1576](#) passes the Senate and gets signed into law.

Kink bought and took over the long defunct former National Guard Armory complex in the Mission district in 2007, after the building was found to be basically impossible to reuse for most redevelopment purposes and historically protected. It had been vacant since 1975, with activists long fending off the scourge of developers looking to turn it into condos. Acworth bought the building with earnings from his then 10-year-old company for \$14.5 million. The rapidly growing porn company made use of the Armory's warren of basement rooms and large upstairs spaces for various S&M internet porn brands, and gained publicity for its titillating public tours of the place.

In 2012, they expanded with the Armory Club, taking over a dive bar kitty-corner from the Armory at Mission and 14th and transforming it into an upscale cocktail bar with an underlit amber bar, textured wallpaper, and S&M artwork.

Condoms have never played a large role in the heterosexual porn industry, and industry wisdom has been that porn is about fantasy, and condom porn doesn't sell. Tensions have arisen in the gay side of the industry since the late 1980s after all the established studios ultimately agreed to shoot only with condoms in the wake of the AIDS epidemic. Those rules have become more lax in recent years, however, as so-called "bareback" studios have taken a large portion of the market share among those gay customers who still pay for their porn online. Nonetheless, most of the largest studios making gay porn still adhere to the condom rule.

And, of course, California has a history as the country's home of porn production, dating back 40 years. While not all production occurs here, the majority of it still does, with much of the straight side of the industry based in Southern California, and the gay industry split primarily between San Francisco, L.A., San Diego, and New York.

The fight over condoms and the CA porn industry heated up last fall when the entire statewide industry had a moratorium on shooting after two performers employed by Kink were found to be HIV-positive — both were in an off-set relationship and it was determined they were both infected off-set. The ensuing panic was fueled in part by the L.A.-based AIDS Healthcare Foundation (AHF), which was instrumental in passing a similar law in 2012 requiring condoms on all porn shoots in Los Angeles County, which resulted in most companies moving their operations to the San Fernando Valley. Kink.com has long maintained a condom-only policy for gay shoots, and condom-optional for all other shoots, and like the rest of the industry requires active performers to get HIV tests every 14 days. The testing policy, which previously had been every 28 days, was instrumental in preventing transmission of the virus to any other Kink performers after discovering the status of those two individuals last August.

Earlier this year, with help from the AHF, CA Assemblyman Isadore Hall introduced his "condom bill," AB 1576, ostensibly seeking to keep porn performers from getting infected with HIV while working on porn sets. The bill also requires regular STD screenings, but would for the first time require condoms as mandatory for all porn, and making condom-free porn a crime in California. The industry cried foul, saying this was a law in search of a problem, and noting that there have been no recorded instances of on-set HIV infection since the testing requirements were self-imposed by all studios. The bill passed the Assembly and last month also passed by one vote in the State Senate's labor committee, meaning that if it passes a vote by the appropriations committee next month, it will go up for a vote in the full senate.

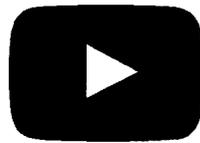
The issue has been a complicated one for legislators, because on the one hand one might see this as a fight for worker protections (which is how the AHF has been framing it). However most of the workers themselves, porn performers, have come out against the law because of the industry's own self-imposed safety measures, and because the law has the potential to drive non-condom shoots underground in California, and drive the more established players out of the state. Further complicating matters is the fact that many performers on the gay side of the industry are already HIV positive, are on medication,

and willingly perform with each other with and without condoms.

Back in April, Acworth already told the *Chronicle* and others that Kink may just decamp to Vegas and lease out the Armory as office space, if the law passes.

Today Acworth issued a statement saying, "Vegas is looking more and more attractive as time goes by," noting that the cost of doing business in Nevada is considerably lower. He adds, "We don't want to move out of California, but we will if we have to. This bill not only denies performers choice, it would effectively render most existing adult film production illegal." As spokesman Michael Stabile tells SFist, the company feels it had better get a lay of the land head of the bill's possible passage, because if it passes there won't be adequate time to relocate the business there.

And, as is his wont, Acworth has released the following video release discussing the Vegas trip.



PETITIONER'S EXHIBIT W

Interview: James Franco Talks "Kink," His New Documentary About the Infamous BDSM Adult Film Company

BY [REDACTED]

AUG 22, 2014

741

0



Be honest: You clicked on this article because it had the words “adult film” in the headline. You’re probably even familiar with **Kink.com**, the massive **BDSM** site that specializes in creative bondage and people getting fucked by all manner of industrial machinery. You’d be lying if you weren’t hoping for some just-barely SFW content to surreptitiously lurk on at your day job. And you’ll get that. But, chances are *Kink* isn't quite what you'd think.

Kink, which opens today, is an intimate look inside Kink.com, a hugely successful porn production company headquartered in the enormous San Francisco Armory. The film is directed by **Christina Voros**, best known as the cinematographer behind *127 Hours* and James Franco's adaptation of *As I Lay Dying*. Voros takes on *Kink* with an unassuming, cinéma-vérité-style, exploring the motivations and logistics behind producing some of the most extreme videos in the business. Did you know that a bank loan was contingent on performers not peeing on each other? I didn't! Did you know that you could step on a penis in stilettos and make it painless? Now I do.

Along with showing plenty of erect members and body-shaking orgasms, the film goes to great lengths to normalize and humanize an industry that most people write off as quaint or harmful. (Turns out these people actually like their jobs—who knew?) Read on as Franco and Voros discuss making *Kink*, subverting expectations, and spending hours around sex of every type imaginable.

James, how did you decide that Christina was the right person to direct *Kink*?

James Franco: I had known Christina for a while. We had done a lot of different types of projects together. We had met at film school and continued working on features and documentaries together after. We had done a documentary about *SNL*, which was an observational vérité style documentary about what how one episode of *Saturday Night Live* gets put together. We got access behind the scenes and access that Lorne Michaels had never given anyone before. And I'm happy to say that that documentary, although we made it six years ago, is finally going to come out on Hulu, I think. So we had that, and we kind of knew how to make a documentary that was a portrait of the entertainment industry.

Christina, what context for the porn industry did you have before you decided to make the film?

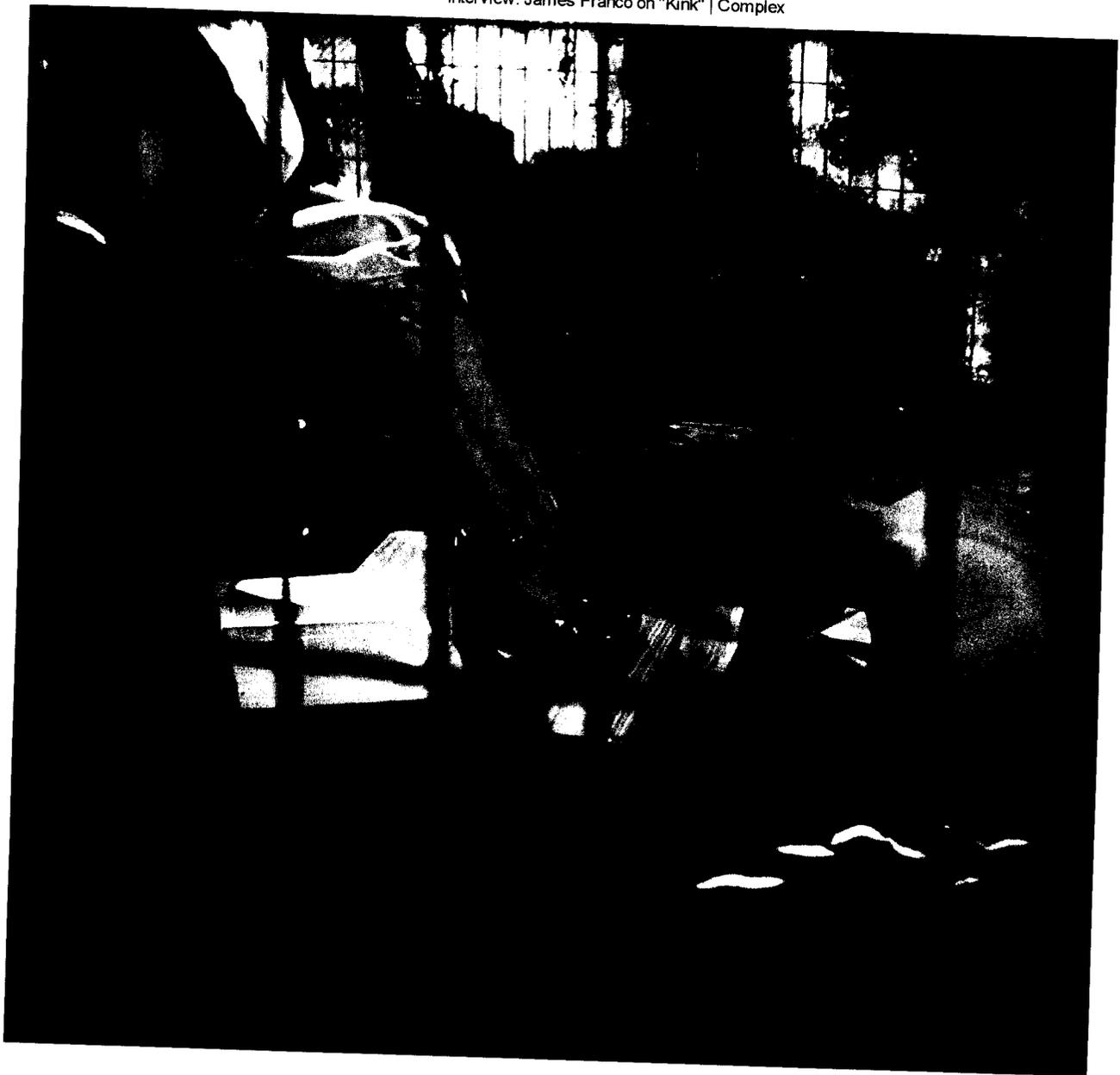
Christina Voros: I didn't have a tremendous amount of context. My experience in the porn world was in many ways what I had experienced through its portrayal in other mainstream films. When James first came up with the idea of doing the

conversation, I realized that there was so much to this world that had not been explored in films that I'd seen, and in those films had been portrayed in a one-sided way.

I became fascinated with people in the porn industry who love it, do it because they love it, and are excited to go to work everyday. They find an artistry in it. Pornographers and pornography in mainstream media have always been marginalized and potentially portrayed as [a group of] people who get into it because they didn't end up where they wanted to be. And I found that Kink was a group of people who were very smart, very capable, very brassy, very creative, very expressive, and very in love with what they doing.

James: I was doing a movie in San Francisco, *About Cherry*, directed by the writer Stephen Elliott. He had connections with Kink and we shot in there. Between set-ups, one of the guys from Kink, Duke, asked if we wanted to go on a tour. So he showed me around the facility and it was amazing. Five or six stories, there's like an earth floor in the basement with a little river! They make their own props there. We watched them make a video and it was like, immediately we should examine this. Not only is this facility kind of amazing, but the [energy] on the set was so interesting.





What sort of scene were they shooting?

James: They were making some hardcore video like they normally do—it was a girl in a cage. The set-up was, she was kidnapped or something. When they were making the video in front of the camera there was this master-slave dynamic, but when they called "Cut," behind the scenes there was this completely different dynamic. They were like a team, or in a lot of ways a regular film crew that I was used to. They were all talking about how to put the scene together or asking what they'd do next. Later what we learned, when Christina shot the movie, was that the submissive performer is actually the one in control, because that is the person who can say, "I'm not going to do that," or, "Stop," or whatever.

Christina, when you approach something like this film, how does it differ from how you're shooting on the set of a drama?

Christina: I think when it comes to the work that I've done with James, our goal is to create an atmosphere where people can be themselves and be relaxed. That's very much the environment he seems to create on his narrative sets. For our documentary work, you're still trying to back off and be a fly on the wall so that the performers on the set can forget that you're there.

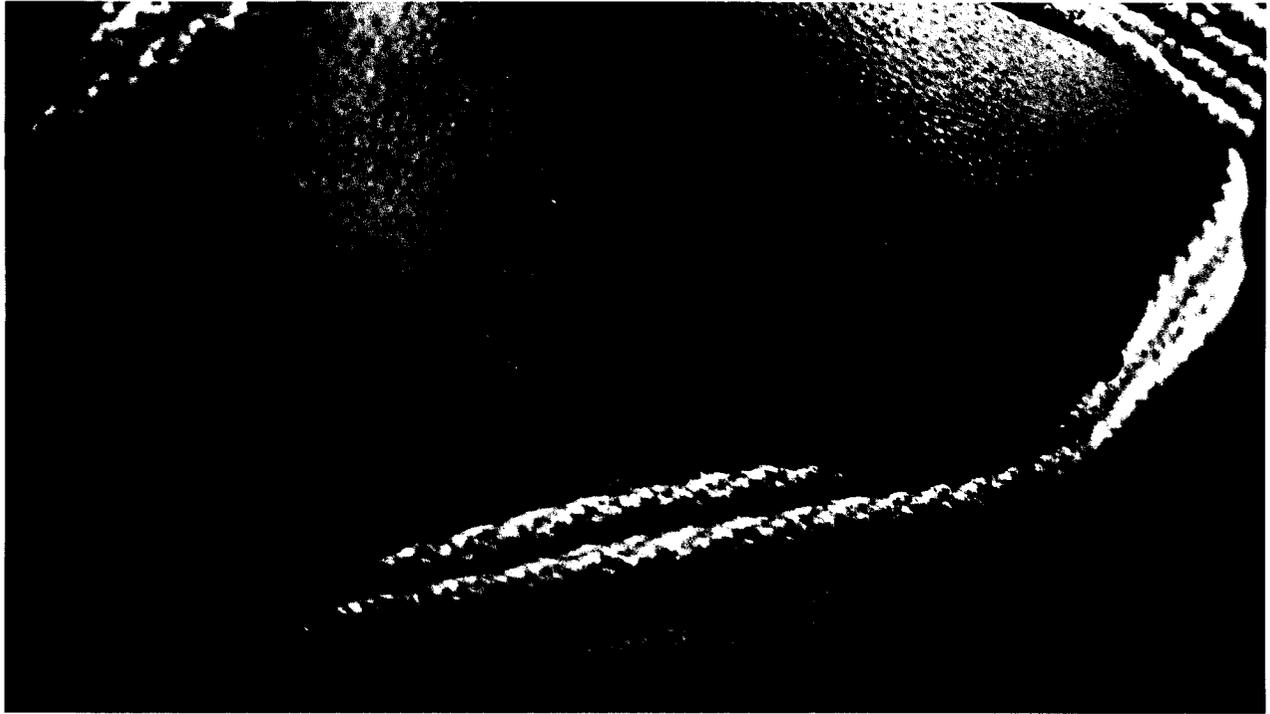


Is there any point where you are around a porn set where you stop thinking, "Whoa, I'm watching people having sex"? Is there a point where you start to view it more objectively?

James: It's surprising at first, but you kind of get used to it in a weird way.
[Laughs.]

Christina: I think it helps to have a camera in your hand, too. And this goes for anything that's shocking, whether it's violence or poverty or pornography. You're looking through your frame, you're making sure it's in focus, and you're following

the action. In some ways it's more shocking or jarring. I tend to spend so much time trying to be invisible that I'm insulated from how intense what I'm watching actually is.



What was the most shocking or surprising thing that you learned while filming the documentary?

Christina: Coming to terms with the misconceptions or assumptions I had about the industry going in, and weighing that against how similar what these directors are doing is to what I do every day. It's the sense of purpose or aspiration and creativity coupled with having an audience to please. I came out of it realizing that what we're doing is very similar, we're just doing it in very different worlds.

James: For me, I was so impressed by the endurance that these particular performers have. So much of this involves pain and the audience is so aware of authenticity. You'd never go to porn to watch good acting, but here in these kind of films, a lot of what you're looking for is the actual pain. They're more aware of when it's being faked or not. So it's this really kind of intense, almost endurance performance in a lot of ways. It's just this side of these things Marina Abramovic did early in her career. That was really fascinating for me.

PETITIONER'S EXHIBIT X

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Michael Thomsen (<http://www.forbes.com/sites/michaelthomsen/>) Contributor

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TECH (/TECHNOLOGY) 11/20/2014 @ 2:30PM 1,328 views

Of Bondage And Business Management: How The Internet Turned Kink Into An Industry

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I have always suspected that what now passes for kink used to just be called sex. After 20 years of living with the mass Internet, sexual experimentation has become a specialist racket, a place one visits if one can afford the gear, like a scuba diving vacation in the Caribbean. The times have made us bizarrely conservative as a precondition to selling us back normalcy as if it were an exotic good. Kink.com is among the biggest industrial authorities on sexual deviance. Famously run from the abandoned Armory building in San Francisco's Mission District, the company began under the name Hogtied.com in a dorm room at [Columbia University \(http://www.forbes.com/colleges/columbia-university-in-the-city-of-new-york/\)](http://www.forbes.com/colleges/columbia-university-in-the-city-of-new-york/) in 1997. Peter Acworth was in his first year of a PhD program in finance and decided to mix his interests in bondage and [business management \(http://www.forbes.com/business/\)](http://www.forbes.com/business/) [management \(http://www.forbes.com/management/\)](http://www.forbes.com/management/).

It was an elemental period for the Internet, millions of people were gaining access but there was still an uncertainty as to what one should expect from that access. A few clicks away from the rickety monoliths of [AOL \(/companies/aol/\)](http://www.forbes.com/companies/aol/) [AOL +0.06% \(/companies/aol/\)](http://www.forbes.com/companies/aol/) or [Yahoo \(/companies/yahoo/\)](http://www.forbes.com/companies/yahoo/) [YHOO +1.98% \(/companies/yahoo/\)](http://www.forbes.com/companies/yahoo/)!, it was obvious that the reason for the Internet's

existence hadn't actually been invented yet, and so everyone milled past one another, exchanging micro-experiments and general enthusiasm for things that seemed trivial or in poor taste everywhere else.

This spectacle at the margins of social acceptability became the foundation for a new generation of authoritative cultural brands. The veneer of sobriety and skeptical disengagement that characterized offline media was flooded by manic enthusiasm for the unsightly or unconsidered. The Internet worked best not when it sought to replace old forms of media but when it became a garish bazaar of everything old media had no room for. It was an industrial phenomenon to extract mass market value from everything that had no yet been commodified into a profit-driven symbol of its former self. If there was a way of finding a General Motors of paraphilia, it would have to run through the Internet. Acworth was the perfect combination of entrepreneur and naive enthusiast that would make this industrial transformation possible.

Captured in *Kink*, a new documentary by Christina Voros, director of the award-winning short film *The Ladies* and cinematographer of the forthcoming *As I Lay Dying* and *Child of God*, Acworth's creation appears as less of a corporate entity than a guild of directors who occupy their own particular subsets and are responsible for making several new movies each week for their own subsites. Alongside the enduring Hogtied.com, Kink hosts more than 30 specially focused sites including Water Bondage, Naked Kombat, Sadistic Rope, Dungeon Sex, Foot Worship, Electro Sluts, and Butt Machine Boys. Though each of these sites appear as their own self-contained entity, they are all run from the same servers, administered by the same support staff, and use shared cameras, editing bays, production staff, and prop vaults as all the others.



Hard at work or hardly working? Image via Kink press kit.

Kink is an earnest and straightforward look at the business of binding, spanking and electrocuting the nude. It's a glib catalog of vocational details accumulated from extended time in Kink's office space, a fabric of voyeurism assembled from a neutral distance that feels more like conflict-avoidance than active engagement with a subject and their claims. There is a palpable incuriosity about the larger context in which Kink operates, with little reportage outside of Kink's office, nor even an perceptible aesthetic framing of its subjects within an intimate point of view,

no contextual marks like Errol Morris's jagged jumpcuts and awkward silences, nor the gothic sublimity of Pumping Iron's silken monstrosities disappearing into pools of staged shadow. The movie is thankfully explicit and unsensational, neither underemphasizing the nature and intensity of each shoot nor overstating the symbolic significance of any scene.

The movie unsentimentally captures the interplay of sex and wage labor, implicitly pointing to a baseline of sexual normalcy in order to sell the marketable novelty its transgression. Like many other sex sites, the industrial demands to maximize output while minimizing production costs have essentially collapsed video production and photography into one conjoined labor, with individual stills for photo galleries harvested from movie sets, a reasonable corner-cutting reflective of what matters most in the company's approach to sexual media.

In a statement released alongside promotional materials for the film, Kink.com said its most important corporate value was upholding "a safe, sane, and consensual environment." Like most values, these are more aspirational than actual. The pressures of casting for several shoots a day are immense, ensuring most performers have little rehearsal time, are hastily screened, often don't meet their director until the day of the shoot, and are given only a safe word to use in case something in a scene is no longer tolerable. Kink's pace of production remains so high it guarantees none of the bureaucratic structures necessary to practicing those ideals are economically viable—longer periods between casting and filming, extended rehearsal and planning periods, shoots spread across multiple days to mitigate the pressures of wanting to soldier through to keep the crew and director happy, resources for counseling both before and after the shoot to ensure each performer's personal history is honored and protected throughout the shoot.

Continue
(<http://www.forbes.com/sites/michaelthomsen/2014/11/20/of-bondage-and-business-management-how-the-internet-turned-kink-into-an-industry/2/>)

PETITIONER'S EXHIBIT Y



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Gay Friendly Actor/Director James Franco Produces Documentary On Kink.com

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James Franco, the producer of "Kink," admitted in several interviews that it was his visit to a porn/fetish set which inspired the making of the film "Kink." Franco, an acclaimed actor who has lent his name to a number of gay themed films, said that the most fascinating aspect of his peek inside the studios of fetish

auteurs Kink.com was how similar the onset dynamics were to what he saw back stage when he hosted Saturday Night Live.



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Everyone Franco met at Kink.com's San Francisco headquarters was there to produce the best possible product. Though models were often tied up and beaten on camera, they were all there by choice – this was what they wanted to do. All scenes were discussed and carefully rehearsed prior to filming – models were questioned as to what they were comfortable with and which acts they were willing to perform.

Franco soon returned to the Kink studios with a documentary film crew in tow.

Kink.com is one of the porn world's most popular and successful producers of fetish porn. The company is headquartered in one of San Francisco's most historic buildings –the 100 year old Armory, which was once the home of the SF National Guard. Playboy Magazine reports that the Armory has also served as a sound stage for some of Star Wars' interior shots.

"Kink," the film, is graphic, and may shock people who aren't into the fetish lifestyle. During one sequence, a model is hung upside down via chains, her legs "forcibly" spread wide apart. But, as we soon see, her director is quite attentive of her needs and of her well being – she is asked in between shots if she's OK. She and other models can call cut at any time.

Director Christina Voros moves between gay and straight fetish sets. On both sides, the atmosphere is laid back and respectful. Some of the models speak about their choices: a gay model hopes to become a Yoga instructor. A straight female model speaks lovingly about her three school-aged children.

Throughout the proceedings, all the models make it clear that they are there because they want to be there. They can walk out the door at any time. Tomcat, a female-to male transgender director, speaks eloquently about the misguided notion that models need to be "protected."

Voros offers no judgements, but simply shows what is. When Kink CEO Peter Ackworth takes Voros on a tour of the building, or when Voros points her camera at a production meeting, we see that Kink is first and foremost a business, run like any other.

Yet the S&M stigma remains. "If this were high school, we'd be the Goth kids," observes one director.

Kink is now available on DVD.

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PETITIONER'S EXHIBIT Z

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Where San Francisco's Mountain Lion Has Been Spotted

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Health / Porn

Kink.com 'Absolutely Opposed' to Strict Safety Regulations Proposed for CA Porn Performers (Updated)

Posted By Julia Carrie Wong on Thu, May 28, 2015 at 1:06 PM

Search

Do you think the new health and safety standards for porn performers proposed by CA are too strict?

- Yes, they are ridiculous
- No, only way to protect performers ...
- Indifferent



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California's Division of Occupational Safety and Health has proposed strict new health and safety standards for porn production after five years of study and debate, the **Los Angeles Daily News** reports. The draft regulations, embedded below, are intended to protect porn performers from sexually transmitted diseases such as HIV and hepatitis B.

Included in the rules are guidelines for handling clothing and props that come into contact with blood or other bodily fluids and a requirement that producers pay for workers' doctor's appointments and hepatitis B vaccines.

According to the **LA Daily News**, some in the industry are unhappy with the strict regulations:

"These are regulations designed for medical settings, and are unworkable on an adult film set — or even a Hollywood film set," Diane Duke, CEO of the Canoga Park-based

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Raymond Chow Finally Gets His Wish

Free Speech Coalition, said in a statement.

BoingBoing pointed out that one of the rules might require performers to wear protective goggles, which could work for a sexy scientist scene but might be out of place in other films:

Personal Protective Equipment.

1. Where occupational exposure remains after institution of engineering and work practice controls, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, condoms, gloves for cleaning, and, if contact of the eyes with OPIM-STI is reasonably anticipated, eye protection. Personal protective equipment will be considered "appropriate" only if it prevents blood or OPIM-STI* from passing through to or reaching the employee's eyes, mouth, or other mucous membranes, or non-intact skin under normal conditions of use and for the duration of time which the protective equipment will be used.

Other rules seem like a big win for workers in the porn industry, requiring their employers to pay for medical services during working hours:

The employer shall establish, implement and maintain a system of medical services and post-exposure evaluation and follow-up for all employees who have occupational exposure. All medical services required by this section shall be provided at no cost to the employee, made available at a reasonable time and place and during the employee's working hours, performed by or under the supervision of a PLHCP, and provided according to the requirements of this section, and the recommendations of the CDC and CDPH current at the time these evaluations and procedures take place.

San Francisco is home to a major porn producer, Kink.com, which operates out of the Armory building in the Mission. SF Weekly has reported on **safety concerns by workers at Kink** in the past. We reached out to Kink for comment on the new regulations, and will update this post if they respond.

UPDATE:

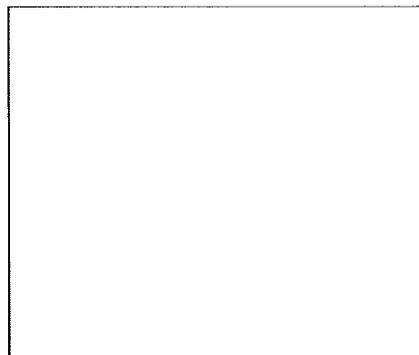
Michael Stabile, a spokesperson for Kink.com, responded to our query with the following statement:

We're absolutely opposed to the new regulations proposed by Cal/OSHA. They're based in stigma and threaten to make working conditions less safe for adult performers. Because everything we do at Kink is based in consent, we can't support regulations that remove performers' control over their bodies or forces performers to disclose medical information, for instance. It's important to note that these are regulations to which performers have been vocal in their opposition, including APAC, the main performer group....

That said, we're not opposed to regulation itself. But they have to be workable by adult performers. They can not be hospital ward regulations grafted onto an adult film set. When we saw the proposed regulations, we came together with performers and performer groups, STI experts, civil rights organizations, and health advocacy groups like the San Francisco AIDS Foundation and the Gay Men's Health Crisis to revise the proposed regulations in a way that increases performer safety, but also preserves their autonomy. Those revisions were presented at the Cal/OSHA board hearing last week, and we hope to be engaged in active conversation with them over the next few months.

APAC is the **Adult Performer Advocacy Committee**.

Proposed Health and Safety Standards for Porn Shoots



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Facebook social sharing widget for 'The Snitch' page. It includes a profile picture, a 'Like Page' button, a 'Share' button, and a prompt: 'Be the first of your friends to like this'. Below this is a row of small profile pictures of friends. The page name 'The Snitch' and '4 mins' are also visible.

SLIDESHOWS

Slideshow section featuring two image thumbnails. The first is titled 'The Smashing Pumpkins & Marilyn Manson' and the second is 'Anime Expo 2015 @ Los Angeles Convention Center'. A 'More Slideshows »' link is located at the bottom right.

P ETITIONER'S EXHIBIT AA

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SF Armory

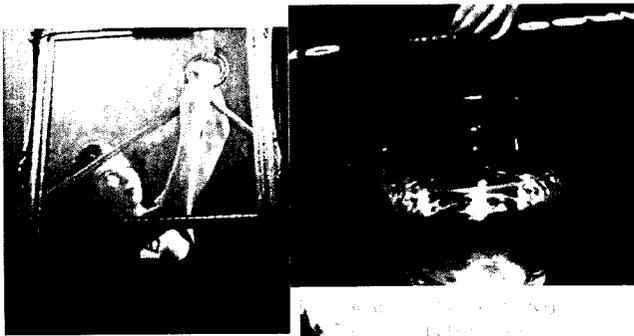
★★★★ 286 reviews Details

\$\$ - Adult Entertainment, Tours Edit

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b/t 15th St & 14th St in Mission
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armorystudios.com



"Thank you Peter and **kink.com** for preserving and keeping this historic building beautiful!" in 50 reviews



"It was a trip to see the **sets** where some of my fav scenes were filmed." in 57 reviews



"Kink .com, **porn studios**, SF history up the butt, and loads of fun. . ." in 15 reviews

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Yi Z.
San Francisco, CA
358 friends
1809 reviews
Elite '15

★★★★★ 3/26/2015

I bought a LivingSocial deal for four and convinced three of my friends to check out the Armory with me. I'm not shy when it comes to stuff like this and I was really looking forward to the tour. I have to admit that I had watched some of kink's videos even before I moved to the City and when I drove by the building for the first time, I was excited as if I had just seen a celebrity.

The tour takes you to many of the sets in the building but there's no filming going on at that time so you need to use your imagination to understand what's going on. The tour guide did demonstrate the use of the St. Andrew's cross gently on a tour participant but of course, it was all consensual. I didn't realize how many separate websites the company manages and I guess there are some people with very odd interests out there. I'm not into electrocuting people but if you are, hey they've got a website for that.

It was very informative, eye-opening (for my friend), and a lot of fun. I highly recommend the tour!

Hours

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- Has TV No



Jennifer s.
First to review

From the business

Take a tour of the historic San Francisco Armory located in the heart of the Mission district. The Armory tour is led by employees of Kink.com, the adult video production company that ...

Learn more about SF Armory

People also viewed

as a cam model for kink.com and was really open and patient with answering any and all questions about the industry and kink. The amount of detail that many of the sets had were impressive and I love that they utilize much of the original architecture.



Pam S.
San Francisco, CA
263 friends
471 reviews
Elite '15



12/27/2014

My ever curious mind and willingness to explore the dirty :)

Ok, disclaimer of the night - despite of how Groupon would describe this deal, as it being a military tour and such, it only is by 10%. This a porn company tour. Yes, people walk around here naked, engaging in "miracles" while being filmed. So don't be shock! Oh, and it's not just your typical porn. It's the BDSM type. If you don't know what that is, start googling.

This place is huge with plenty of sets. We visited a couple but I feel we didn't really get to see most of them. It was unfortunate that there was no filming the night we came. A friend told me there is no way we'll be able to see a live scene in action but I thought it would be cool to know something is going on in one of those rooms.

There's a lot of narration about the armory itself and the porn industry. Very interesting indeed. I'm glad I was on the tour.



Hannah C.
Beaumont, CA
0 friends
6 reviews



3/14/2015

I came out from Southern California just for this tour! I just recently found out it was available to tour and had to jump on the opportunity immediately. Our tour guide Susan was very informative, upbeat and fun. She was more than happy to answer any questions we had. You can tell she loves the company. It was so awesome to see this business behind the scenes and I'm really happy I checked it out!

Two things that upset me a little.

1. I didn't meet the cat
2. I don't work for Kink.



Ilya N.
San Francisco, CA
5 friends
2 reviews

2/10/2015

Let me preface this with the fact that I never actually got to the tour.

I booked two tickets for the fifteenth at five pm. Imagine

my surprise when I receive an email on the eighth, asking me to rate my experience. On the tour I hadn't been on. Since there isn't a phone number you can call (great job there), I sent an email asking to confirm my tickets for the fifteenth.

Then I was introduced to Nic. Nic is a such a pleasure. I have never been talked down to like that since I was in grade school. I basically received a gigantic "fuck you" (ironic, considering their line of business). He told me I had missed my opportunity to fix the problem (before the eighth. Which I didn't know was the error until after the fact). Will my reservations be fixed? Of course not! Will I be receiving a refund? Don't be absurd.

I had been really excited about visiting the Armory. Sucks for me.



Comment from Armory T. of SF Armory
Business Manager

2/24/2015 · Ilya,
I am very sorry that our correspondence read as condescending. Striking a balance between... Read more



Nina Y.
San Francisco, CA
410 friends
741 reviews



2/7/2015

A friend had some free tickets and wanted me to come along for the ride.

The text I had gotten was..

Friend: "You busy tonight at 8pm?
Me: "Depends on what I'm doing haha. Not too busy..."
Friend: "Been to the army before? ;)"

With that winky face, I knew I was getting myself into something...different? I had to look it up, but it seemed like a fun Friday activity with friends. Apparently, the armory is a good date place? I swear we were with all couples.

The location is really historical and our tour guide, Dusty, was very knowledgeable about the place. The historical area related to the military there before, but also what goes on in each of the rooms now - at least typically. Dusty works for kink.com and was very knowledgeable about the whole thing. She was fun and interactive with us. Had us ask questions and take a ton of pictures. The sets were very interesting (all BDSM related). Since they cannot change any of the structure in the actual location, they either build out more items, or they just use the original architecture which makes things really cool.

Overall, nice tour, always interesting to do the very San Franciscan things.



Connie K.
Santa Clara, CA
18 friends
37 reviews



2/16/2015

This review is for the studio and building tour.

There are lots of opportunities for this tour to be awesome, but it failed short, far short. If it was free then I would say 'meets expectations'. But it's not free and I expected them to take more care in crafting a tour that works your imagination. The same way Universal Studios (ok their tickets cost way more) or even Mardi Gras World (around the same price) in New Orleans uses simple techniques to bring you to imagine the reality of what happens within their walls and their city. Considering Kink is an entertainment company I expected better. Maybe it's just the tour guide's lackluster attitude. But the flow and organized elements of the tour were all falling short

be so touchy since we could see stains here and there, which we carefully avoided.

The area I enjoyed seeing the most was the underground river that was touted in the Groupon description. Really eerie to see it still running in the basement of a building, even scarier with all the water damage on the walls from when the whole basement was flooded.

Oh, and though the reservation email makes them sound strict about latecomers, they'll actually let you in. We got there ten minutes late and the guard kindly let us through. We did miss the intro in the reception area, but we didn't mind. Still, I recommend getting there early like the email says, at least to ensure you get parking.

After the tour, stop by the Armoury Club (their corresponding bar) on the other corner of the street. Really beautiful decor.



Dustin H.
Foster City, CA
115 friends
207 reviews

1/15/2015

I came on a tour here with my dear friend and it was really interesting. Our guide, Susan, was very knowledgeable and informed about the history of the building and the goings-ons of Kink...

I am man enough to admit that I have seen some of what Kink.com has produced, so it was "nice" to provide context to their sets. It was actually really good to know how much they care about their models and providing education about a pretty taboo subject.

The tour lasted about 1 hour, but I think it was supposed to be more like 75 minutes, but we weren't allowed upstairs since they were having some kinky, Downtown Abbey live-streaming sexy thing (no joke), but I would've liked to have seen that. Sans all the kinky stuff. I highly recommend this tour. It's nice to know that a SF cultural institution is still thriving despite many other SF cultural flavors being snuffed out by gentrification.

Danielle A.
San Francisco, CA
13 friends
154 reviews

3/15/2015

It was fun to see the building and some sets. But overall there wasn't a lot of energy on the tour, kind of just see one room after another.

Did not see any filming.

I guess it was good to check out once.



Tim H.
San Leandro, CA
141 friends
50 reviews

12/8/2014

The Armory is, of course, now occupied by Kink.com, they adult entertainment empire (i.e. porn moguls).

The tour is not so much of the building as history, but of the resident business which includes lots of sets, props, cages, and more props. That you are in a historic building is an integral part of the tour and the tour guide we had, Danielle (?) who was fabulous and knew an immense amount about both the building, the business, and... well, sex.

In fact, the real charm of this tour is the titillation of being on a porn set, hearing someone unabashedly describe sex acts that many people never even imagine, and seeing behind the scenes.

It is a beautiful building and the tour is worth going on. I recommend it. And thanks to Kink.com the Armory is both

being maintained and is in active use. Bravo and...
encore.



Mindy E.
San Rafael, CA
25 friends
13 reviews



2/28/2015

A big disappointment. The tour guide Danielle, obviously a cute girl, looked like she just rolled in from a baseball game. Crappy faded mom jeans and crappy tennis shoes. There was nothing particularly exciting about the tour. The best part was the art work which we could have viewed on our own. We were brought into various rooms and told what happened there, it would have been great to have some models there demonstrating the various contraptions. I'd pay \$100 for that tour.



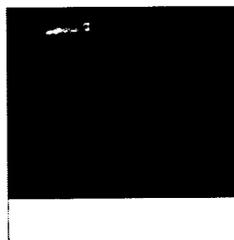
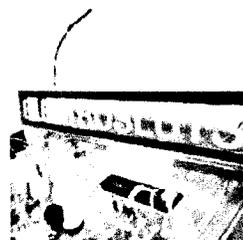
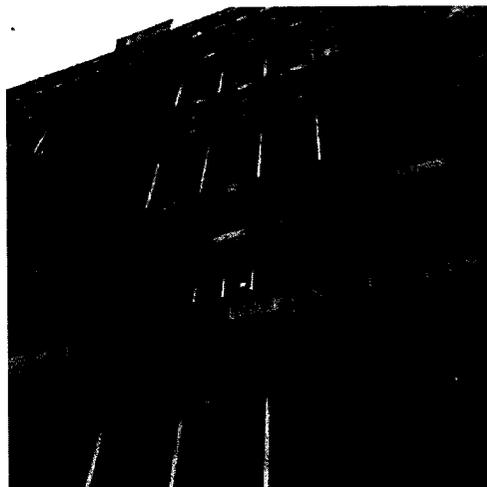
Chelsey G.
San Francisco, CA
299 friends
484 reviews
Elite '15



7/21/2014

Listed in Date Ideas That Will Get You SumSum

I am willing to admit it. I love kink.com. I also love SF history & architecture so this tour was right up my alley. It was a trip to see the sets where some of my fav scenes were filmed. Our tour guest was well spoken and knew her stuff. It was refreshing to chat about and learn about bdsm in a normalized way with like minded people. I really hope Kink sticks around in Armory. The tour is an off the beaten path date idea for a couple with a freaky deaky side, plus you can grab drinks at the Armory Club after. Metered parking was plentiful, the tour is about 90 min and you must be 18 and over and make reservations on their site. A must see if you about dat lyfe.



See all photos from Chelsey G. for SF Armory



Mike S.
South End, Boston, MA
3 friends
15 reviews



11/25/2014

So if you're a bit conservative and buttoned up tightly, then this tour is NOT for you. If you're out to have fun and enjoy a walk around a beautiful building with alot of history and enjoy talking about porn, then this tour IS right up your alley.

VIP area :)

They separated the 40,000 square foot space into 9 Houses where we could explore all of the goings on and appreciate the variety of costumes around us.

If you're looking for your next giant party venue, you've found it here!



Jennifer L.
San Francisco, CA
209 friends
643 reviews
Elite '15



2/24/2014

I bought an SF Armory tour off of either Groupon or Living Social a while ago and did the tour, but it looks like you can buy it through Yelp now, too!

I can't believe it's taken me this long to write a review. I came here on a Sunday when parking was still free and parked easily on Sunday morning. The downside was that I was incredibly hungover and probably should have kept sleeping... but we already had reservations for the tour, so I couldn't back out!

It seems like everyone else has pretty much explained this tour in detail, so all I'll really say is: DO IT. You can always leave if you feel uncomfortable. My tour guide could tell that I needed to vomit every 30 minutes, so she kindly directed me to the bathrooms on each floor without me having to ask. AND SHE PASSED NO JUDGEMENT. So that was nice.

My favourite floors were the top floor (which is a room with a 24 hour live feed, so you will be online), and the basement (which is pretty creepy because you can see where the river / creek used to run underneath). The tour guides do a pretty good job of telling you about the history of the Armory itself, which is cool if you're interested in SF history at all.



Michelle D.
Mountain View, CA
41 friends
136 reviews



10/23/2014 · Updated review

Purchased a Yelp Deal

We just attended a tour of the haunted event a few weeks ago.

So much fun! You wont forget it and you won't need therapy from it :)

Great for our date nights. Easy park
Excellent performance :) Very very well done.



10/20/2011 · Previous review

Excellent tour! Great for date night:) Very professional and fun :)



P.S.
San Francisco, CA
7 friends
97 reviews



1/11/2015

Fun and fascinating tour for the open-minded. If you aren't comfortable with the extreme edges of human sexuality, this tour is not for you. The Armory is a wonderful old building, but our large Meetup tour was more focused on the Kink.com and BDSM elements. Our guide, the lovely Miss D., was charming and knowledgeable, if a bit strict. I would've liked more time to explore and take pictures. The tour definitely whet my appetite and I would love to return and explore more.



Yiven C.
San Francisco, CA
35 friends

1/2/2014

162 reviews
Elite '15

Purchased a Yelp Deal

The Pleasantries (+'s):

- + GREAT TOUR. Lounged in the kitchen and our guide whisked us to all the rooms in a historical brick edifice that was once used by the SF National Guard. See rooms transformed to bouncy hardwood floors, slaughterhouse, operation room, padded asylum and more.
- + ENTERTAINING for yourself and a date. There is plenty of time to explore and perhaps take a peek at a script. Well not much words but heck there is some story.
- + EDUCATIONAL. Yes. Behind-the-scene story of how the SF Armory became Kink.com's headquarters is an interesting tale. There is time to explore the rooms and props.
- + VENDING MACHINE spits out plenty of goodies for cheap. Saw oatmeal packets and soda for 25-50c.
- + SIGN UP SHEET. Must do if you want to participate in their future films or get on their mailing list for a variety of events and workshops.

The UNPleasantries (-'s):

- COLD BATHROOMS.
- WAITING for the latecomers. There was a big deal about being on time and a bit frustrating to have to wait for everyone to show.

TIP: Book tour in advance. They sell out. After the tour grab a drink at The Armory.



John S.
San Francisco, CA
8 friends
2 reviews



12/17/2014

Took a girl here on our first date. Really breaks the ice and sets the tone for the rest of the night. The tour is much better than doing something normal like dinner and a movie. And really, if you are like me and are kinda awkward when meeting someone, the tour is perfect because you aren't really talking, just smiling and smirking at each other.



James Z.
Tampa, FL
2 friends
8 reviews



6/5/2014

Purchased a Yelp Deal 1 check-in

When you paid 25 bucks for a tour to the biggest BDSM site, you wouldn't imagine the place to be so... normal.

The tour starts after most scenes are done shooting, and if there is one left they make you wait til it does to start. You won't meet any porn stars, or any actors, or mostly no one in the building except your guide.

All the rooms are mostly just settings and themes. All of them very clean and no toys in them.

Our guide didn't surrender any funny and/or kinky stories that happened here. She did spent a lot of time talking about the charity Kink is currently doing.

So the tour is, in a nut shell, roaming in an old historic building seeing a lot of empty rooms and listening to some not very interesting stories. Not worth the money in my opinion.



Amy T.
Chicago, IL
2 friends
34 reviews



6/3/2014

Purchased a Yelp Deal

Me and hubby visited SF in May 2013 and were looking for something different to do after biking the bridge and hanging in Dolores Park. I'm so glad I found this Yelp deal, because I would have never guessed I could tour a

wide and varied the interest was too. Check it out if you get a chance!



Karen L.
Oshkosh, WI
45 friends
374 reviews
Elite '15



10/22/2013

Having come all the way from Memphis, I found this tour to be a bit of a disappointment. For \$50 for two of us (plus \$2.50 credit card fee -- way to nickel and dime us, guys!), I definitely expected more.

Now, the instructions sent with the purchase confirmation clearly state that you should arrive 15 minutes early to get carded and sign the waiver, and that late arrivals would not be admitted. Well, arriving at 5:45pm (after struggling to dig up enough quarters for street parking) got us nothing but a wait on the Armory's front steps with security giving us the hairy eyeball.

No one was admitted until almost 6pm (the stated start time), and our tour guide didn't even get things started until close to 6:15pm. Adding insult to injury, I noticed several latecomers join our group well after we went downstairs and entered the first set. Kind of frustrating, considering the nearly half hour we'd been waiting around!

Plus, we were hustled back upstairs at 7:20pm and politely told to get the heck out, so the supposedly 90 minute tour was more like an hour -- while I get that our guide Nic was probably tired, well, you're the one that scheduled an evening tour, not me! I just wanted to have fun and get my money's worth, and sadly that did not happen.

Now, the Armory itself is pretty cool, and Kink is definitely making good use of the building. Seeing the area of the basement with an actual creek running through it (!) was really neat, and many sets take full advantage of the existing infrastructure. That being said, it was disappointing that the tour moved so slowly -- spending 15 minutes sitting in the bar set felt totally unnecessary, especially given that there's one across the street where you can actually drink!

Someone in our group asked to see the art department, so they were obliged (it's just a giant wood and metal shop -- not exactly thrilling viewing), but when I asked Nic if we would be able to make it to the Upper Floor, she dismissively said probably not, and seemed to have no interest in hustling us along so we could all see more.

For a porn studio tour, I didn't see much of anything to write home about other than a few cages and a closet of implements (we never made it out of the basement). I understand that tours are probably scheduled around their filming, but I really expected to see something more exciting, especially after a warning about not taking anyone's picture without their permission -- uh, we didn't SEE anyone. Though we did get the message loud and clear not to take Nic's picture, not that anyone was trying to.

While we sat in the bar, Nic discussed how scenes are created -- the model fills out a limits checklist (a "yes/no/maybe") and then works from the director from there. Wow...they ask the model what they want to do...pretty crazy... I still don't have any idea of how a director really decides to structure, say, camera angles, set dressing, etc.

Overall, I was disappointed. I was psyched up for an awesome time, and that just didn't happen. Props to Kink for opening their doors and trying to demystify what they do, but they've got a ways to go still.

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

Cybernet Entertainment, LLC

Petitioner;

v.

Balance Studios Inc.

Registrant.

Cancellation No. _____

In re Registration No. 3958399

For the Mark KINK ACADEMY

Registered On May 10, 2011

Box TTAB - Fee
Commissioner for Trademarks
2900 Chrystal Drive
Arlington VA 22202-3513

PETITION TO CANCEL

Petitioner Cybernet Entertainment LLC, the registered owner of KINK.COM, Registration Nos. 3379745 and 4758649, (hereinafter "Petitioner") believes it will be damaged by the continued registration of the design mark KINK ACADEMY, Registration No. 3958399, registered May 10, 2011 (hereinafter "Registration") by Balance Studios Inc., located at 411A Highland Avenue, #101 Somerville, Massachusetts 02144 (hereinafter "Registrant").

Petitioner hereby petitions to cancel the Registration pursuant to Section 14 of the Lanham Act, 15 USC § 1064. The grounds for cancellation are as follows:

I. Introduction

1. Petitioner reasonably believes that continued registration of the term KINK ACADEMY for Registrant's services is causing and will continue to cause it direct and ongoing injury.

2. Petitioner has been precluded from registering its' mark, KINK UNIVERSITY (App. No. 86246402), based on the United States Patent and Trademark Office ("USPTO") determination that consumers would likely confuse that mark with Registrant's design mark, KINK ACADEMY.¹ (Ex. A.)

3. Because the terms "UNIVERSITY" and "ACADEMY" have each been deemed "merely descriptive" by the USPTO, with Petitioner and Registrant each disclaiming any right to those terms respectively, and because Registrant has explicitly disclaimed any exclusive right to the term "KINK" (Ex. B)², the question as to whether registration of KINK ACADEMY should be cancelled hinges on whether Petitioner has established rights to the term "KINK." (Ex. C.)

4. This question has been answered in the affirmative by the USPTO, who determined on April 14, 2015, that the term **KINK has acquired distinctiveness associated with Petitioner**, through Petitioner's longstanding use of its registered mark KINK.COM. (See Ex. A.)

5. After receiving the determination that it had acquired the right to the term KINK in April 2015, Petitioner attempted unsuccessfully to negotiate an alternative to this litigation with Ms. Erin Balch, also known as Kali Williams and/or Princess Kali, who claims to be the owner of KINK ACADEMY.

6. According to a public records search, the domain to Registrant's website www.KinkAcademy.com was not purchased until April 16, 2007.

7. Petitioner on the other hand, acquired the domain name www.KinkUniversity.com nearly 60 days earlier on February 19, 2007, after having provided educational videos and resources to the public through KINK.COM for over a decade.

8. Because Registrant has failed to negotiate in good faith with Petitioner, despite Petitioner having acquired the rights to the term KINK, *and* because Petitioner is precluded from registering its mark KINK UNIVERSITY, cancellation of Registrant's mark, KINK ACADEMY is necessary to protect Petitioner's property rights.

¹ Petitioner intends to appeal this determination.

² Petitioner has disclaimed exclusive rights to the term UNIVERSITY in its application for registration of KINK UNIVERSITY, and Registrant disclaimed rights to the term ACADEMY.

II. “Kink.Com”

9. Petitioner KINK.COM has been in existence since 1997 and uses the tagline: “We demystify and celebrate alternative sexualities by providing the most ethical and authentic kinky adult entertainment.”³ (See Ex. D.)

10. Petitioner’s business is dedicated to the fetish and BDSM lifestyle, via adult entertainment and educational materials available online for consumers, including members of the community and the general public. (*Id.*)

11. Petitioner is the most respected and well-known company of its kind.

12. Petitioner acquired the historic San Francisco Armory in 2006 for its business and production studios, and holds weekly public tours of the space - which regularly sell-out. (Ex. E.)

13. Petitioner has always made available, via its websites and live productions, alternative sexuality based educational content on www.Kink.Com from the onset of the business, but acquired the domain www.KinkUniversity.com on February 19, 2007 for the purpose of having an even more dedicated site within Kink.Com for alternative sexuality and BDSM education and information.

14. On February 5, 2008, the USPTO registered on the supplemental registry, Petitioner’s mark KINK.COM, Registration No. 3379745, with goods and services described as “*Entertainment Services namely providing a website featuring, photographic, audio, video and prose presentations featuring adult entertainment.*” (Ex. F.) Petitioner sought registration in International Class 41 because it included both entertainment and education.

15. On June 23, 2015, when KINK.COM acquired secondary meaning was registered on the Principal Registry, Registration No. 4758649. (Ex. G.)

//

³ The definition of the word Demystify is essentially educational. Merriam-Webster: “To make something clear and easy to understand; to explain something so that it no longer confuses or mystifies someone.

III. The Registration of “*Kink Academy*” as a Design Mark

16. On May 10, 2011, Registrant's mark, KINK ACADEMY was registered as a **design mark only**, not a standard character mark, with the USPTO. (Registration No. 3958399.)

17. Registrant disclaimed exclusive right to use both the word “KINK” and the word “ACADEMY” apart from the mark as it was shown in the registration, which consists of a large purple “K” with a graduation cap and a black leash, with the text “*Kink Academy*” underneath the “K.” (See Ex. B).

IV. Petitioner's Acquired, Exclusive Right to the Term “*Kink*”

18. On May 8, 2014, Petitioner filed for registration of the mark KINK UNIVERSITY, (App. No. 86246402) describing "*educational services, namely, providing offline and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality.*" (Ex. H.)

19. On July 23, 2014, the USPTO examiner analyzed whether there would be consumer confusion with Petitioner's proposed mark KINK UNIVERSITY, and Registrant's design mark KINK ACADEMY, and determined that the terms "UNIVERSITY" and "ACADEMY" were descriptive for the educational services for both marks, and that "**KINK**" was the dominant component of both marks. (Ex. C.)

20. The USPTO examiner further determined that the owner of the mark KINK.COM would be a decisive factor, and on April 14, 2015, refused Petitioner's application for registration of KINK UNIVERSITY because of a likelihood of confusion with Registrant's mark, however, ruled that "[t]he claim of acquired distinctiveness in part as to the term “KINK” based on prior U.S. Registration No. 3379745 is accepted and made of record." (Ex. A.)

21. This finding of distinctiveness was based in part, on the overwhelming evidence that Petitioner has become known as “KINK” both in and out of the alternative sexuality and BDSM community, including but not limited to the following evidence:

- a. On April 29, 2007, the New York Times Magazine did an in depth article on Petitioner, referring to the Company in the introduction by its full name, and then exclusively referring to it as "KINK" for the remainder of the article. (Ex. I.)
- b. A February 7, 2007 salon.com⁴ article similarly refers to Petitioner as "KINK", (Ex. J) as does a March 3, 2009 San Francisco Weekly article entitled "A Tour of Kink's Armory." (Ex. K.)
- c. A documentary on Petitioner was released on January 19, 2013, produced by James Franco, entitled "KINK." (Ex. L.) The documentary was released at six film festivals across the country and also exhibited at film festivals internationally. (*Id.*)
- d. A February 7, 2007 Wall Street Journal article about the San Francisco Armory refers to Petitioner repeatedly as "KINK" (Ex. M), as does a 2015 Vice article entitled "*Inside Kink.com's San Francisco Porn Palace.*" (Ex. N.)
- e. A 2007 review of Petitioner's site "Device Bondage" refers to Petitioner as "KINK." (Ex. O.)
- f. A 2009 review by Adult Reviews about Petitioner's site "Butt Machine Boys" refers to Petitioner exclusively as "KINK." (Ex. P.)
- g. A 2009 SF Weekly exposé on Petitioner's studios also refers to Petitioner only once by its full name and then throughout as "KINK." (Ex. Q.)
- h. A 2012 Huffington Post article about Petitioner's workshops and studio tours also refers to Petitioner as "KINK." (Ex. R.)
- i. A 2013 Sundance Film Festival Review of the documentary in the Hollywood Reporter also refers to Petitioner as "KINK." (Ex. S.)
- j. A 2014 Dissent Magazine article on the history of Petitioner's studios refers to Petitioner largely as just "KINK." (Ex. T.)

⁴ An award-winning online news site with an audience of 17.6 million monthly visitors.

- k. In a 2014 SFist article on a protest by Petitioner's studios (Ex. U), and another article on Petitioner's expanding to Las Vegas (Ex. V), the authors repeatedly refer to Petitioner as "KINK."
 - l. In a 2014 interview of James Franco on his film "KINK" led by Complex, both the interviewer and James Franco refer to Petitioner almost exclusively as "KINK." (Ex. W);
 - m. A 2014 Forbes article on the BDSM porn industry refers to Petitioner largely as "KINK." (Ex. X.)
 - n. A 2015 South Florida Gay News article on James Franco's production of the documentary "KINK" repeatedly refers to Petitioner as "KINK." (Ex. Y.)
 - o. A 2015 SF Weekly article on Petitioner's reaction to the recent California condom law refers to Petitioner largely as "KINK." (Ex. Z.)
 - p. The Yelp.com business website of the San Francisco Armory (Petitioner's studio) contains many reviews by visitors referring to Petitioner as "KINK." (Ex. AA.)
22. Petitioner acquired the domain name www.KinkUniversity.com on February 2007, 60 days prior to the April 2007 acquisition of the domain www.KinkAcademy.com by Registrant, and Petitioner has long been recognized as the preeminent educational resource for alternative sexuality since its inception in 1997.
23. In addition to having educational videos available on the KINK UNIVERSITY site from its onset, and launching the education-specific site KINK UNIVERSITY through KINK.COM, Petitioner holds monthly in-person sexuality workshops and has done so for many years described as "helping to educate people who are interested in exploring their sexuality, but may not know where to start." (See Ex. R, p.1.)
24. Registrant failed to effectively police its mark against eroded distinctiveness, as a result of Petitioner's education based KINK UNIVERSITY, which the USPTO has confirmed is a confusingly similar mark, in use in commerce.

25. Indeed, Registrant made no demand that Petitioner cease use of KINK UNIVERSITY until March of 2015, four years after KINK ACADEMY was registered, and then only when Petitioner contacted Registrant in a good faith.

V. Conclusion

26. Petitioner requests cancellation of Registrant's mark for the following reasons: (i) The USPTO has determined that Petitioner has acquired ownership of the term KINK, the undisputed dominant component of Registrant's design mark, which the USPTO has accepted and made record of; (ii) Registrant was aware of Petitioner's services through her previous work and relationship with Petitioner, long before she began to provide those same services to the community on an independent basis, and should not continue to benefit from association with the term KINK, now recognized as distinctive to Petitioner; and (iii) Registrant has failed to adequately police its design mark.

27. Accordingly, Petitioner requests cancellation of Registrant's mark – both to prevent ongoing harm to its reputation as a result of consumer confusion, and to protect its property rights and ability to register KINK UNIVERSITY.

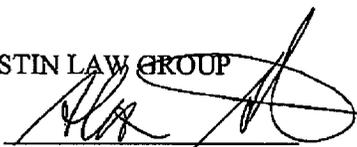
WHEREFORE, Petitioner respectfully requests that the Registration be canceled and that this Petition to Cancel be sustained.

A fee of \$300 is submitted herewith.

A duplicate copy of this Petition to Cancel is enclosed.

Dated: July 28, 2015

AUSTIN LAW GROUP

By: 

ALEX AUSTIN, ESQ
JULIEN SWANSON, ESQ
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swanson@austinlawgroup.com
415-282-4511
Attorneys for Petitioner

CERTIFICATE OF MAILING

I hereby certify that this PETITION TO CANCEL is being deposited in the United States Postal Service with sufficient postage as priority express mail, using normal business practices, in an envelope addressed to the Registrant at **Balance Studios Inc., a Delaware Corporation, located at 411A Highland Avenue, #101 Somerville Massachusetts 02144**, on July 28, 2015.

Executed this 28th day of July, 2015, at San Francisco, California.

By: 
Kevin Hardekopf

PETITIONER'S EXHIBIT A

To: Cybernet Entertainment (austin@austinlawgroup.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86246402 - KINK UNIVERSITY
- N/A
Sent: 4/14/2015 11:06:38 PM
Sent As: ECOM103@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)
[Attachment - 10](#)
[Attachment - 11](#)
[Attachment - 12](#)
[Attachment - 13](#)
[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86246402

MARK: KINK UNIVERSITY

CORRESPONDENT ADDRESS:

ALEX AUSTIN
799 CASTRO ST
SAN FRANCISCO, CA 94114-2849

86246402

CLICK HERE TO RESPOND TO THIS I
<http://www.uspto.gov/trademarks/teas/response>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Cybernet Entertainment

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

austin@austinlawgroup.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 4/14/2015

THIS IS A FINAL ACTION.

This letter responds to the incoming response dated March 21, 2015.

This application has been revived.

The following requirement has been satisfied: requirement for a claim of ownership of a prior registration through the statement in the response. TMEP §§713.02, 714.04.

The claim of acquired distinctiveness in part as to the term "KINK" based on prior U.S. Registration No. 3379745 is accepted and made of record. Further, the disclaimer of the term "UNIVERSITY" is accepted and made of record.

For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to U.S. Registration No. 3958399. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.63(b).

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark was refused because of a likelihood of confusion with the mark in U.S. Registration No. 3958399. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* The relevant registration was enclosed with the previous Office action.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. *See In re Nat'l Data Corp.*, 753 F.2d at 1058, 224 USPQ at 751.

In terms of the marks, the proposed mark is KINK UNIVERSITY, while the cited mark is comprised of the letter K with the design of a mortarboard and leash and the terms KINK ACADEMY. Considering that the terms UNIVERSITY and ACADEMY are descriptive for the educational services and that literal elements dominate over design elements, the dominant components of the marks are both KINK.

In this regard, consumer confusion has been held likely for marks that do not physically sound or look alike but that convey the same idea, stimulate the same mental reaction, or may have the same overall meaning. *Proctor & Gamble Co. v. Conway*, 419 F.2d 1332, 1336, 164 USPQ 301, 304 (C.C.P.A. 1970) (holding MISTER STAIN likely to be confused with MR. CLEAN on competing cleaning products); *see In re M. Serman & Co.*, 223 USPQ 52, 53 (TTAB 1984) (holding CITY WOMAN for ladies' blouses likely to be confused with CITY GIRL for a variety of female clothing); *H. Sichel Sohne, GmbH v. John Gross & Co.*, 204 USPQ 257, 260-61 (TTAB 1979) (holding BLUE NUN for wines likely to be confused with BLUE CHAPEL for the same goods); *Ralston Purina Co. v. Old Ranchers Canning Co.*, 199 USPQ 125, 128 (TTAB 1978) (holding TUNA O' THE FARM for canned chicken likely to be confused with CHICKEN OF THE SEA for canned tuna); *Downtowner Corp. v. Uptowner Inns, Inc.*, 178 USPQ 105, 109 (TTAB 1973) (holding UPTOWNER for motor inn and restaurant services likely to be confused with DOWNTOWNER for the same services); TMEP §1207.01(b). Therefore, the fact that the marks include the different terms UNIVERSITY and ACADEMY is not enough to distinguish the commercial impressions of the marks.

The examining attorney refers to Exhibits 1-6 taken from the world wide web as evidence of the descriptive meanings of the terms "UNIVERSITY" and "ACADEMY" with respect to the services. This evidence comprises screenshots of online dictionaries defining the terms as institutions of learning and education.

The services of the proposed mark are "Education services, namely, providing live and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality", while those of the cited mark are "Adult sexuality education, namely, through workshops, seminars, on-line video classes featuring information on adult role-play, bondage, domination and submission, fetishes and gender exploration designed to enhance couple's intimacy, and acknowledgment of one's own sexuality". Because both of the services are educational services related to the topic of sexuality, they are related such that there is a likelihood of confusion if both of the marks were used for the respective services.

With respect to applicant's and registrant's services, the question of likelihood of confusion is determined based on the description of the services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application and/or registration, the identified services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all services of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the application uses broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in registrant's more narrow identification.

Applicant argues against the refusal by claiming that it is the senior user and its use predates that of the cited registrant. However, applicant's claim of priority of use is not relevant to this ex parte proceeding. *See In re Calgon Corp.*, 435 F.2d 596, 168 USPQ 278 (C.C.P.A. 1971). Trademark Act Section 7(b), 15 U.S.C. §1057(b), provides that a certificate of registration on the Principal Register is prima facie evidence of the validity of the registration, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the mark in commerce on or in connection with the goods and/or services specified in the certificate. During ex parte prosecution, the trademark examining attorney has no authority to review or to decide on matters that constitute a collateral attack on the cited registration. TMEP § 1207.01(d)(iv).

PROPER RESPONSE TO FINAL OFFICE ACTION

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements and/or resolves all outstanding refusals.
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING

DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820.

TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Sung In/
Sung In
Law Office 103
Phone: (571) 272-9097
Fax: (571) 272-9103
Email: sung.in@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

PETITIONER'S EXHIBIT B

To: Balance Studios Inc. (balancestudios3@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77704462 - K KINK ACADEMY
- N/A
Sent: 4/6/2010 9:05:44 AM
Sent As: ECOM112@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/704462

MARK: K KINK ACADEMY

77704462

CORRESPONDENT ADDRESS:

BALANCE STUDIOS INC.
BALANCE STUDIOS INC.
411A HIGHLAND AVE # 101
SOMERVILLE, MA 02144-2516

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Balance Studios Inc.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:** N/A

CORRESPONDENT E-MAIL ADDRESS:
balancestudios3@gmail.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 4/6/2010

AMENDMENT: In accordance with the authorization granted by Robert Edwards on 04/06/2010, the application has been AMENDED as indicated below. Please advise the undersigned examining attorney immediately if there is an objection to the amendment. **Otherwise, no response is necessary.** TMEP §707.

DISCLAIMER AMENDED

Applicant has amended the disclaimer to include the word "KINK." The amended disclaimer now reads as follows:

No claim is made to the exclusive right to use "KINK ACADEMY" apart from the mark as shown.

DESCRIPTION OF MARK AMENDED

Applicant has amended the description of the mark to now read as follows:

The mark consists of large letter "K" in the color purple with a white and purple outline, a stylized graduation cap in black on top of the left leg of the "K", a black leash attached to the lower right leg of the "K" going up and around to the left in a circular manner, with the text "Kink Academy" in black underneath the "K".

NAME OF PERSON WHO SIGNED APPLICATION CLARIFIED

Applicant has clarified that the original application was signed by Robert Edwards, President.

STIPPLING STATEMENT WITHDRAWN

Applicant has withdrawn the unnecessary stippling statement.

This information is advisory only. Applicant need not respond to this Examiner's Amendment.

ADVISORY: NEXT STEPS FOR THIS APPLICATION

At this time, the application appears ready for publication in the *Official Gazette*. Applicant will be receiving in the next few weeks an official email communication from the Office stating the date that applicant's mark will be published. Once the mark is published, it enters a 30-day review and opposition period. During this 30-day period, third parties are given the opportunity to review the mark, and the mark may be opposed by a third party if that third party believes that the mark is confusingly similar to a third-party mark.

If the mark is not opposed during this 30-day period, applicant will then receive another official communication from the Office called a "Notice of Allowance," which will require applicant to submit a Statement of Use that includes a specimen that shows applicant is actually using the mark in commerce. Applicant will have 6 months from the date the Notice of Allowance is issued/mailed to submit a specimen of use. In the present case, appropriate specimens of use could include brochures or website printouts that show both the applied-for mark and a description or listing of the educational services listed in the application.

Once an appropriate specimen of use is received and accepted by the Office, the mark will then be allowed registration on the Principal Register, and applicant will receive an official registration certificate from the Office. Once applicant receives the official registration certificate, applicant may begin using the federal registration symbol ® in connection with the mark.

To ensure that applicant receives all communications from the Office, applicant should keep the correspondence address (including the email address) for this application current at all times. Change of Correspondence forms may be accessed online at <http://www.uspto.gov/teas/eTEASpageE.htm>. Failure to respond to an official Office action that requires a response will result in abandonment of the application.

/Drew Leaser/
Trademark Examining Attorney

Law Office 112
(571) 272-1911

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

PETITIONER'S EXHIBIT C

To: Cybernet Entertainment (austin@austinlawgroup.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86246402 - KINK UNIVERSITY
- N/A
Sent: 7/23/2014 6:19:13 AM
Sent As: ECOM103@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86246402

MARK: KINK UNIVERSITY

86246402

CORRESPONDENT ADDRESS:

ALEX AUSTIN
799 CASTRO ST
SAN FRANCISCO, CA 94114-2849

CLICK HERE TO RESPOND TO
<http://www.uspto.gov/trademarks/teas/r>

APPLICANT: Cybernet Entertainment

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

austin@austinlawgroup.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 7/23/2014

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3958399. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination.

Citigroup Inc. v. Capital City Bank Grp., Inc., 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in their entireties that confusion as to the source of the goods and/or services offered under applicant's and registrant's marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *Edom Labs., Inc. v. Lichter*, 102 USPQ2d 1546, 1551 (TTAB 2012); TMEP §1207.01(b). The focus is on the recollection of the average purchaser, who normally retains a general rather than specific impression of trademarks. *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

In terms of the marks, the proposed mark is KINK UNIVERSITY, while the cited mark is comprised of the letter K with the design of a mortarboard and leash and the terms KINK ACADEMY. Considering that the terms UNIVERSITY and ACADEMY are descriptive for the educational services and that literal elements dominate over design elements, the dominant components of the marks are both KINK.

Consumer confusion has been held likely for marks that do not physically sound or look alike but that convey the same idea, stimulate the same mental reaction, or may have the same overall meaning. *Proctor & Gamble Co. v. Conway*, 419 F.2d 1332, 1336, 164 USPQ 301, 304 (C.C.P.A. 1970) (holding MISTER STAIN likely to be confused with MR. CLEAN on competing cleaning products); *see Ralston Purina Co. v. Old Ranchers Canning Co.*, 199 USPQ 125 (TTAB 1978) (holding TUNA O' THE FARM for canned chicken likely to be confused with CHICKEN OF THE SEA for canned tuna); *Downtowner Corp. v. Uptowner Inns, Inc.*, 178 USPQ 105 (TTAB 1973) (holding UPTOWNER for motor inn and restaurant services likely to be confused with DOWNTOWNER for the same services); TMEP §1207.01(b).

In this case, despite the differences in the marks, the terms UNIVERSITY and ACADEMY, each coupled

with the dominant component KINK, convey the same idea, i.e., a traditional institute of higher learning juxtaposed next to the informal slang term for an unusual sexual preference. Therefore, the marks are similar in sound, appearance, and commercial impression.

With respect to the services, those of the proposed mark are "Education services, namely, providing live and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality", while those of the cited mark are "Adult sexuality education, namely, through workshops, seminars, on-line video classes featuring information on adult role-play, bondage, domination and submission, fetishes and gender exploration designed to enhance couple's intimacy, and acknowledgment of one's own sexuality". Because both of the services are educational services related to the topic of sexuality, they are related such that there is a likelihood of confusion if both of the marks were used for the respective services.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

CLAIM OF OWNERSHIP OF REGISTRATIONS

If applicant owns U.S. Registration No. 3379745, then applicant must submit for the application record a claim of ownership of this registration. *See* 37 C.F.R. §2.36; TMEP §812. See the attached copy of the registration. *See* TMEP §812.

Applicant may use the following format to claim ownership of the registration:

Applicant is the owner of U.S. Registration No. 3379745.

TEAS PLUS APPLICANTS – TO MAINTAIN REDUCED FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:

Applicants who filed their application online using the lower-fee TEAS Plus application form must (1) continue to submit certain documents online using TEAS, including responses to Office actions (see TMEP §819.02(b) for a complete list of these documents); (2) accept correspondence from the USPTO via e-mail throughout the examination process; and (3) maintain a valid e-mail address. *See* 37 C.F.R. §2.23(a)(1), (a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these three requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. However, in certain situations, authorizing an examiner's amendment by telephone will not incur this additional fee.

/Sung In/
Sung In
Law Office 103
Phone: (571) 272-9097
Fax: (571) 272-9103
Email: sung.in@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System

(TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

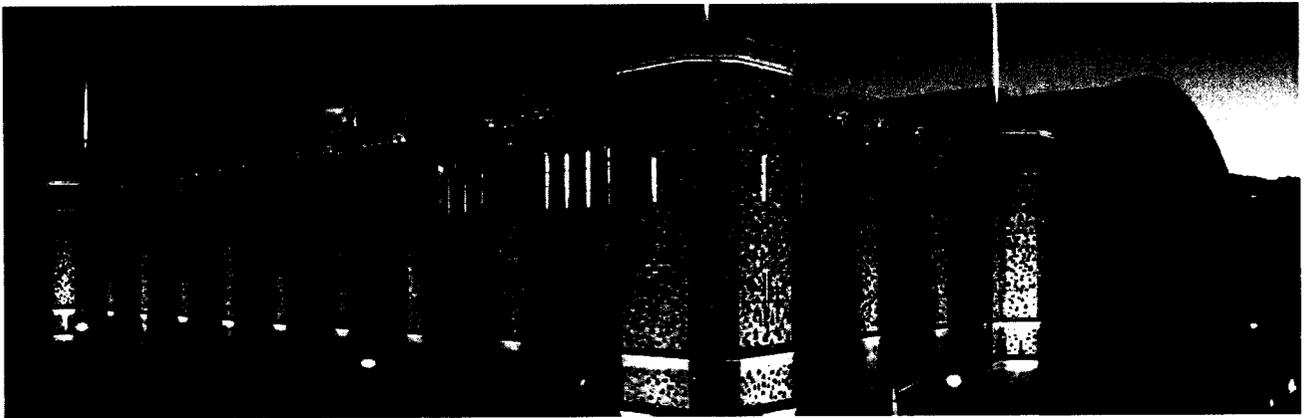
PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

PETITIONER'S EXHIBIT D

PETITIONER'S EXHIBIT E

TOURS WORKSHOPS STAGE RENTALS SETS AND STAGES
PRODUCTION RENTALS & SERVICES FLOORPLANS MEDIA
HISTORY CONTACT FAQ THE ARMORY EVENTS CENTER



Kink.com Sexuality Workshop Series



Inspired by the Kink.com Mission to “demystify and celebrate alternative sexualities,” the company offers Bay Area locals and visitors the opportunity to attend workshops that will aid in providing the

information and encouragement to support exploration.

Each month features several opportunities to attend workshops that cater to a wide variety interests and experience levels. The two-hour long classes will be held in the landmark San Francisco Armory on one of the impressive sets designed by Kink.com's Art Department. Instructors include models and directors of Kink.com as well as talented and renowned educators within the sex, kink, and bdsm communities.

Come with an open mind and a positive attitude. Workshops may include live demonstrations.

Upcoming Workshops

P-Spot Play: Prostate Massage for Powerful Pleasure & Orgasms by Anya de Montigny

Thursday, July 16th, 2015 at 7-9:30pm PST

[Learn More](#)

Tickets: \$30/\$50 Couples

Sploshing! The Sticky, Slippery, (Often Edible) Fun of Wet-and-Messy Fetish by Mistress Shae Flannigan

Friday, July 24th, 2015 at 7-9pm PST

[Learn More](#)

Tickets: \$30/\$50 Couples

PETITIONER'S EXHIBIT F

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

PETITIONER'S EXHIBIT G

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>.

PETITIONER'S EXHIBIT H

Trademark Electronic Application System (TEAS) filing receipt

1. **YOUR MARK:** KINK UNIVERSITY (Standard Characters, mark.jpg)
The literal element of the mark consists of KINK UNIVERSITY.
The mark consists of standard characters, without claim to any particular font, style, size, or color.
2. **YOUR SERIAL NUMBER:** We have received your U.S. Trademark Application and assigned serial number '86246402' to your submission. A summary of your application data is provided at the bottom of this message and serves as your official filing receipt. Please keep a copy of this information for your records. All correspondence concerning the application should reference your assigned serial number.

Please read all of the important information below. Not every mark is registrable with the USPTO and we do not refund the application filing fee(s) if a registration does not ultimately issue.

3. **RECEIVING E-MAIL COMMUNICATIONS/FILING DOCUMENTS ON-LINE:** If you have authorized receipt of correspondence by e-mail, please make sure that your server will accept USPTO e-mail and not treat it as SPAM. If you have not authorized communication by e-mail, please do so at any time by using the "Change of Correspondence Address" form, available at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>. If you must submit correspondence to us, please use the Trademark Electronic Application System (TEAS) forms, available at <http://www.uspto.gov/trademarks/teas/index.jsp>.
4. **KEEP YOUR ADDRESS CURRENT IN USPTO RECORDS:** We do not extend filing deadlines due to a failure to receive USPTO mailings/e-mailings. You must update the correspondence and/or owner's address if a postal address and/or e-mail address changes, using the form(s) available at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.
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6. **LEGAL EXAMINATION PROCESS:** Your application is now pending examination. In

approximately 3 months, your application will be assigned to a USPTO examining attorney for review. The application cannot mature into a registration unless all legal requirements are met, and many applications never satisfy these requirements and therefore never register. The overall process can take up to 18 months.

- CHECK STATUS AND REVIEW DOCUMENTS OR YOUR APPLICATION MAY BE UNINTENTIONALLY ABANDONED:** You **must** check the status and review all documents associated with your application at least every 3-4 months using Trademark Status and Document Retrieval (TSDR), available at <http://tsdr.uspto.gov/>.

Promptly e-mail the TrademarkAssistanceCenter@uspto.gov or telephone 1-800-786-9199 (select option #1) if an Office action (letter from the USPTO) or notice has issued for your application that you did not receive or do not understand. Failure to respond timely to any Office action or notice may result in the abandonment of your application, requiring you to pay an additional fee to have your application revived even if you did not receive the Office action or notice.

- FILING ERRORS:** If you discover an error in the application data, you must file a Voluntary Amendment at <http://www.uspto.gov/trademarks/teas/miscellaneous.jsp>. Do **not** submit any proposed amendment to TEAS@uspto.gov, because the TEAS technical support team may not make any data changes. Please wait approximately 7 days after the filing date of your application to submit a Voluntary Amendment in order to allow for initial upload of your application data into the USPTO database. The assigned examining attorney will determine the acceptability of any Voluntary Amendment during examination. Not all errors may be corrected. For example, if you submitted the wrong mark or if the proposed correction would be considered a material alteration to your original filing, it will not be accepted. In this situation, your only recourse would be to file a new application, with a new fee and no refund of your original filing fee.
- REQUEST FOR REFUND AND/OR CANCELLATION:** Since your application has already been assigned a serial number, please do not contact TEAS@uspto.gov to request a refund or to cancel the filing. We will only cancel the filing and refund the filing fee if the application does not meet minimum filing requirements. The fee is a processing fee that the USPTO does not refund, even if your mark does not proceed to registration.

In the limited situation where you inadvertently filed identical applications, one immediately after the other, because no confirmation of the first filing was received, please provide both serial numbers to the technical support team at TEAS@uspto.gov.

- SelectUSA:** The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit SelectUSA.gov or call +1-202-482-6800.

SUMMARY OF APPLICATION DATA FOLLOWS:

APPLICATION DATA: Trademark/Service Mark Application, Principal Register TEAS Plus Application

The applicant, Cybernet Entertainment, a limited liability company legally organized under the laws of California, having an address of

1800 Mission Street
San Francisco, California 94103
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 041: Education services, namely, providing live and on-line classes, panel discussions, tutorials, seminars, and workshops in the field of sexuality

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 04/01/2014, and first used in commerce at least as early as 04/01/2014, 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 and/or services, consisting of a(n) Specimen consists of a screen shot of applicant web page with mark clearly displayed..

Specimen-1 [SPE0-6918169191-192902695_._20140408_kink_university_SPECIMEN_SEW.JPG]

The applicant's current Attorney Information:

Alex Austin
799 Castro Street
San Francisco, California 94114
United States

The applicant's current Correspondence Information:

Alex Austin
799 Castro Street
San Francisco, California 94114
415-282-4511(phone)
austin@austinlawgroup.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; 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. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee 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 person has 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 person, 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. Section 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: /alex austin/ Date: 04/08/2014

Signatory's Name: Alex Austin

Signatory's Position: Attorney of Record, California Bar Member

Signatory's Phone Number: 415-282-4511

Thank you,

The TEAS support team

Tue Apr 08 19:44:47 EDT 2014

STAMP: USPTO/FTK-69.181.69.191-20140408194447922993-86246402-

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PETITIONER'S EXHIBIT I



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.

ELSEWHERE ON NYTIMES.COM



Sophie Turner and Maisie Williams have grown up on "Game of Thrones"

New faces on HBO's "Game of Thrones"
Sign up for the Movies Update newsletter

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, anti-porn 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 whirred 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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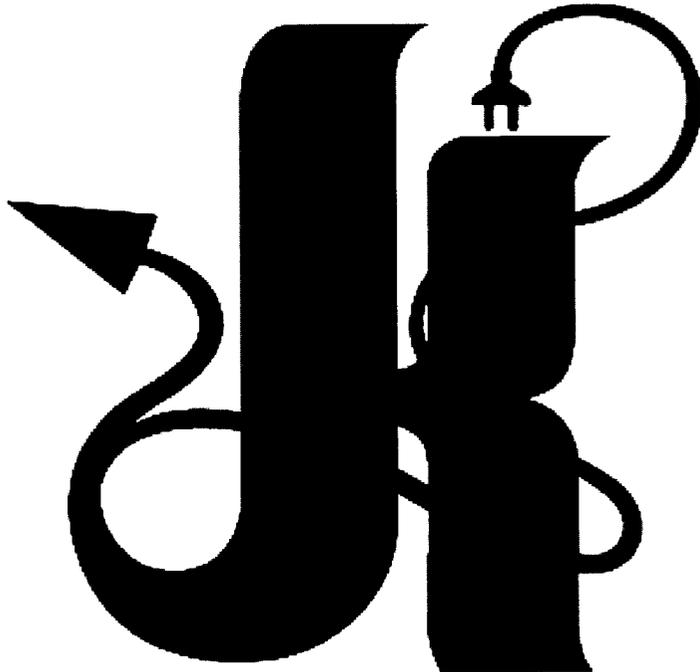
My day at the Porn Palace

S/M media giant Kink.com stirred up controversy by announcing plans to move its headquarters into San Francisco's Mission District. But for Kink's performers, sex is all in a day's work.

STEPHEN ELLIOTT

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Next to a double mirror surrounded by large round bulbs sit Tupperware boxes stacked two and three high, each with its contents marked on white stickers: eyelashes, hair accessories, brushes, empty enema bottles (of which there are two). This is the dressing room for the Kink.com building, also known as the Porn Palace, in downtown San Francisco. This is where people get ready to be filmed for the Web sites Men in Pain, Wired Pussy, Hogtied, Water Bondage, Ultimate Surrender, Fucking Machines, Sex and Submission, and Whipped Ass.

I'm spending the day on Wired Pussy. It's a Wednesday. I know the people who run Kink.com and I thought it would be an interesting thing to do.

I'm with Satine Phoenix, a model who flew in for the day from Los Angeles. The makeup

woman called in sick, so Satine is doing her own makeup. She has skin the color of sand and long, thick black hair. She's exotic, extraordinarily beautiful. She's excited to be here, excited that I'm writing about her, excited about life and filled with manic energy.

We're on the second floor of the three-story building. There are 50 full-time employees at Kink, plus contractors and talent. A profile in 7x7 magazine said Kink.com made \$18 million last year. The office is clean and well-lit with an air of efficiency. It resembles anything it's a design studio with all the high-end Macs and LCD panels. Except on most screens there's some kind of porn being edited — women with their legs forcibly spread, mouths held open with steel clamps. Nobody seems to notice.

But Kink will be leaving this building soon. The company recently purchased the Armory in San Francisco's Mission District. The Armory is a giant building that has sat empty for the past 35 years. Neighborhood activists have been trying to block the move. They say families live in the Mission. But, of course, families live everywhere. Others say the space should be used for affordable housing, but nobody has made a proposal on the space in years. Peter Acworth, the owner of Kink, points out that the Armory was originally a place where men were trained how to kill. What Kink plans to do there is far less obscene.

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Today's shoot is in the warehouse, a smaller studio off Kink's main offices. The warehouse is intentionally weathered but the equipment is all first-rate, lights, rigs and scrims comparable with anything in Hollywood. There are 11 studios in the Porn Palace, including a barn, a dungeon, a jail cell, a bar (where they also have parties every Friday night) and a hot tub.

Satine works all the time, at least four shoots a week, which should translate to \$200,000 annually, though I don't have the guts to ask. Mostly she does mainstream porn, guy on girl, girl on girl, but she really likes fetish. She also does performance art, body painting, a bondage burlesque and a weekly radio show on KSEXradio.com. I ask if she's saving for something. "I'm just paying off bills," she says. "I was an alcoholic. My skin was fucked up all the time because of alcohol and coke. I haven't had a drink in a year and a half."

Satine has been doing porn for a year now. Before that she was a stripper in San Francisco. She made her first film in San Jose and immediately moved to Los Angeles to work full time. Kink.com flies her back to the Bay Area once or twice a month.

In the dressing room with us is Princess Donna, the Web mistress for Wired Pussy. Donna is effortlessly beautiful. She has long legs and thick black hair and big eyes that soak in her surroundings. She runs the site and acts as a dominant in most of the shoots. There are four to six updates a month, and 6,000 subscribers pay an average of \$30 each. A model from Water Bondage comes into the dressing room. She looks 15, though she's actually 23, and the wardrobe coordinator helps her into a two-piece latex outfit. Donna advises the Water Bondage model to wear color-stay lipstick and eyeliner that won't run when they dunk her.

"I can't wait for what you're going to do to me," Satine says to Donna.

In Donna's office there's a large flat-panel monitor. On the screen is a still from a recent shoot — Donna on a roof in New York, wearing leopard-print tights and heels. Her foot is on another woman's head. The woman's hands are tied behind her back and Donna's hand is in the woman's ass. I can see the straining tendons in the woman's leg, her knees bound, panties around her thighs, surrounded by Word documents and spreadsheet files.

Donna was just finishing undergraduate work at New York University when she interviewed for the position of Web mistress at Wired Pussy. She had already worked two years doing bondage porn and was a high-end stripper before that.

She remembers her first bondage porn shoot. She was tied in a box with another woman, the other woman's foot tied forcibly in Donna's mouth.

"I love this job," Donna says.

Donna asks, "Are you nervous, excited?"

Satine: "Yes. I'm excited."

Donna: "What have you done since your last shoot with us?"

Satine: "I've played a lot in my personal life. Flogging. Rope bondage."

Donna: "What do you like?"

Satine: "I like duct tape. I love hair pulling and I like being face-slapped."

Donna: "You do?"

There is one woman on the camera and another shooting stills. That makes four women and me. Donna sits offstage on a wooden crate. She's wearing a polka-dot dress, a red belt, black heels. Satine sits on a chair, fully clothed, addressing the camera. Every video begins like this, with the talent reassuring the viewers (and regulators) that this a consensual scene. At some point Donna enters, grabs Satine by her hair and pulls her to the floor.

I take my shoes off, sit near the equipment rack. The people are nice, creative, interesting. But I wonder what I am seeing here that I wouldn't see just watching the video. The food cart full of Luna bars and Odwalla, the camera girls scurrying around the action? Here is one of the obvious questions: Would you let someone do something to you that you enjoyed, for a fair amount of money, on camera? Why not?

When I was 21 and dancing between films at a gay porn theater in Chicago called the Bijou, I was offered a part in a bisexual porn video. The money wasn't great, only \$300. Men don't make nearly as much as women performers. I backed out at the last minute. I was afraid it would negatively affect me later on. Now I realize it wouldn't have. Now I realize nobody would have cared that much. I wish I had done it, just to have had the experience.

Donna ties Satine with thick rope, wraps her arms around her back, ties her hair to a hook hanging from the ceiling. Donna attaches a violet wand plate, electrifying Satine's body so that every time she touches Satine's nipples Satine receives a shock. Donna has forbidden Satine from speaking and her face contorts in quiet screams.

There will be four setups today with at least a 10-minute break between each. The studio is reserved for four hours and will yield a video roughly 50 minutes in length that can be downloaded by subscribers in segments or streamed in its entirety. Photographs will also be available for download. Subscribers have access to everything and can also leave comments on the shoot, for example, "more pussy licking," and "you are so fucking hot." Subscriptions to Kink sites automatically renew and the average subscriber stays for four months. Many subscribers switch between sites.

Between setups Satine and I talk about relationships. She recently broke up with her boyfriend, who didn't want her doing male-female porn. She wasn't willing to give up control over her career. "I'm an exhibitionist," Satine says. "I like it when people watch. And I like boy-girl scenes, I like fucking. This is who I am."



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Much of the action in the second scene revolves around whether Donna is going to let Satine have an orgasm. "Do you want to come, you fucking whore?" Satine's hands are attached to her ankles, a vibrator between her legs. Occasionally Donna shocks Satine with a cattle prod.

Observation 1: This is not fake. Satine and Donna are truly in role. Satine is feeling submissive and Donna is definitely on top. Donna is hurting Satine; Satine is being hurt.

Observation 2: Everyone here seems to enjoy his or her work. At least today.

Between setups Satine puts on a blue robe that has "slave" embroidered on its chest. I'm on the floor and she's on the chair resting her feet on my knees. "I'm going to get a benefactor to pay for fake boobs," she says. "It's nice when someone will do that for you. I know people that have gotten \$2,000 boobs, but it's not the kind of thing you want to save money on. A good boob job costs \$10,000."

Satine has red marks along her belly where Donna yanked a string of clips she'd attached to Satine's stomach and nipples. Watching it, I actually felt empathy for Satine. Satine was blindfolded. I saw Donna twisting her fingers through the white string holding the clips. I knew she was going to pull the clips and I knew it was going to hurt. I almost covered my face in my hands.

In the third setup Satine is duct-taped to a rectangular wooden beam. A gas mask is placed over her head. During this scene an electric acrylic plug is slid into her vagina. Donna slaps at it continually, open-handed, occasionally moving to a counter to turn some knobs on the machine, increasing the juice.

For the climactic scene, Satine is gagged and tied with her legs held apart by a spreader bar, her head forward and her hair tied to the front of the trunk she's squatting on. Donna places voice-activated electrodes on Satine's ass so every time Satine moans she's electrified. Meanwhile Donna slaps her between her legs with a cane.

Halfway through the shoot they have to stop because Satine is crying.

No crying is allowed in Kink.com videos.

"I'm sorry," Satine says. "It just feels so good."

When the shoot is over Donna asks, "How you doing, baby?"

"My vagina," Satine jokes with a Russian accent. "She is broken." After that there is lots of talk, jokes. They talk about various sex toys, the Monkey Rocker. The Sybian. "Seriously," Donna says. "Every time I would cane you I would get a throb in my pussy."

When I leave the Porn Palace half an hour later it's dark and I find that both wheels have been stolen from my bicycle. This has nothing to do with the article except to prove that it's possible to watch someone shove an electrified plug in someone's pussy while a thief casually takes an Allen wrench to your transportation on a downtown street. Though that's also wrong. The Porn Palace is half a block from the largest shopping center on the West Coast, the fashionable Westfield Mall. But a half-block in the other direction is Sixth Street, the last remnant of a downtown that wasn't always so prosperous. Filled with junkies, transient hotels, outreach centers and shooting galleries, Sixth Street is littered with the limping desperate and the drooling insane.

Which could be a metaphor for porn, an industry in an economic no man's land. But the porn industry is twice the size of the mainstream film industry, leaving open the question of what "mainstream" really means. You may or may not be into electrified bondage, but if you're male, chances are you've watched porn or bought a dirty magazine in the past year. If you didn't, look at your friends; they did. Chances are you didn't tell anybody about the porn you watched. Chances are you're surrounded by people whose desires you would consider strange if you knew what they were.

San Francisco, with its open sexuality, is the perfect place for a company like Kink.com. But many porn sites are shutting down because of new regulations by the Bush administration. Some that have been closed, like Insex.com, are seeking buyers in foreign

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countries.

I asked Satine what she wanted to do after this was over, when she was done making porn. She told me she was just gaining experience for a graphic novel she's writing about her life. She said she wants to move to Japan, open a sea farm. She also wants to live in India and study tantra. She wants to have a restaurant and she wants to document it all via her graphic novels and her Web site.

"Just whatever I decide to do at the time," she said. "I go in about three-year spans. I might completely change my mind."

Stephen Elliott is the author of six books, including "Happy Baby." His next book, "The Adderall Diaries: A Memoir of Moods, Masochism, and Murder," is forthcoming from Graywolf Press.

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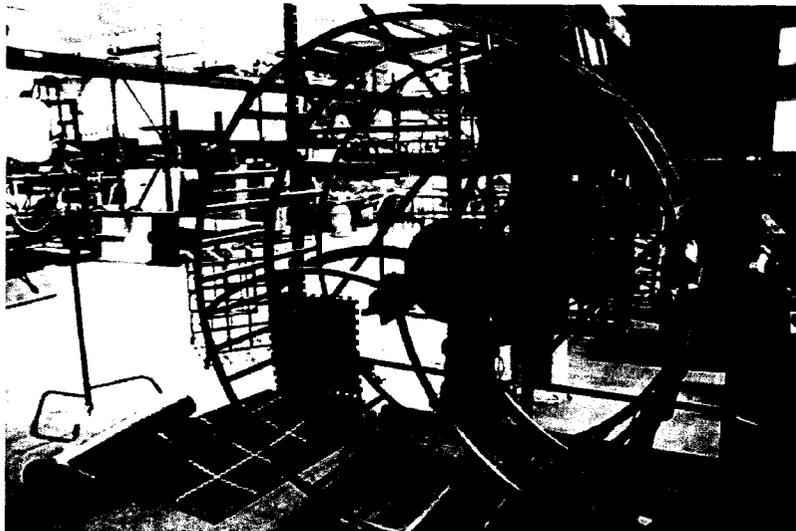
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A Tour of Kink's Armory

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.

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PETITIONER'S EXHIBIT M

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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

 VIDEO

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."

Write to Vauhini Vara at vauhini.vara@wsj.com

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PETITIONER'S EXHIBIT N



(1)

Inside Kink.com's San Francisco Porn Palace

February 20, 2015

by Kevin E. G. Perry

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(whatsapp://send?
text=http://www.vice.com/read/inside
kinkcoms-san-francisco-porn-
palace)



Kink.com HQ. All photos courtesy of the author

The basement of the San Francisco Armory used to be where the National Guard kept its guns and ammo. If you go there now you'll see a chainsaw with all the sharp edges replaced with plastic tongues, a room full of dildos attached to drills, and two bright blue 55-gallon barrels of natural, water-based lube. One hundred and ten gallons is a hell of a lot of lube.

You see, shortly after the National Guard left the Armory in 1976, the former headquarters was registered as a historical landmark. This meant that whoever bought the two-acre, redbrick, Moorish revival castle would not be able to make any major architectural changes, so the building sat more or less empty for 30 years. The trouble was, they needed to find a millionaire buyer with a mountain of cash and a desire to own a network of dingy dungeons, and even in San Francisco that isn't an easy task.

That was, until Peter Acworth came along. Acworth grew up in Britain before moving to America in 1996 to study finance at Columbia. The following year, after reading a tabloid story about a fireman who made \$250,000 dollars selling porn online, Acworth decided to start his own website dedicated to the porn he wanted to watch himself. It happened that he was into the kind of stuff that half the planet were in denial about until *Fifty Shades of Grey* came along.

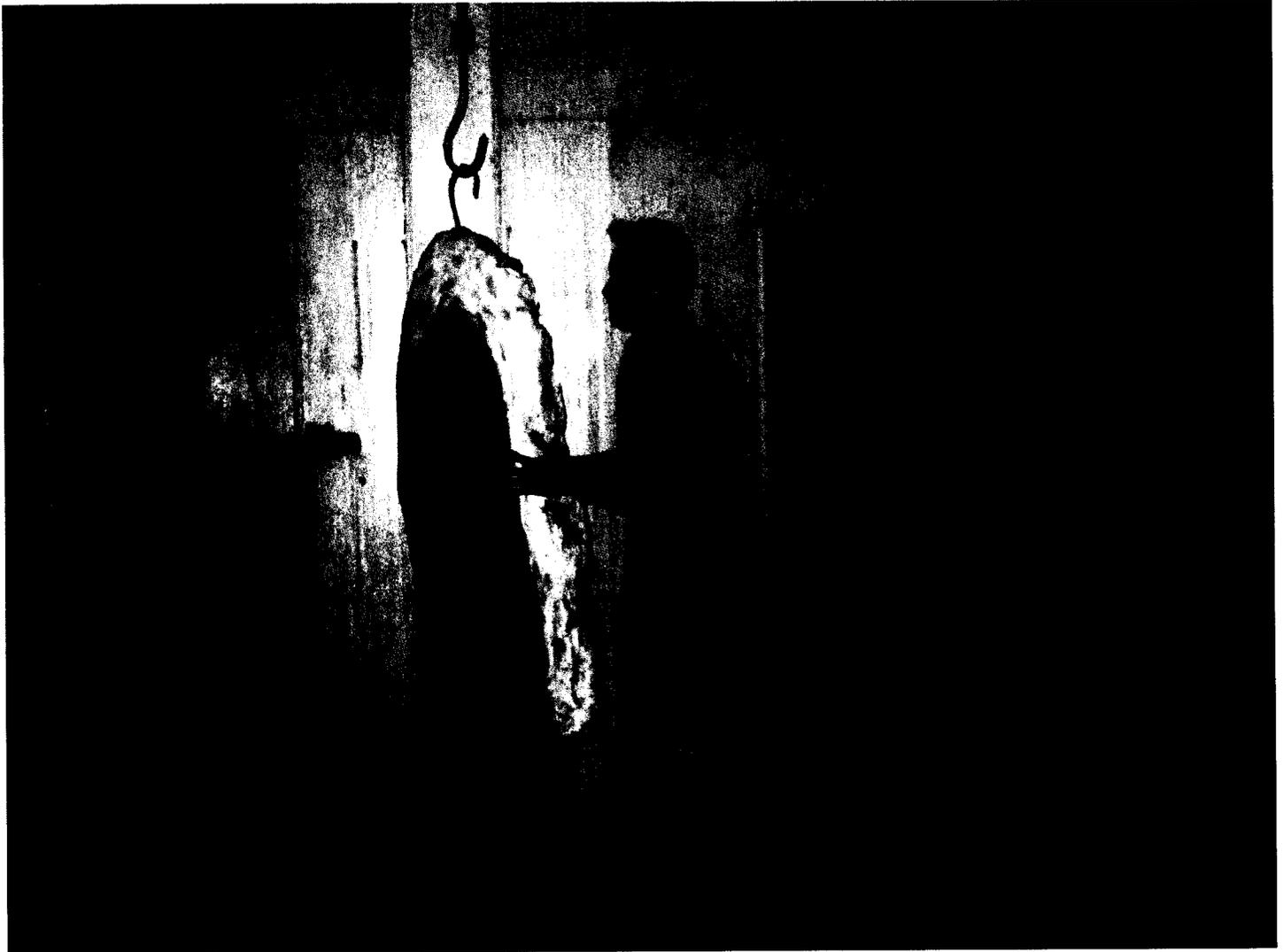
Continued below.



The barrels of lube

Judging by the success of his site, Kink.com, plenty of people were already well aware of the pleasures of a well-aimed whip before EL James sold all those paperbacks. By 2006, Acworth was able to drop a cool \$14.6 million to buy the San Francisco Armory and turn it into the world's biggest BDSM porn studio. Kink.com and its various subsidiary sites now produce hours upon hours of hardcore porn there every week. No wonder they get through so much lube.

In an era of free streaming porn, Kink.com's paid-for content and high production values mark it out as an anomaly and a rare success story, so I decided it would be a good idea to go to San Francisco to sign up for their daily \$25 tour and see inside the studio for myself.



Dane, my guide

Which is how I found myself down on my knees in one of their dungeons. The first thing you notice when you're down there is that although the floors look like they're made from hard, cracked concrete, they're really covered in soft, springy rubber. Dane, who performs at Kink.com under the screen name "Bastian," is our tour guide for the day.

He's one of those conventionally good-looking all-American types who'd seem wholesome to the point of cheesiness if it wasn't for where we were. You wouldn't have him down as a sexual deviant. In another life he'd have made a great Jehovah's Witness.

"We don't like to hurt our models," he says, explaining the rubber flooring. Then his face breaks into a wicked grin. "Well, of course we do like to hurt our models... but only in the agreed ways."

Dane explains that, even though Kink.com make graphic, BDSM porn, the site still does its best to keep their models safe. "We're making porn for people like us, who can't enjoy a really sexy, really heavy dominant-submissive scene if we didn't know that everyone was actually being taken care of," he says. "We've created a space where someone is free to do that while still maintaining control of their agency throughout the process."



There's a whole world of different Kink.com sets down in the dungeons which serve their various websites—24 in all. First up is "Ultimate Surrender," an all-girl, college-style wrestling tournament. Part of the appeal of this site is that it's a real sporting event—unlike pro wrestling, there are no scripts. The competitors get a bonus if they win so they really do fight it out to pin their opponents down.

This being porn of course, they also get points for undressing, fingering or even motor-boating the opposition. Once a month, Kink.com invites a studio audience down who sit on the side lines, hold up signs to support their favorites and scream "Sit on her face" at the top of their lungs.



Round the corner from the "Ultimate Surrender" wrestling arena is "Naked Combat," the all-male alternative styled like an X-rated version of *Fight Club*. Further on are the cages and chain rooms used for Kink's long-running series "The Training of O." It's based on the French erotic classic *Story of O*, which was written in 1954 by Anne Desclos under the pen name Pauline Réage, and let's just say *Fifty Shades* pales in comparison.

In this studio, Kink puts their "slaves" through some of the most physically and mentally strenuous porn conceivable. The series' director, James Mogul, is notorious for putting his models through a gauntlet of "slave training exercises," so even experienced porn stars end up doing things for the first time. There's an air of improv to it all, which I guess makes him the BDSM game's Mike Leigh.



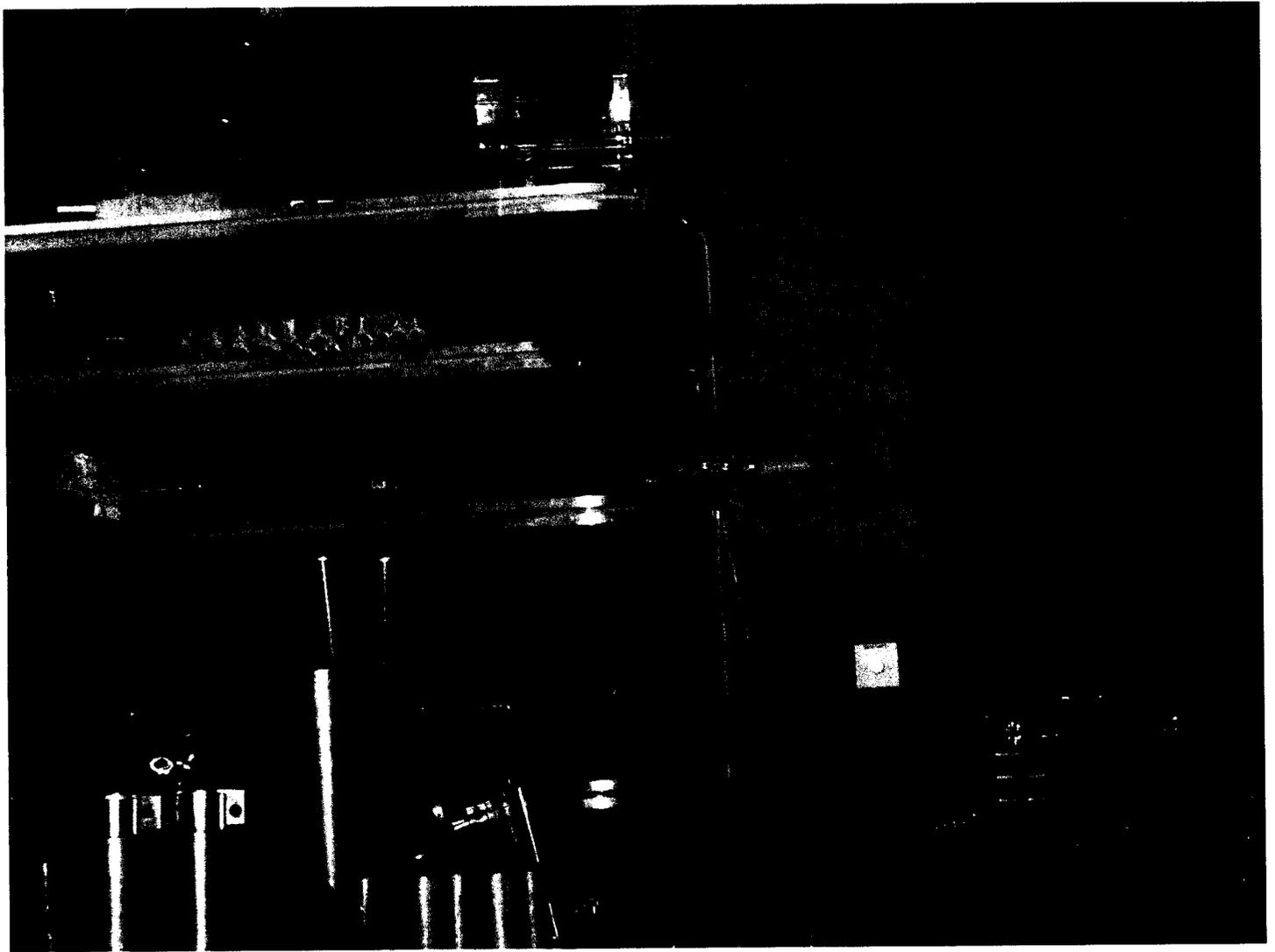
It's while walking around the "Training of O" set that I really start to appreciate just how good Kink's art department are. You couldn't really use dirty, dingy basements with stagnant water and rusty chains to shoot porn. Health and safety would have a field day. Instead, everything is scrupulously clean but designed to look like it's been rotting away in the dark for years.

As I leave the studio, I see a sign reminding staff of just how clean and careful they have to be "!!! You Must Wear Surgical Gloves Whenever Handling Anything That Has Been In Contact With Bodily Fluids !!!" it begins, before telling staff to always change gloves between "handling different toys." It's the hardcore world's version of those signs in the office toilets reminding you to wash your hands.

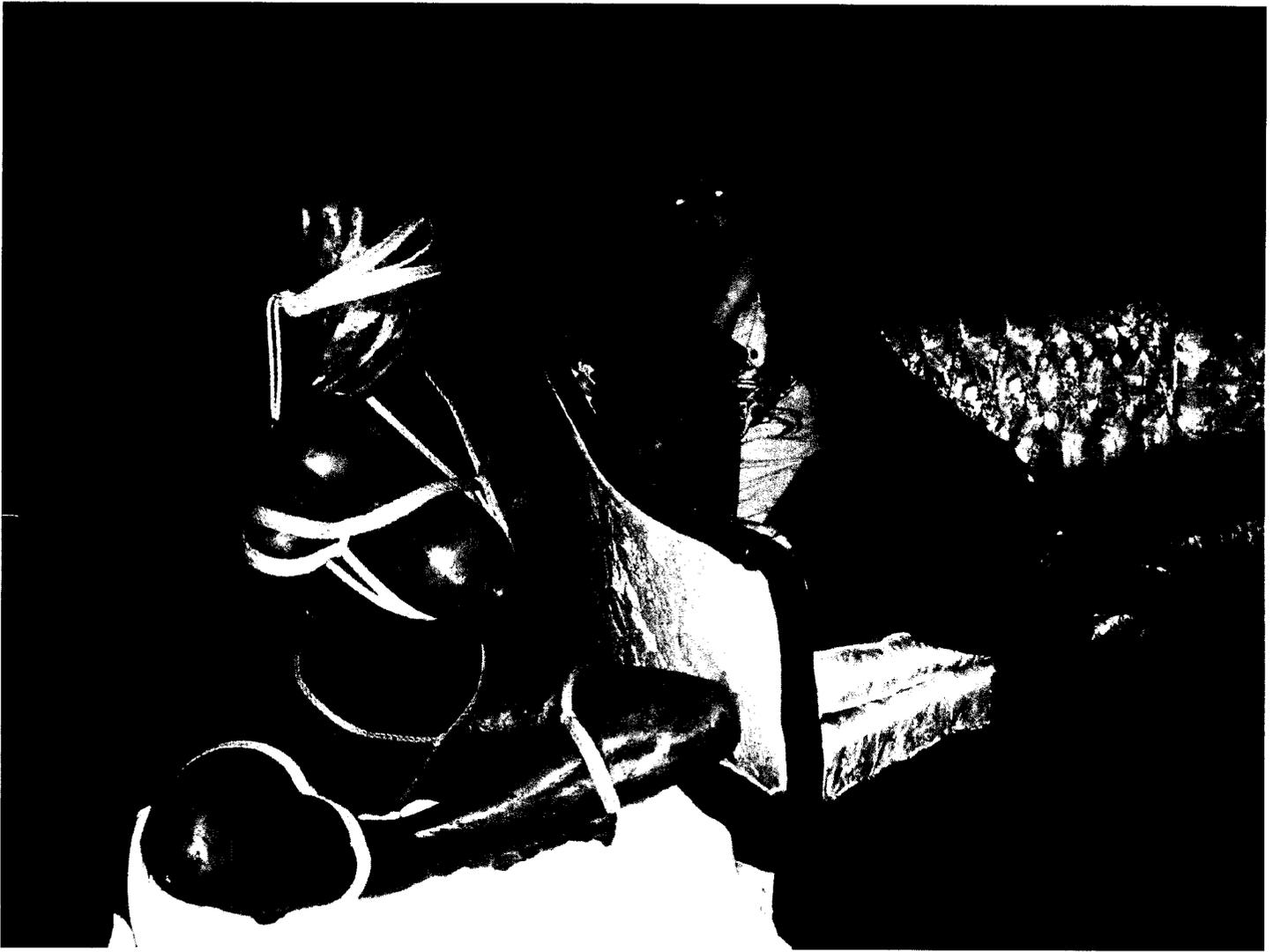


After the dungeons come yet more sets. These are used for videos like "Bound in Public" or "Bound and Disgraced," so they're designed to look like we're outside in the real world. There are houses, bars, doctor's offices, police cells, and school rooms all laid out in flawless detail in the basement of the Armory. Dane tells us that they have to pride themselves on that attention to detail. "If we make a mistake in the algebra on the **blackboard behind some people fucking** (<http://blackboardsinporn.blogspot.com/>)," he says, "then that's what people will write in about."

If you fancy yourself as the next James Deen, appearing as a background extra in a "public" scene is one way to get onto a porn set before you throw yourself in at the deep end. If you find yourself in San Francisco, you can apply online to appear as a member of the public. You can even go as a couple—it'd be a hell of a first date.

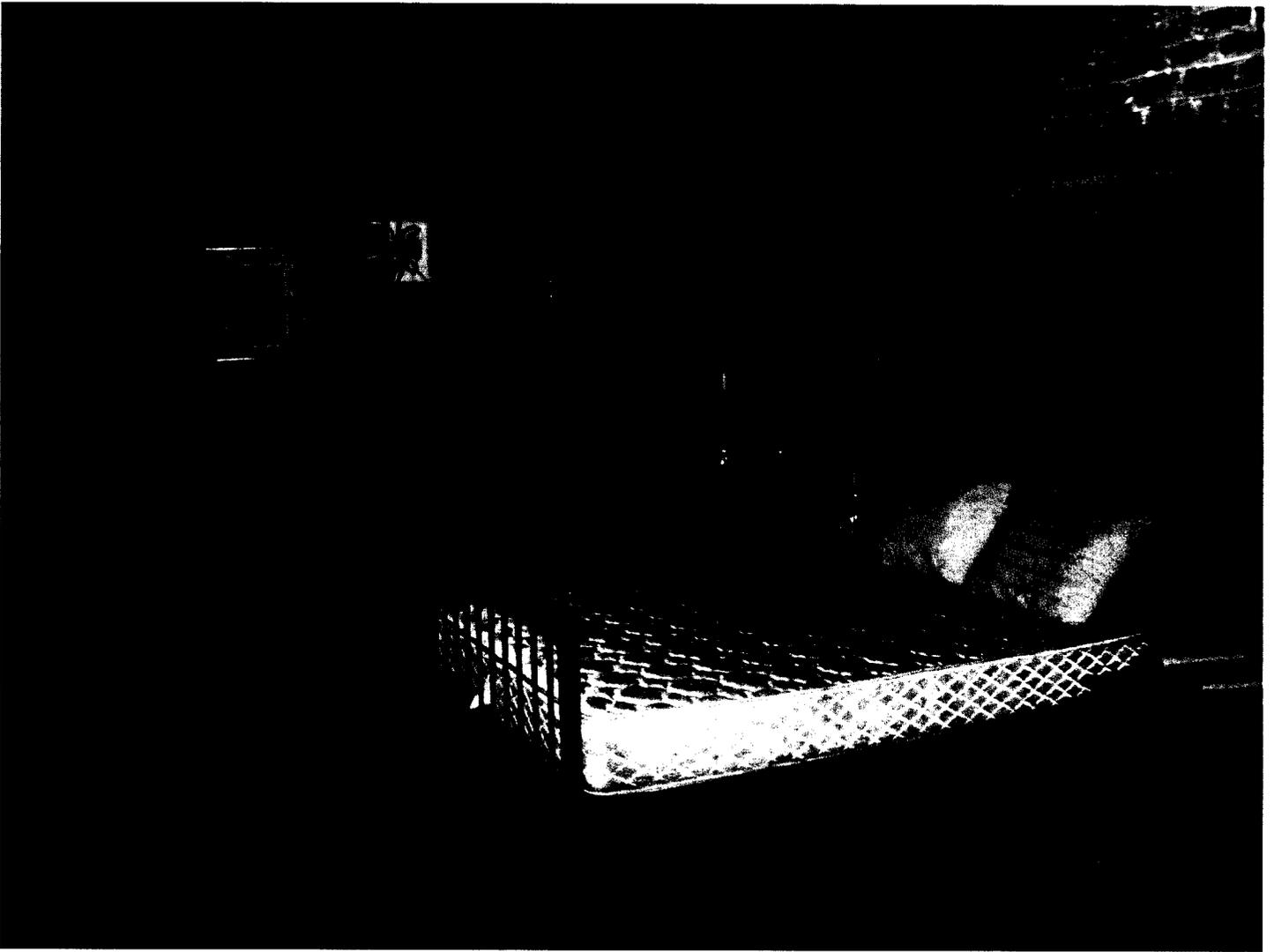


If you're looking to make a bigger commitment, Kink.com is always hiring. Their rates vary from \$200 to \$800 per shoot for men, or from \$500 to \$1,300 per shoot for women. When you sign up you'll be given a "Yes-No-Maybe" list so that you can say what you're into and what you're willing to try. Naturally, the highest rates are reserved for those rare specimens who are up for doing the stuff that the fewest people want to.



The author, pictured with Carol Acworth's statue

I tell Dane I'll get back to him about the "Yes-No-Maybe" list, but before I leave the Armory there's one more place he wants to show us. We head all the way up to the top floor of the building and enter what could be a stately home if it wasn't for the antique gynecological table and all the graphic, hardcore porn portrait paintings hanging on the walls. One of the most eyebrow-raising statues is a naked, large-breasted woman sculpted by Carol Acworth—that's the bosses' mum. After she finished, her son Peter completed the piece by trussing it up with bondage rope. A real family affair.



This is the "Upper Floor," Kink.com's private member's club. It's essentially *Downton Abbey*, but with ball gags and more leather than Kanye's wardrobe. On the Upper Floor, models act out master-servant fantasies at regular parties in front of a hand-picked crowd of BDSM fans. They have a strict guest list, so you can't just wander in if you've watched a couple of videos and now consider yourself a budding Christian Grey. You've got to earn an invitation by introducing yourself to a guy called Maestro Stefanos at one of San Francisco's BDSM nights, and I'm guessing guys who call themselves "Maestro Stefanos" know what they like.

What's really interesting about the Upper Floor is that they livestream their parties, and people log in from all over the world to watch and chat to participants and other fans. This means that BDSM fans in Smalltown, Nowheresville, who find it next to impossible to meet anyone who shares their tastes can tune into what Dane calls "transmissions from the kinky mothership." That seems to be what's made Kink.com such a success. The internet might be awash with free porn, but people still have a fetish for community.

Follow Kevin on **Twitter**. (<https://twitter.com/KevinEGPerry>)

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([whatsapp://send?
text=http://www.vice.com/read/inside-
kinkcoms-san-francisco-porn-
palace](whatsapp://send?text=http://www.vice.com/read/inside-kinkcoms-san-francisco-porn-palace))

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PETITIONER'S EXHIBIT O



Device Bondage review

Device Bondage

Initial Review: 2007-04-29
Last Update: 2015-02-16

DeviceBondage is the latest miracle brought to us by the people behind KINK. Since they bought the Army in SanFran for \$13m to shoot bondage porn (and hell they made news with that), they have been shooting very high quality content.

Content	Cost / Markup	Final Score
Quantity 12.5 / 15	Value/Money 14.5 / 20	
Quality 14.0 / 15	Markup 0.0 / 5	
Update Freq. 8.5 / 10		
Exclusivity 10.0 / 10		
Entertainment 8.5 / 10		
Downloadability 5.0 / 5		
Extras 3.0 / 5		
	Navigation	
	Navigation 3.0 / 5	
	Design 3.0 / 5	

Out of 100

Pros

The content is absolutely awesome and 100% exclusive. Their models are all really beautiful - see for yourself. Everything is done by true niche experts. Detailed updates (all information one could ask for). Site has a list of future shoot dates (for this site and the other network sites) and the name of the directors and models who will be involved. Lots of useful extras in the site (device gallery shows the instruments used in the videos; plus forums and live shows). A model directory is present for better model search. Members can choose the pictures they like and the site will put them all in a zip file for you. Pictures are of good quality (sizes are about 1200x800 px).
UPDATE(2012-01-10): Site updates approximately every 4 days - amazing!
Members can comment on videos and share their suggestions with the director.
Bonus access to 22 sites is included with your membership.

Cons

Navigation could use some improvement. There are no full downloads (videos can be downloaded in parts as zip files, though).

Bottom Line

DeviceBondage is a monster, not just in relation to its price. This one will grow fast and soon be pumped with incredible content. If you like bondage and IF you can afford this one GO for it. The content is really awesome. Considering the site updates twice a week you MIGHT even consider the multi month memberships... the price gets a little better with those.

Enter Device Bondage

The Facts

Category: BDSM
Secondary Categor(ies): Fetish, Hardcore
Updates: Details: Weekly, Update Log: Yes, Dated Content: Yes
Join Options: Credit Card, Check, Postal Mail
Pricing: \$55.00 (Monthly, Recurring), \$99.00 (3 Months, Recurring), \$156.00 (6 Months (Non-Recuring))
DRM: No DRM license restrictions
X-Sales: No cross sales

Pictures:

805 photo sets (avg. 90 pictures)
Hi-Res: Y | Different Sizes: Y | ZIP Files: Y | Slideshow: N
Image Resolutions: 533x800 (Standard), 800x1200 (High Res)

contentCALC [?]:
As of today, 2015-03-30, there should be 811 photo sets available
contentCALC accuracy:
Has been verified 10 times, last on 2015-02-16, and arrived at 100% accuracy.

Videos:

805 video sets (avg. 15 minutes)
Downloadable: Y | Streams: Y | One-File Downloads: N | Multi-Bandwidth: Y | Vid Caps: N
Average movie size: 120 MB (1/5-File HD WMV), 40 MB (1/5-File High WMV), 230 MB (1/5-File High MPEG 4), 60 MB (1/5-File Low MPEG 4)

contentCALC [?]:
As of today, 2015-03-30, there should be 811 video sets available
contentCALC accuracy:
Has been verified 10 times, last on 2015-02-16, and arrived at 100% accuracy.

Video Format(s):

RM: 854x480, 906 kbps
WMV HD: 1280x720, 1.62 Mbps
WMV High: 960x540, 984 Kbps
Flash: 722x404, bitrate unknown
mp4: 1280x720, 3000 Kbps (HD) / 640x360, 861.76 Kbps (small screen)

Video Skip:

Can skip ahead.

Other Vid Details:

Medium-sized watermark Smooth Flash Player.

More Content Details:

Content Rotation: No rotation.
Download Limit: There appears to be no download limit
Condoms used in scenes: No
Content / Model categorization: by name, by number of shoots, by latest performance

Content Exclusivity:

100% Exclusive

Download Speed:

465 KB/s (reviewers max: 527 KB/s / 4219 kbps)

Logging In:

Only log in required. Content doesn't require re-entry of login info. Not saved after browser was closed

Model Appearance:

Mostly white, amateurish, from thin to normal body type

Model info:

Model Index: No

Top BDSM Sites

1. Hog Tied - 84
2. Water Bondage - 84
3. Wired Pussy - 83.5
4. Whipped Ass - 82.5
5. Device Bondage - 82
6. Dominated Girls - 80.5
7. Sex And Submission - 80.5
8. Mighty Mistress - 80
9. Chanta's Birches - 79.5
10. BDSM Ticket - 78.5
11. Damsels In Peril - 78.5
12. Fucked And Bound - 78.5
13. House Of Taboo - 78.5
14. 3D Kink - 78.5
15. The Training of O - 78
16. Public Disgrace - 76
17. Disgraced 18 - 75
18. Enslaved Gals - 75
19. BDSM Giant - 75
20. Bondage Auditions - 74

View all [BDSM](#) sites

View all [Fetish](#) sites

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BOOKMARK

Video Review currently N/A

Members Area Screenshots

Launch Gallery Console

This DeviceBondage.com review is based on the facts / status when written / updated on 2007-04-27:

Written by John, a junior writer.

The Site:

Device Bondage offers a dark, grimy layout that instantly gives you the feeling of authenticity. It's simple yet very real, and very suitable for its topic. Here there seems to be something for the thirsty sadist in all of us: top quality bondage movies, real live shows featuring some very attractive ladies, a gallery with dreadfully detailed images of some of the most horrible torture devices you can imagine, a member's forum with surprising activity for such a new site, and also a complete schedule of all the upcoming shoots.

THE CONTENT:

'The quality is obviously there' is the first thing that came to mind when I first saw the inside of this site. Not a not small compliment coming from someone who is not a particular fan of the niche. I was very impressed. There seems to be an incredible amount of work and detail behind each single shot. You can definitely feel the girl's pain as if it were your own, which I think is something a lot of members will appreciate. The atmosphere of the site is dark and gruesome, especially in their Device Gallery, which illustrates a series of shocking machines carefully designed for applying pain. The page looks as if it was ripped out of a medieval book of torture. You can click on any of the devices and be rewarded with a creepy third-dimensional presentation (done very nicely I might add) and a short text description explaining what such a marvelous instrument is capable of and it's history. This part alone should be worth the price of membership for some torture buffs out there.

Device Bondage has only approximately 20 scenes you will not find on any other site. It's obvious they cater to a very selective audience, who only want to see the real deal. Each video is divided into different clips. The videos have anywhere from 5 to 10 breathtaking, very high-quality clips, that also offer the member a chance to leave feedback or comments for the scene, which a lot of people do, and some of them can be very humorous. There is a lot of interaction between the actress and director in these videos, you can tell it's very personal experience for both of them. Overall I was very impressed with the video quality.

Device Bondage has some top-notch pictures as well. Every photograph is extremely meticulous and well prepared, and the girls look very beautiful in their pain. Some scenes offer a lot more pics than others, but they are all worth a look. Again the dark dungeon atmosphere plays itself out very nicely in these pictures.

As for the models some of them are shockingly pretty and innocent-looking. It's amazing to see them in some of those bizarre positions; you really wouldn't believe it's them. Every scene is accompanied by a few paragraphs of text that summarize the scene. Some texts offer cool info about the unique locations where the shoots occur, others say something about the model and how she felt before, during and after the shoot, while others just like to ramble on every painful detail. Either way, I found them to be pretty entertaining.

Device Bondage also adds a feature that lets you watch live shows via streaming video. Some these shows last several hours, and there's a chat room where you can interact with the model and other members, ask questions and even offer suggestions.

The forum seems to be visited by some interesting characters that sound like real experts on the subject of torture. If this is the community you've been searching for, than Device Bondage might just be the perfect site for you. The films are constructively criticized, with members adding suggestions for the directors.

THE CRITICISM

Some scenes should have offer pictures and others should simply have more footage. There doesn't seem to be a clear balance in regards to this. Something else I didn't like very much was that when you clicked on some of the menu options they opened up on another browser. For example if you click on the Models option, a new window will pop up with the girls. Why this is I'm not sure, but I found it to be a bit distracting. I will also have to mention the price of course. I know the content is very expensive to shoot and everything but 55 bucks... jesus.

THE CONCLUSION

In terms of reality and gruesomeness, Device Bondage seems to be in a league of its own. Entering the site is like entering a dark dungeon, filled with beautiful women being tortured medieval-style with wooden horses, gags, neck and wrist spreaders and other delightful pieces of equipment that'll shock you. The girls are lead through pure hell by the directors, and you're right there to witness the entire experience from start to finish.

Quick Tour Preview

INCLUDED

with your membership:

1. Fucking Machines - 85
2. Water Bondage - 84
3. Hog Tied - 84
4. Wired Pussy - 83.5
5. Ultimate Surrender - 82.5
6. Whipped Ass - 82.5
7. Men in Pain - 81.5
8. Sex And Submission - 80.5
9. 3D Kink - 78.5
10. The Training of O - 78
11. Bound Gods - 76.5
12. Public Disarece - 76
13. TS Seduction - 74.5
14. Behind Kink - 74
15. Naked Kombat - 71.5
16. Bull Machine Boys - 68.5
17. Divine Bitches - 67.5
18. The Upper Floor - 67

Preview Tours

Visitor Ratings:

100

Votes: 1
Average Rating: 95.0 / 100

Review Log:

- 2015-02-16: Quick Facts updated, contentCALC verified.
- 2013-05-28: Quick Facts updated, contentCALC reset.
- 2012-01-10: Quick Facts updated, contentCALC reset.
- 2009-04-29: Quick Facts updated, contentCALC verified.
- 2007-04-27: Device Bondage review published.
- 2007-04-25: Sample DeviceBondage galleries added.
- 2007-04-23: Quick Facts added,

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PETITIONER'S EXHIBIT P



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Martin Mazza from Alpha Male Fuckers

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Top Fetish sites

- 1 Bound in Public **9.0**
- 2 Boy Napped **9.0**
- 3 Bound Gods **9.0**
- 4 HDK Fisting **8.5**
- 5 Sneaky Peek **8.5**
- 6 Tribal Male **8.0**
- 7 My Humble Sissy **8.0**
- 8 Fetish Force **8.0**
- 9 Group Med Exams **8.0**
- 10 Boy Fetish Central **8.0**

All Fetish sites or other categories.

Navigation

- Buyer's Guide
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Butt Machine Boys review

Summary: Butt Machine Boys is unlike any masturbation or insertion site that you've ever seen before – and that's a good thing. They use crazy ass machines to deliver plenty of power to their guys' asses, and the HD quality video that they've been adding in is just great. Even though the site has just been relaunched after a 5 year pause, this is a must see.

» Visit Butt Machine Boys

Overall score:
 Content Quality:
 Speed:
 Content vs. promised:
 Price vs. content:
 Navigation:
[About Our Ratings](#)

Intro promises

130 + Shoots
HD video

Author:
Tiffany, 2009-09-08

Categories:
Fetish

Tags:
gay fetish, gay fucking machines, gay sex machine

First impression

Butt Machine Boys is one of the most unique gay sites on the market, and it's no surprise that Kink is behind it. It's the only site that I've ever seen that combines horny guys and male masturbation with ridiculous fucking machines that give these boys the relentless fucking that they ache for.

Kink is behind some of the hottest fetish sites on the net, and it looks like they're taking on another unique area with gay fucking machines. Their member's area design is rather dark and simple, which is classic Kink. This actually used to be one of their older sites, and they have just recently begun updating again. What a happy time to be reviewing it, eh?

Our opinion

There are 142 episodes with a video and photo set at Butt Machine Boys. Since they've started updating again, they have stuck to a weekly update schedule. This is one of my favorite site focuses from the Kink crew, so it's great that they've fired up their engines again and have started pulverizing plenty of man ass.

If you've never had the pleasure of seeing a fucking machine, they're basically exactly what it sounds like – a machine made for fucking, and it doesn't need any rest. That's great for those guys that get annoyed at the stamina of their partners, as well as the ones that want something way different for their masturbation fun.

The videos are pretty lengthy – even the earliest are 20 minutes long, and they're reaching up to around 40 minutes with some of the latest episodes. Butt Machine Boys has been around since 2001, so the quality spread and formats on the videos vary quite a bit.

For the latest videos, you get a choice between Flash streaming, WMV HD, MP4 HD, WMV SD, and MP4 Ipod. These are shown at 1280x720 and 1.5 mbps for the two HD videos, the SD is shown at 960x540 and 900 kbps, and the Ipod version is shown at 640x360 and 800 kbps. HD quality fucking machine videos are as hot as you can imagine, and the quality is some of the best that I've seen in porn. The machines that they have on hand are rather impressive, and I find myself wondering how much it would cost to stock up my basement. Older videos have videos in WMV and MP4s, and are shown at 640x480 and 1 mbps and 480x360 and 800 kbps. All videos offer smaller clips for quick downloads, or a full scene download.

Photo set sizes range from 100 to 200 photos per shoot, and although they aren't screencaps they do follow the flow of the scene nicely. The photos are offered in high and low resolution, which just gives you two different quality versions of the same photos. The larger is shown at 1200x800, and the smaller is 800x533. The quality is amazing either way, and you'll be taken into the machine

Screenshots

Butt Machine Boys review

fucking once again. You can use Pic Lens to browse or a zip download.

Kink really doesn't offer bonuses with their sites, but you do get access to their forums, which are pretty active and always interesting. The site specific forum is rather small, but you can get to the overall Kink forums pretty easily, and there are plenty of fetish minded people there.

Conclusion

Butt Machine Boys is one of the most unique gay masturbation / insertion sites out there. The content is unique, hell the machines are unique, and the HD quality videos are well worth the price of admission. They are just at the beginning of their relaunch, so it's only going to keep getting better. For that reason the quality score only reflects the quality of the newest updates.

Pricing

Price	Period	Rebills	Additional Info
USD 24.99	1 month / 30 days	Rebills after every period	
USD 39.99	2 months / 60 days	Rebills after every period	
USD 49.99	3 months / 90 days	Rebills after every period	
USD 89.99	6 months / 180 days	NON recurring	
USD 159.99	1 year	NON recurring	

Payment Processors:
DHD, Epoch

» [Click here to visit site](#)

Random Review

External Opinions

Don't take our word for it and see what others think! We have collected a list of opinions and impressions from other sites, so you can compare them all from one place.

Name	Date	Score	Name	Date	Score
Porn Adept	2014-10-16	76/100	Adult Reviews	2009-09-08	8.0/10
Porn Paysites	2010-10-22	68/100	Porn DB	2009-08-10	4.5/5
Nude Reviews	2010-03-19	84.0/100			

Total average: **79.5/100** Our score: **8.0/10**

Overall Score:

User Comments

Write your comment - feedback is appreciated

Name:

Comment:

Handy Studs is a solid site that might not stand out in a crowd, but it doesn't do too bad on its own either. That's more...
Read the full Handy Studs review.

Reviewed: 2010-04-03
Category: Hardcore



Enter the 6 characters above to avoid spam:

Comments from other readers

User	Comment
Richard 2015-01-06 14:17:18	Buff and fit would love to be a butt machine boy.

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By Matt



The Most Jaw-Dropping Quotes of Monday's 'Roast of Justin Bieber'

By Dan



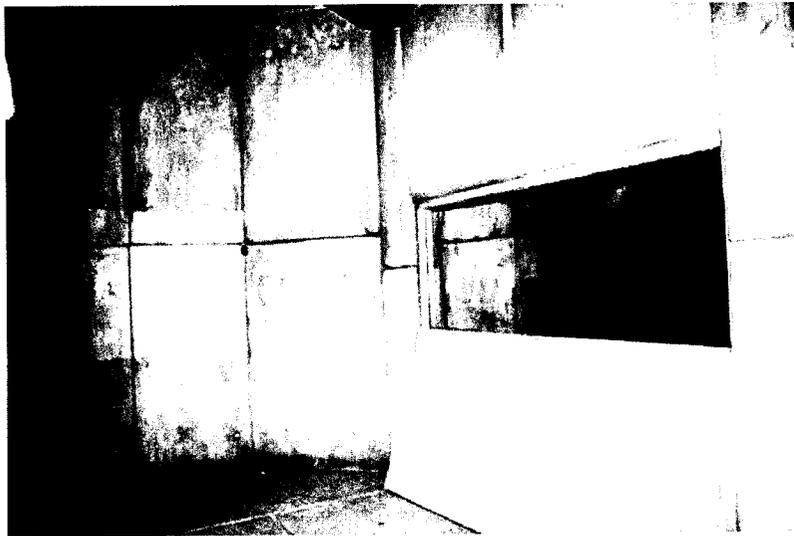
Live Review: Seth Avett & Jessica Lea Mayfield Do Elliott Smith Right at the

By

Sexy SF

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.

Would Better Call Saul have been better off as a sequel instead of a prequel?

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- Sequel, I know which characters a...
- Sequel, I wanted to know about lif...
- Prequel, I want to know Saul's bac...
- Prequel, it's fine the way it is now.

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Chuck Prophet on SXSW Survival

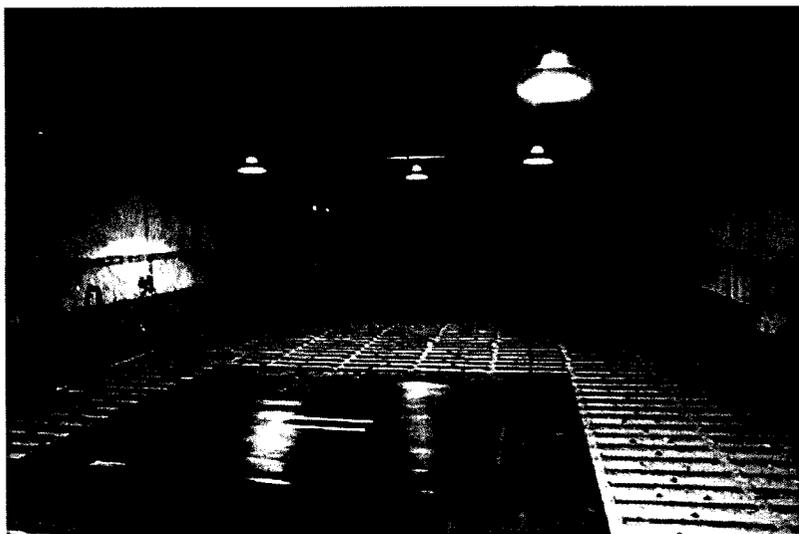


SXSW: Friday Brings the Zombies, E-40, and Bushwick Bill With Thee Oh Sees



Music Heroes: Brendan Getzell

Go Do This Thing Tomorrow: Support



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.



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What's up!? I'm the new editor here at All Shook Down.

Greetings From Your New All Shook Down Editor

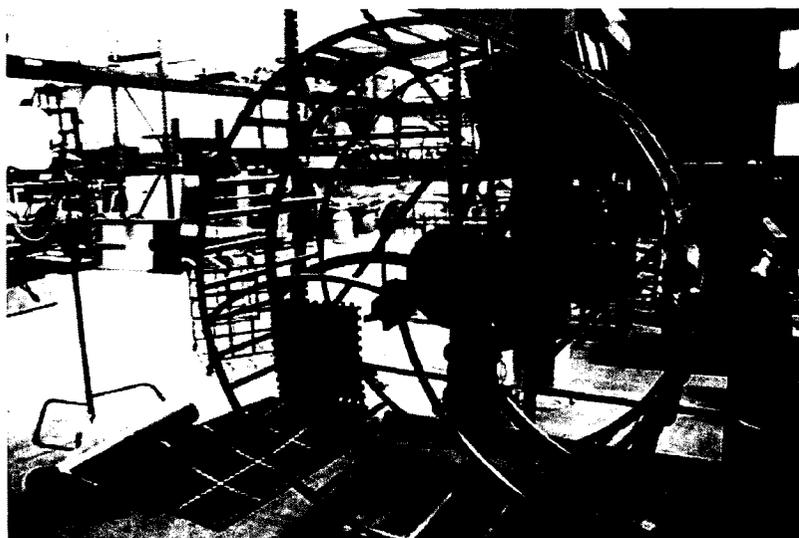
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Giant Hamster Wheel for Bondage.

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.



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3,183

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PETITIONER'S EXHIBIT R

July 3, 2015

A black banner for Argosy University. On the left is the Argosy University logo, which includes a stylized flame icon and the text "ARGOSY UNIVERSITY". To the right of the logo, the text "MASTER'S AND DOCTORATE PROGRAMS BEGIN SOON." is displayed in white, all-caps font. Further to the right, the text "LEARN MORE >" is displayed in white, all-caps font.

Kink.com Now Offering Sex Workshops With Live Demonstrations

Posted: 12/03/2012 8:32 pm EST Updated: 02/02/2013 5:12 am EST



Kink.com, San Francisco's largest fetish pornography company, has expanded into nothing short of an empire as of late.

Not only does the sexy organization, situated inside the city's historic Armory building, offer its infamous guided tours, but this year alone they opened a sister bar across the street and expanded operations down to Los Angeles. Their exploits have captured the attention of multifaceted movie extraordinaire James Franco, whose documentary "Kink" was recently selected to premiere at the Sundance Film Festival.

And in perhaps Kink's most titillating venture yet, the company has been quietly rolling out a series of sex workshops since summertime. The classes have begun to catch on with the community, and recent ones have been popular enough to sell out.

"The workshop series helps us educate people who are interested in exploring their sexuality, but may not know where to start," Kink spokesman Mike Stabile told The Huffington Post. "We bring in experts and create a safe space for people to learn, ask questions and talk about sex frankly and without judgment."

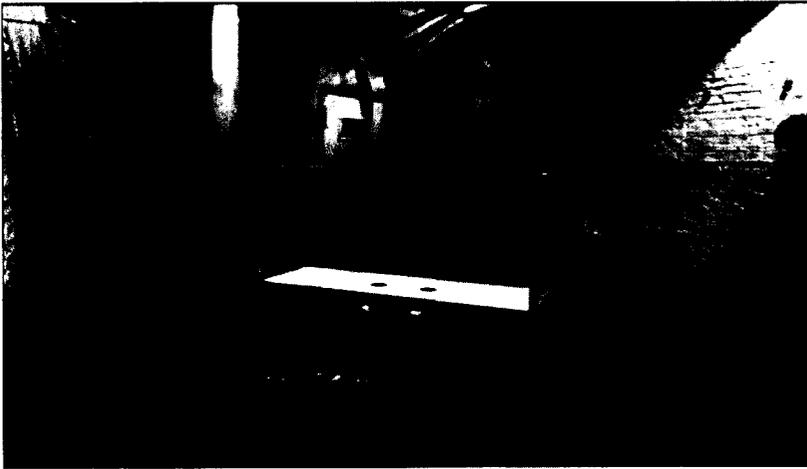
Sometimes the workshops even include live demonstrations, like last week's oral sex tutorial with porn star Rain DeGrey.

"They have to sit through a lecture before we get to the good stuff," she said in a statement. "We do techniques, physical response and have a question and answer period before moving on to the demonstrations."

According to DeGrey, her clientele has varied widely across demographics. "It's young and old, married and single, men and women, gay and straight," she said. "We get a lot of people who are newbies, who are really curious about the scene."

Indeed, workshop curator Nic Rathert told HuffPost that the initial idea for the classes came from folks who had been previously unexposed to the fetish world. "We were getting a lot of people on the tours who were kink-curious," she said. "We could direct them to some of the BDSM clubs and organizations, but there wasn't much out there for beginners, for people who were interested in exploring slowly."

Upcoming classes include a lectures on g-spot stimulation and "bedroom bondage." [Click here](#) to learn more, and scroll through some photographs of Kink's sets in the slideshow below:



Photographs courtesy of California Home + Design.

MORE: [Sf kink.com](#) [Sf Armory](#) [kink.com Sex Workshops](#) [San Francisco Around Town](#) [kink.com San Francisco](#) [San Francisco Armory Video](#) [kink.com Tours](#) [San Francisco kink.com](#) [kink.com Sf](#) [kink.com Classes](#) [kink.com](#)

Filed by Carly Schwartz

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Kink: Sundance Review

6:32 PM PST 1/22/2013 by John DeFore

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The Bottom Line

Good-spirited doc humanizes the producers of what many would consider very twisted material.

Venue:

Sundance Film Festival, Midnight

Director:

Christina Voros

The James Franco-produced documentary goes behind the scenes with the world's leading producer of BDSM porn.

PARK CITY -- **James Franco** doesn't think there are enough penises at Sundance. After re-creating the censored bits of *Cruising* in *Interior. Leather Bar.*, he acts as producer here, all but twisting director **Christina Voros'** arm to convince her to make a film about Kink.com, the world's leading producer of bondage and sadomasochistic porn. (What Kink wouldn't pay to have a film of Franco twisting Voros' arm...) The result is a friendly film about lots of seemingly reasonable people who do terrible things to each other on camera for money.

RECOMMENDED



James Franco 'Interior. Leather Bar.', 'kink' »



Sundance 2013: James Franco and Christina Voros on Porn, 'Fifty Shades' and New Doc 'kink' (Q&A) »



James Franco's Inauguration Poem: He Knew Me From 'Spider-Man' »

VIDEO: THR's Sundance Video Diaries

It's not every doc in which you can hear lines like "Sorry, we have a gang-bang going on next door" and "There's a way to step on a cock where you don't hurt it, hon." There are fewer films still in which you might then see the latter claim in action. (Plenty of erect members appear here, sometimes handled quite comically; onscreen penetrations are seen only briefly.)

Even so, much genuine pain is inflicted in Kink's vast San Francisco studios, and *kink* does much to explain both what this does for people (one describes "subspace," in which pain releases pleasure-enhancing dopamine; another compares it to running a marathon) and the extent to which this particular porn company strives to



»
**BERLIN 2013:
 Films From James
 Franco, Abhishek
 Kapoor Added to
 Panorama Sidebar**
 »

keep it all friendly. Torturers take pride in being able to endure what they dish out; safe words are sacred; and "aftercare," in which directors comfort those they've just subjected to simulated assault, is a major part of the game. It's a world with rules, we see, in which each "model" (they're not called actors here) dictates what can happen when the cameras roll. "I like choking," for example, "but

don't call me 'bitch.'"

Voros' interviewees, from models and directors to company founder **Peter Acworth** (who ran his first website for a year from a grad-school dorm room), are articulate, adjusted-seeming people who can talk convincingly about misperceptions and stigmas surrounding both porn and BDSM (the catchall label for all this spanking, choking and such). A more convincing case for masochism was made in **Kirby Dick's** 1997 *Sick*. But the case of **Bob Flanagan**, whose embrace of pain was tied to his experience of cystic fibrosis, is too particular to provide the kind of general explanations these men and women offer.

PHOTOS: The Scene at Sundance

Kink is quite convincing in presenting this one workplace as a happy, sane environment where people respect each other and aren't manipulated into doing things they don't ultimately enjoy. But it leaves plenty of room to presume that Kink.com is an outlier in the industry, and it never asks if good vibes behind the scenes have any correlation with the mindsets of the people who pay to watch these videos. No one is asked if -- however OK it might be to enjoy playing out an abuse fantasy with a loved one -- producers have any qualms about supplying a steady stream of such scenes to an audience that is probably not solely composed of groovy feminists.

Discussing such questions would make *kink* a much bigger project, of course. Voros may be quietly acknowledging such concerns when she ends the film with a black screen -- letting a particularly vicious torture scene play only in audio for a while, then rolling credits with no music behind them.

Production Company: Rabbit Bandini

Director: Christina Voros

Producers: James Franco, Miles Levy, Vince Jolivette

Directors of photography: Christina Voros, Dave Malloure, Kim Parker

Editor: Ian Olds

Sales: Preferred Content

No rating, 79 minutes

PETITIONER'S EXHIBIT T

For the Love of Kink

Melissa Gira Grant ■ Spring 2014

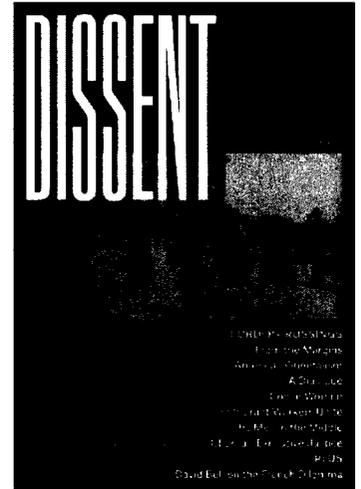


In the Parlor at Kink's Armory Studios (davitydave/Flickr)

When the old San Francisco Armory was sold to the Internet porn production company Kink.com in 2006, they paid \$14.5 million. The long-abandoned property, which is said to resemble a “Moorish castle,” once housed the National Guard, stationed there to quash the city’s 1934 general strike. The armory stands at the corner of Mission and 14th Street, a few blocks from the lone fire hydrant that saved the neighborhood from the flames of the 1906 quake just six years before the armory was built, and also a few blocks from the salvaged-wood cafes and velvet-roped dive bars that herald, for many, a new form of siege. It’s Kink’s flags that fly now from the top of one of the armory’s brick turrets, with the company’s URL visible even on Google Street View.

In the years since, while Twitter was launching a short bike or BART ride away, while Facebook was opening up to the world outside the brick confines of the Ivies, Kink transformed the armory into its own platform, a fantasy-stocked retreat furnished by and for the pleasure and reward of CEO Peter Acworth. It’s a rare accomplishment: a porn production studio that aims to favorably represent a sexual subculture, that holds free sex parties and (paid) public tours, that positions itself as a San Francisco institution with unironic civic pride.

On the day I called Stefanos, producer of the live shows Kink puts on in the castle’s gothic penthouse called the Upper Floor, it was around lunchtime. He apologized to me for the background noise; employees were rushing around him to get to the catered meal Kink offers its staff four days each week. Kink employs directors, editors, IT staff, and a talent department. They employ production assistants who double as set photographers, and whom you can watch moving furniture and props on the Upper Floor live webcams when there are no performers around.



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During Upper Floor parties, in addition to Kink's staff, there are contract caterers and bartenders on set, along with the contract actors hired to perform sex and S&M scenes with one another. Like most adult industry performers, they are regarded as independent contractors, paid by the shoot. By contrast, Stefanos and Kink's full-time off-camera staff are employees.

But Stefanos is also a performer. In addition to serving as the real-life host of the party, he told me, "I play a character who, I jokingly say, he's a cross between Tony Stark and Hugh Hefner, a guy who just throws parties at this house owned by Mr. Acworth."

The distinction isn't immediately evident to the viewer, who can't tell which role—house manager of the pornography production business called the Upper Floor, or house performer acting out a sexually dominant fantasy—Stefanos is playing as he introduces, inspects, and stimulates the performers for the party guests and for the cameras.

Like those performers, Stefanos has a profile page on the Upper Floor website, listing his gender, hair color, body type, and cock length, and an index of each video shoot he's appeared in. Fans leave him comments like "World class again Maestro" and "Truly exceptional and very educational. A big thank you for everyone who took part." He's got skin in the game, but he's also setting the rules.

This platform is Kink's product—not only its live-streaming S&M sex shows and video archives, but the promise that the sex acts on the website and within the castle walls are authentic, even improvised, and portray the models' genuine excitement. It's most important to get a real performance from people, Stefanos told me. On the Upper Floor, he explained, "People tell me they feel much more at home, and it allows people to feel more relaxed. What happens is the guests themselves just begin to play with one another, just like a play party."

But the work of producing a real performance is easy for Kink to obscure, especially within the physically dominating structure of the castle. Every Upper Floor video starts with a shot of the armory, dramatically lit, flags on its top waving, then fades to an image of the Kink logo. The leather, iron, and brick aesthetics may signal erotic torment, but there's homey consistency to the Upper Floor shows, with regularly scheduled brunches and orgies. A rotating yet recurring cast of characters appear each time and on the same sets, like the "house slaves" in the Kink uniform of black stockings with a contrasting red weft, held up by black garters. A viewer can imagine she is looking in not on a porn set but on some ongoing, unfolding sexual moment.

The work that goes into producing real sexual performances for viewers is principally the work of performers, who Stefanos repeatedly told me have their boundaries treated with respect. Performers state their limits up front and producers agree, and it would be considered unethical for producers to alter that agreement with performers.

But the boundaries Stefanos referred to were on-camera boundaries: the kinds of sex they would and would not perform. In 2010, when Kink abruptly changed the pay structure for its webcam performers on its Kink Live site from an hourly rate to a commission-only system, several models appealed to Acworth. One of the performers was fired, apparently in retaliation for her organizing with other performers to reverse the pay cut. That performer, Maxine Holloway, and three other models pursued a lawsuit against Kink, which was settled out of court.

Democratiya

The journal *Democratiya* was launched in 2005. Sixteen issues, one book, and a quarter-million readers later, *Democratiya* was incorporated into *Dissent*.

[Click to access the full archive.](#)

DEMOCRATIYA

Book of Numbers

A Random House Hardcover and eBook

"More impressive than all but a few novels published so far this decade."

—*The New York Times*

A CHANGE THAT'S STILL COMING Your Civil Rights Reading List



AMERICAN MOVEMENTS

Subscribe by July 4 to get your copy of *Dissent's* Summer issue.

“As models we want to perform well, we want to push our boundaries, we want to look desirable on film, so we can get paid, propel our careers, and hopefully be hired again and again,” Holloway wrote on her blog. “As a director you have deadlines, product, budgets, employees and profits that you are responsible for. Each party has their own pressures. But it is important to recognize who has more power in the situation.”

When I ask Stefanos about how he understands his job, he told me:

I’ve had people ask me, “Don’t you think you’re taking away people’s work by doing what you’re doing?” And I’m not sure that I’m taking away people’s work. I feel like, if people look at what I do up here as “evil,” the reasoning that I have—and maybe not the smartest reasoning in the world—is that if what I do is evil, I feel like I’m the lesser of all those evils. And the reason that I’m here is that I can inform everyone of the risks before they take them. And I’m not sure that everyone else would do that. I sort of feel like this would happen without me.

He was right, in that the business model Kink has adopted existed before he was hired, and the decision to cut live webcam performers’ pay at the same time the Upper Floor expanded wasn’t his to make. It’s hard enough in a business that doesn’t involve the production of a stigmatized sexual performance to talk about power, control, and ethics. But just as when Google aspires not to “be evil,” “evil” redirects us to questions of our intent, and not our impact.

Kink has long touted itself as not just a porn company but an ethical reflection of real-life kinky sex. They advertise the Upper Floor as “erotic alternative lifestyle ‘wiki culture’ at its finest; in every way, it is a collaborative enterprise created by a worldwide network of participating members.” Producing the Upper Floor isn’t limited to the work of Kink’s paid performers, that is: it’s also the work of the community members.

Stefanos uses “community” to mean both the paying members and the extras who lend their performances to parties live-streamed to members for a fee; in exchange, these extras receive a “free” membership to the site. He pitches the experience to extras as a full-service sex party, with opulent sets, expensive BDSM furniture, sex toys, a bar, and initiation into the Kink community. But the extras—unlike the paid performers who also engage in sexual performance on camera at the parties—are not regarded by Kink as performers. They are considered “guests.”

“I think in the culture of San Francisco—a number of people who come to these parties go to other parties, and they’ll pay \$25, \$50 to get into the party just to use someone’s equipment and to play and socialize,” said Stefanos. “And in some people’s minds, I think, since they are already going to be playing in public—they’re already out in some way about their kinkiness on the Internet—in their mind, this is just another play space, and the exchange is instead of giving a business \$25 or \$50, we get to have their image.”

That is, for some of Kink.com’s community members, performing on the Upper Floor could feel more like a service Kink offered *to them*. There are probably more public

sex play spaces in the San Francisco Bay Area than anywhere else in this hemisphere, but Kink's are certainly more lavish and, for some, come with a certain prestige that just having kinky sex in a homegrown dungeon—without the cameras, without the “fame”—does not. After the parties, Stefanos told me, he sometimes sends the guests still photographs that he thinks they'd like as keepsakes. They can post them to their online profiles on sites like Fetlife, on pseudonymous personal blogs, or slightly blurred on Instagram.

“This is almost the ultimate form of ‘do what you love,’” said Georgina Voss, a researcher and writer who examines how technologies are designed, interpreted, and regulated, particularly in the creative and culture industries, including the adult industry. I rang her over Skype to ask her if the porn industry was going the way of all creative industries online: replacing the professionals with amateurs. With “do what you love,” Voss referred back to Miya Tokumitsu's essay of the same name in *Jacobin*. It's easier to direct porn performers to “do what you love,” perhaps, when even the producers who depend on it don't readily regard the work of performing sex as work, but instead as sexual expression.

This reluctance, along with the various poor working conditions we're supposed to absorb in exchange for “doing what we love,” Voss said, is in a way “almost the perfect storm of what's going on in culture industries. Because what is more fun than sex—with someone you love in a really nice place?”

On the Upper Floor website, there's a map showing the location of each webcam, and I choose one to watch. Dining Room 1, Slave Quarters, the Parlor, the Lounge. It's a little like a text-based online chat world of the 1990s—a LambaMOO with real people in it. In the Lounge there's a fire lit in the hearth, or an image of a fire—it's so far across the room, it's hard to see. Four Oriental carpets lie at the edges of the cam's view, and a burgundy velvet sofa is set against one wall. A black leather spanking bench—telltale and waist-high—is just about centered in the shot. I imagine watching these cams before arriving at a shoot or a party, hanging out in these empty rooms, planning my best angles.

F. and C. are a couple from the East Coast who attended an event at the Upper Floor (and who requested anonymity in order to preserve their privacy—their names, C. explained, meaning more in a search engine than their faces). I asked them if it is obvious where the cameras are and where the room is mic'd. “No, no, no. Not at all,” C. said.

“It's obvious they were up in the walls, and we didn't have any sense of what was going on,” F. added. “And I was being live-streamed. I kind of got a kick out of the idea that people were masturbating to us.”

“It's actually really wild, because—we were told about the cameras, and we thought, that's . . . that's . . . weird,” C. continued. “But also—kind of fun. And then making it further interesting was that you didn't know where the cameras were, and you would kind of forget about them. Except—that . . .”

“I forgot about them,” F. said.

“Well, I can't say I forgot about them,” C. said, “because I think the fact that you couldn't see them made it almost all the more like, at any minute you could be on camera.”

"I mostly paid attention to the other people in the room," F. said. "I probably thought, oh, there's some guy in Rotterdam beating off to us now, but I'm much more interested in that guy over there who is watching."

"We were providing a fair amount of spectacle," C. said. The form of the production itself, she said—the not knowing what was being seen—made their labor invisible to them.

To those walking or riding by Kink's castle in the Mission, the productions inside are also invisible. Their neighbors have no way of knowing what's going on from the outside, but they could always watch the webcams if they're curious. This was one of Kink's big selling points when neighborhood activists protested their arrival: their business was discreet, and now that they'd be taking over the armory, there'd be someone with a vested interest in tending to the litter and broken windows. Kink employed and reversed the rationale commonly used by city planners and police to evict sex businesses. They'd be the good cop, keeping the streets clean and the sex out of view.

In San Francisco, as in many cities, sex—particularly anything marked as sexual deviance—is what gets gentrified *out*. Walk toward the Bay from Kink's front door and in a few blocks you'll pass through SoMa, once home to independent leather shops, leather bars, and bathhouses. Anthropologist Gayle Rubin has documented the community there, "one of the most extensively and densely occupied leather neighborhoods in the world," a community dispersed through waves of gentrification and devastated by the plague years of AIDS.

"When leather bars and sex clubs were closed in the mid-1980s," Rubin noted, "new ones did not replace them. Most were succeeded by restaurants, bars, dance clubs, and music halls catering to a primarily heterosexual clientele." The leather community itself became "privatized," and the sex scene moved "underground, out of sight, and out of the headlines."

I would go to SoMa for two reasons when I lived in San Francisco. In the quiet years before the second Internet boom, I worked as an apprentice to an experienced dominatrix, and everything I would need or need to learn could be found there. In the chaotic years ramping up to mass social media adoption, though, it was startup parties that took me to SoMa—still working, only now collecting stories as a writer for a tech website. One of the last I made it to was a launch for a now-shuttered Yahoo product, held at a former bathhouse. Scores of skinny engineer boys in hoodies flocked around with drinks in hand where men once cruised. Superficially, maybe, Kink.com is in the position to combine San Francisco's best known exports, but only once the sex has been straightened up—submissive women far outnumber anyone that resembles SoMa's leathermen on Kink.com—and taken entirely off the streets.

The Upper Floor, with its regal affectations and exclusive invite list, classes up commercial sex, and, to a certain extent, makes it acceptable. Stefanos estimates that 90 percent of the guests at the party shoots have zero aspirations of working in porn: riffing on what he says guests have told him, he added, "It's like, if I was getting paid for it, I'd have to think too hard about it."

Guests, like all of us accustomed to converting our offline lives into online content, have no reason to feel they are working while on the Upper Floor. Rather, they are something like users, perfecting and performing an ideal version of their sexual selves. What's described as a time of great innovation and disruption in online porn—user-generated content, live updates, all feeding your own platform and brand—is the

same game that is playing out on Facebook.

Before attending a party, Stefanos tells me, each guest on his list will be sent an email containing rules and requirements for the event:

. . . simple things like, “You have to be over 21,” “Hey, you have to have a valid ID,” “Here’s the dress code.” And then there are other rules like, “Hey, if you choose to play, here are the things you can and cannot do there in the play space.” And then I talk about consensuality, and I talk about very specific things like what fluids you can and cannot exchange, what toys you can and cannot play with. I explain we’ll be shooting video, and we’re gonna be using your image, you’re not required to play—obviously—but we’re not going to stop you.

In some cases, guests arrive at the Upper Floor with their own guests (like C. and F.) who have not seen the rules beforehand. Still, Stefanos said, before entering the live set, all guests are met by a staff member from the talent department who asks them to sign a release giving Kink the rights to their images and to complete what’s known in the business as 2257 paperwork—after a section of the law requiring that producers collect from adult performers their full legal names, home addresses, all aliases under which they have performed, and a copy of their photo identifications, information that must be made available for inspection by the government upon request. “We explain to them that the information we collect has to be kept for at least seven years,” Stefanos said.

“There may have been stuff in the papers we signed, saying we would take all precautions,” C. recalls. “But I don’t think I really would have read that.”

“I just signed them!” F. said. “It’s like the iTunes agreement.”

“Exactly! How can we just press ‘continue?’”

For a porn performer, this paperwork is just part of the job. For someone attending an Upper Floor party for the first time, this is also likely their first exposure to this system—even if they don’t think of themselves as a porn performer. The process might mirror what guests have encountered at any number of parties where by entering they waived their rights not to be photographed—or at a sex party where they signed an agreement not to take photographs—and so it might even feel familiar.

Those sex parties, however, are community affairs, held in rented spaces and produced by volunteers. Aside from the kink itself, there is little resemblance to Kink. “You are in this very controlled space,” Georgina Voss said, “which is ironically setting itself up as very liberalized. It’s not like a sex party, where you are going in and you’re having to say, ‘I will not take photos of anyone’—because that would be a dick thing to do. That’s a *private* space, where we have a social contract with each other. But the social contract we have at Kink.com is a corporate contract.”

Blurring and obscuring that contract is embedded in the Upper Floor’s business model, which treats what should be understood as its talent like participants in a sexual documentary. The performers may be acting out S&M sex they also enjoy at home, but on set, they are performing work that once commanded a fee.

To an extent, audiences don't want to know—or at least want to pretend—that what they are seeing isn't work, either. "I have members of our website," said Stefanos, "who tell me that seeing me and other real people on that porn site—not paid models, right, not professional porn stars . . . gives them comfort. People have thanked me for it." Stefanos is both a paid performer and a real person, of course. So are all porn performers.

With their "guests," however, Kink can offer those idealized "real" people, paid only in their exposure. If you aren't being paid, as Stefanos describes his audience's understanding, then you must be doing what you love. That holds true on the Upper Floor just the same as on Facebook. We're all skimming just as fast through our user agreements, unsure where the cameras will find us.

Melissa Gira Grant is the author of *Playing the Whore: The Work of Sex Work* (Verso).

Join Melissa Gira Grant and fellow Dissent authors Sarah Jaffe, Sydette Harry, and Moshe Marvit this Saturday, May 31, at Left Forum in New York City for [a panel discussion on labor in the digital economy](#).

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Video Released From Saturday Armory Protest; Kink.com's Peter Acworth Responds

by [Jay Barmann](#) in [News](#) on Jul 3, 2014 9:58 am

Peter Acworth Responds To Pride Prison Party Protest



The ongoing insanity surrounding the prison theme of a gay circuit party is hopefully winding down. However, some involved with Saturday's protest outside the Armory, and the subsequent arrest and brief imprisonment of three women for some allegedly violent acts against police and security guards, have kept up the fight, focusing their attention specifically on Kink.com, one of the partners in the event that started this all.

Now, Kink CEO Peter Acworth has released a video statement giving his side of the events, and expressing regrets that anyone had to be arrested. He makes clear that Kink is not looking to press any charges against anyone. But in the video, it is clear that some protesters were more in search of a fight than others.

The video above shows protesters moving metal barricades that had been set up to corral arriving partygoers in an entry line, and several barricades being moved into 14th Street in order to block oncoming car traffic. In one moment, you can hear someone shout, "We're here, we're queer, we will fuck you up!"

There is, however, no footage of anything being thrown or any guards being assaulted — Acworth says that one of the guards was punched and one of the protesters arrested, Prisca Carpenter, was arrested on suspicion of assault with a deadly weapon and criminal threats against a life, as well as resisting arrest.

Last night, some protesters returned to the 16th and Mission BART plaza for another rally, originally intended to protest the incarceration of the three protesters, who were released yesterday. Gay Shame released this flyer, noting their release but saying there's now "2.5 million more to go." Below, an image from last night's rally.



Photo: Andrew Szeto/Facebook

In summary, different factions of the LGBTQ community disagree about what makes a good party (Acworth notes that WE, the European circuit promoters Kink partnered with on this Prison of Love party, had done the prison-themed thing many times all over the world), and some enjoy a good protest on a Saturday night.

For his part, Acworth says he agrees with Gay Shame's cause, thinks incarceration is a terrible problem in this country, but it was just too late to change the theme of the party after the backlash began. Most of the 3,000 or so gay men who danced to house music in the Drill Court that night did not seem to care.

PETITIONER'S EXHIBIT V

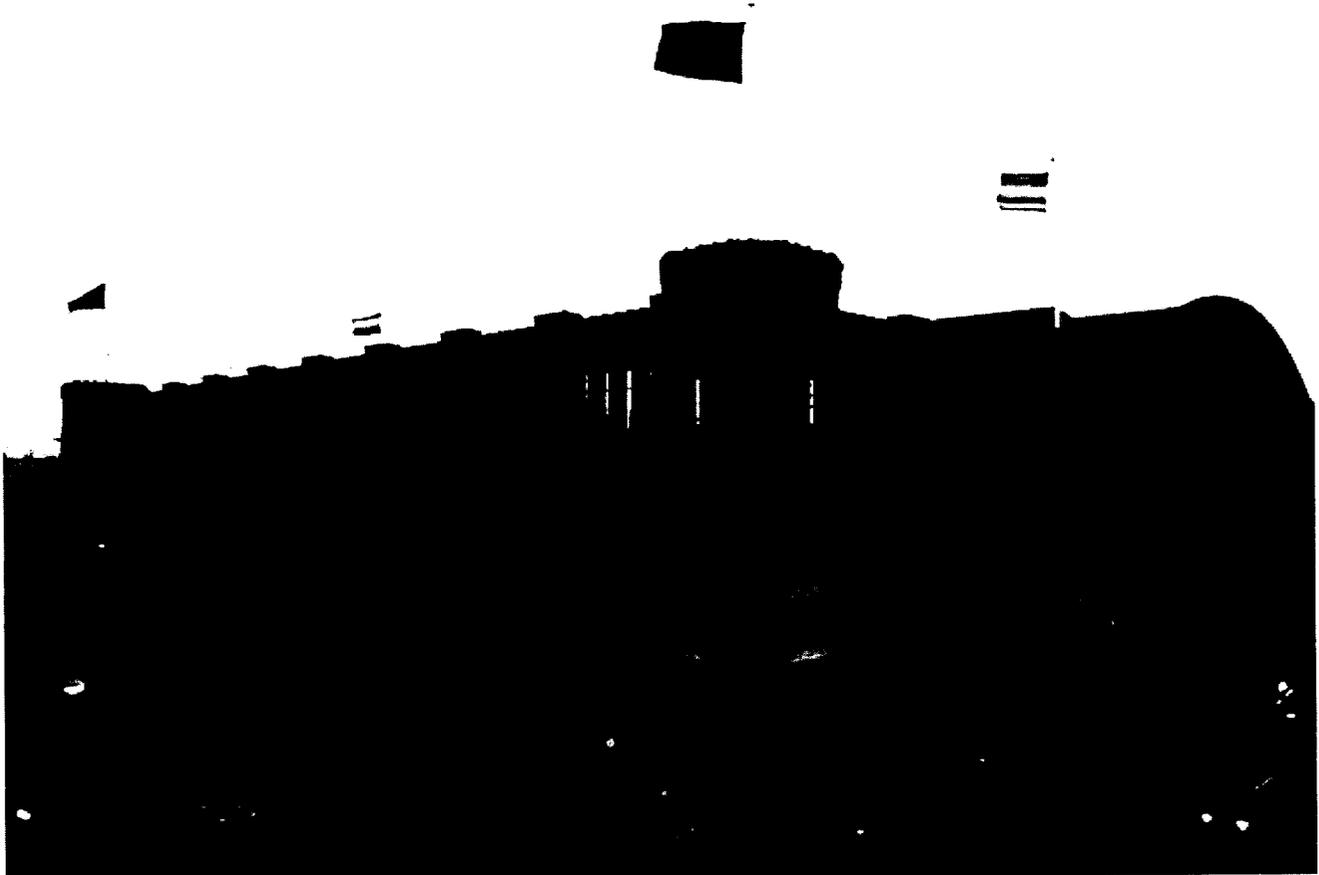


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Exclusive: Kink.com Begins Shooting In Las Vegas Ahead Of Possible Condom Law

by [Jay Barmann](#) in [News](#) on Jul 15, 2014 4:30 pm



The Armory. Photo courtesy of Kink.com

In advance of the potential passage of a state law that would require condoms on all pornography sets in California, [Kink.com](#) (NSFW!) has made good on a threat to leave San Francisco by renting a new office in Las Vegas and taking an exploratory mission there in the last week. Kink CEO Peter Acworth has issued a statement about the trip, saying the company did two full feature shoots there and did some feeling out of Nevada's permitting rules, all in preparation for a possible move if [AB 1576](#) passes the Senate and gets signed into law.

Kink bought and took over the long defunct former National Guard Armory complex in the Mission district in 2007, after the building was found to be basically impossible to reuse for most redevelopment purposes and historically protected. It had been vacant since 1975, with activists long fending off the scourge of developers looking to turn it into condos. Acworth bought the building with earnings from his then 10-year-old company for \$14.5 million. The rapidly growing porn company made use of the Armory's warren of basement rooms and large upstairs spaces for various S&M internet porn brands, and gained publicity for its titillating public tours of the place.

In 2012, they expanded with the Armory Club, taking over a dive bar kitty-corner from the Armory at Mission and 14th and transforming it into an upscale cocktail bar with an underlit amber bar, textured wallpaper, and S&M artwork.

Condoms have never played a large role in the heterosexual porn industry, and industry wisdom has been that porn is about fantasy, and condom porn doesn't sell. Tensions have arisen in the gay side of the industry since the late 1980s after all the established studios ultimately agreed to shoot only with condoms in the wake of the AIDS epidemic. Those rules have become more lax in recent years, however, as so-called "bareback" studios have taken a large portion of the market share among those gay customers who still pay for their porn online. Nonetheless, most of the largest studios making gay porn still adhere to the condom rule.

And, of course, California has a history as the country's home of porn production, dating back 40 years. While not all production occurs here, the majority of it still does, with much of the straight side of the industry based in Southern California, and the gay industry split primarily between San Francisco, L.A., San Diego, and New York.

The fight over condoms and the CA porn industry heated up last fall when the entire statewide industry had a moratorium on shooting after two performers employed by Kink were found to be HIV-positive — both were in an off-set relationship and it was determined they were both infected off-set. The ensuing panic was fueled in part by the L.A.-based AIDS Healthcare Foundation (AHF), which was instrumental in passing a similar law in 2012 requiring condoms on all porn shoots in Los Angeles County, which resulted in most companies moving their operations to the San Fernando Valley. Kink.com has long maintained a condom-only policy for gay shoots, and condom-optional for all other shoots, and like the rest of the industry requires active performers to get HIV tests every 14 days. The testing policy, which previously had been every 28 days, was instrumental in preventing transmission of the virus to any other Kink performers after discovering the status of those two individuals last August.

Earlier this year, with help from the AHF, CA Assemblyman Isadore Hall introduced his "condom bill," AB 1576, ostensibly seeking to keep porn performers from getting infected with HIV while working on porn sets. The bill also requires regular STD screenings, but would for the first time require condoms as mandatory for all porn, and making condom-free porn a crime in California. The industry cried foul, saying this was a law in search of a problem, and noting that there have been no recorded instances of on-set HIV infection since the testing requirements were self-imposed by all studios. The bill passed the Assembly and last month also passed by one vote in the State Senate's labor committee, meaning that if it passes a vote by the appropriations committee next month, it will go up for a vote in the full senate.

The issue has been a complicated one for legislators, because on the one hand one might see this as a fight for worker protections (which is how the AHF has been framing it). However most of the workers themselves, porn performers, have come out against the law because of the industry's own self-imposed safety measures, and because the law has the potential to drive non-condom shoots underground in California, and drive the more established players out of the state. Further complicating matters is the fact that many performers on the gay side of the industry are already HIV positive, are on medication,

and willingly perform with each other with and without condoms.

Back in April, Acworth already told the *Chronicle* and others that Kink may just decamp to Vegas and lease out the Armory as office space, if the law passes.

Today Acworth issued a statement saying, "Vegas is looking more and more attractive as time goes by," noting that the cost of doing business in Nevada is considerably lower. He adds, "We don't want to move out of California, but we will if we have to. This bill not only denies performers choice, it would effectively render most existing adult film production illegal." As spokesman Michael Stabile tells SFist, the company feels it had better get a lay of the land head of the bill's possible passage, because if it passes there won't be adequate time to relocate the business there.

And, as is his wont, Acworth has released the following video release discussing the Vegas trip.



PETITIONER'S EXHIBIT W

Interview: James Franco Talks "Kink," His New Documentary About the Infamous BDSM Adult Film Company

BY DAVID WHELAN

AUG 22, 2014

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Be honest: You clicked on this article because it had the words “adult film” in the headline. You’re probably even familiar with **Kink.com**, the massive **BDSM** site that specializes in creative bondage and people getting fucked by all manner of industrial machinery. You’d be lying if you weren’t hoping for some just-barely SFW content to surreptitiously lurk on at your day job. And you’ll get that. But, chances are *Kink* isn't quite what you'd think.

Kink, which opens today, is an intimate look inside Kink.com, a hugely successful porn production company headquartered in the enormous San Francisco Armory. The film is directed by **Christina Voros**, best known as the cinematographer behind *127 Hours* and James Franco's adaptation of *As I Lay Dying*. Voros takes on *Kink* with an unassuming, cinéma-vérité-style, exploring the motivations and logistics behind producing some of the most extreme videos in the business. Did you know that a bank loan was contingent on performers not peeing on each other? I didn't! Did you know that you could step on a penis in stilettos and make it painless? Now I do.

Along with showing plenty of erect members and body-shaking orgasms, the film goes to great lengths to normalize and humanize an industry that most people write off as deviant or harmful. (Turns out these people actually like their jobs—who knew?) Read on as Franco and Voros discuss making *Kink*, subverting expectations, and spending hours around sex of every type imaginable.

James, how did you decide that Christina was the right person to direct *Kink*?

James Franco: I had known Christina for a while. We had done a lot of different types of projects together. We had met at film school and continued working on features and documentaries together after. We had done a documentary about *SNL*, which was an observational vérité style documentary about what how one episode of *Saturday Night Live* gets put together. We got access behind the scenes and access that Lorne Michaels had never given anyone before. And I'm happy to say that that documentary, although we made it six years ago, is finally going to come out on Hulu, I think. So we had that, and we kind of knew how to make a documentary that was a portrait of the entertainment industry.

Christina, what context for the porn industry did you have before you decided to make the film?

Christina Voros: I didn't have a tremendous amount of context. My experience in the porn world was in many ways what I had experienced through its portrayal in other mainstream films. When James first came up with the idea of doing the

film, I wasn't necessarily sure I was the right person to make it, because it wasn't something I had any background in. But in hindsight, I think that's the reason why, in James' mind, I was the right person to make the movie.

James: Watching that first video being made, I was like, wow, in some ways this could be like the *SNL* doc where we see the behind-the-scenes and how a piece of entertainment is made, but obviously it would be different because their product is so different from *SNL*. I had a history with Christina and I knew that if anybody could go into that place and disappear, and to the extent that the people in front of the camera would be relaxed and be themselves, it would be Christina, so I immediately asked her. It took us a little while to convince Kink that our intentions were just to capture an honest portrait of them, but once we did that we were ready to go.

What was your first visit to Kink like?

Christina: I walked into Kink on my first day there and spent eight hours in the green room with directors who worked there. From those eight hours of

conversation, I realized that there was so much to this world that had not been explored in films that I'd seen, and in those films had been portrayed in a one-sided way.

I became fascinated with people in the porn industry who love it, do it because they love it, and are excited to go to work everyday. They find an artistry in it. Pornographers and pornography in mainstream media have always been marginalized and potentially portrayed as [a group of] people who get into it because they didn't end up where they wanted to be. And I found that Kink was a group of people who were very smart, very capable, very brassy, very creative, very expressive, and very in love with what they doing.

James: I was doing a movie in San Francisco, *About Cherry*, directed by the writer Stephen Elliott. He had connections with Kink and we shot in there. Between set-ups, one of the guys from Kink, Duke, asked if we wanted to go on a tour. So he showed me around the facility and it was amazing. Five or six stories, there's like an earth floor in the basement with a little river! They make their own props there. We watched them make a video and it was like, immediately we should examine this. Not only is this facility kind of amazing, but the [energy] on the set was so interesting.



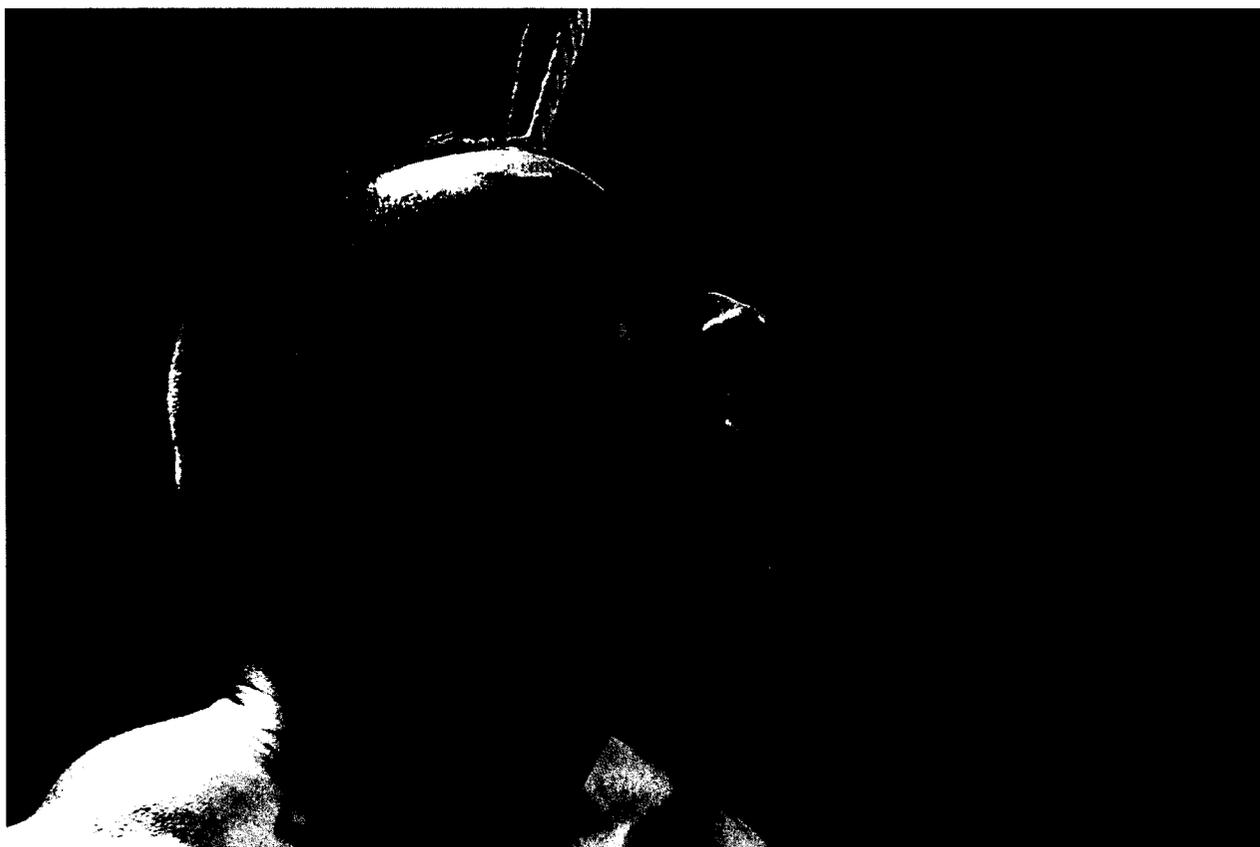


What sort of scene were they shooting?

James: They were making some hardcore video like they normally do—it was a girl in a cage. The set-up was, she was kidnapped or something. When they were making the video in front of the camera there was this master-slave dynamic, but when they called "Cut," behind the scenes there was this completely different dynamic. They were like a team, or in a lot of ways a regular film crew that I was used to. They were all talking about how to put the scene together or asking what they'd do next. Later what we learned, when Christina shot the movie, was that the submissive performer is actually the one in control, because that is the person who can say, "I'm not going to do that," or, "Stop," or whatever.

Christina, when you approach something like this film, how does it differ from how you're shooting on the set of a drama?

Christina: I think when it comes to the work that I've done with James, our goal is to create an atmosphere where people can be themselves and be relaxed. That's very much the environment he seems to create on his narrative sets. For our documentary work, you're still trying to back off and be a fly on the wall so that the performers on the set can forget that you're there.



Is there any point where you are around a porn set where you stop thinking, "Whoa, I'm watching people having sex"? Is there a point where you start to view it more objectively?

James: It's surprising at first, but you kind of get used to it in a weird way.

[Laughs.]

Christina: I think it helps to have a camera in your hand, too. And this goes for anything that's shocking, whether it's violence or poverty or pornography. You're looking through your frame, you're making sure it's in focus, and you're following

the action. In some ways it's more shocking or jarring. I tend to spend so much time trying to be invisible that I'm insulated from how intense what I'm watching actually is.



What was the most shocking or surprising thing that you learned while filming the documentary?

Christina: Coming to terms with the misconceptions or assumptions I had about the industry going in, and weighing that against how similar what these directors are doing is to what I do every day. It's the sense of purpose or aspiration and creativity coupled with having an audience to please. I came out of it realizing that what we're doing is very similar, we're just doing it in very different worlds.

James: For me, I was so impressed by the endurance that these particular performers have. So much of this involves pain and the audience is so aware of authenticity. You'd never go to porn to watch good acting, but here in these kind of films, a lot of what you're looking for is the actual pain. They're more aware of when it's being faked or not. So it's this really kind of intense, almost endurance performance in a lot of ways. It's just this side of these things Marina Abramovic did early in her career. That was really fascinating for me.

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Of Bondage And Business Management: How The Internet Turned Kink Into An Industry

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I have always suspected that what now passes for kink used to just be called sex. After 20 years of living with the mass Internet, sexual experimentation has become a specialist racket, a place one visits if one can afford the gear, like a scuba diving vacation in the Caribbean. The times have made us bizarrely conservative as a precondition to selling us back normalcy as if it were an exotic good. Kink.com is among the biggest industrial authorities on sexual deviance. Famously run from the abandoned Armory building in San Francisco's Mission District, the company began under the name Hogtied.com in a dorm room at [Columbia University](http://www.forbes.com/colleges/columbia-university-in-the-city-of-new-york/) (<http://www.forbes.com/colleges/columbia-university-in-the-city-of-new-york/>) in 1997. Peter Acworth was in his first year of a PhD program in finance and decided to mix his interests in bondage and [business](http://www.forbes.com/business/) (<http://www.forbes.com/business/>) [management](http://www.forbes.com/management/) (<http://www.forbes.com/management/>).

It was an elemental period for the Internet, millions of people were gaining access but there was still an uncertainty as to what one should expect from that access. A few clicks away from the rickety monoliths of [AOL](http://www.forbes.com/companies/aol/) ([/companies/aol/](http://www.forbes.com/companies/aol/)) [AOL +0.06%](http://www.forbes.com/companies/aol/) ([/companies/aol/](http://www.forbes.com/companies/aol/)) or [Yahoo](http://www.forbes.com/companies/yahoo/) ([/companies/yahoo/](http://www.forbes.com/companies/yahoo/)) [YHOO +1.98%](http://www.forbes.com/companies/yahoo/) ([/companies/yahoo/](http://www.forbes.com/companies/yahoo/))!, it was obvious that the reason for the Internet's

existence hadn't actually been invented yet, and so everyone milled past one another, exchanging micro-experiments and general enthusiasm for things that seemed trivial or in poor taste everywhere else.

This spectacle at the margins of social acceptability became the foundation for a new generation of authoritative cultural brands. The veneer of sobriety and skeptical disengagement that characterized offline media was flooded by manic enthusiasm for the unsightly or unconsidered. The Internet worked best not when it sought to replace old forms of media but when it became a garish bazaar of everything old media had no room for. It was an industrial phenomenon to extract mass market value from everything that had no yet been commodified into a profit-driven symbol of its former self. If there was a way of finding a General Motors of paraphilia, it would have to run through the Internet. Acworth was the perfect combination of entrepreneur and naive enthusiast that would make this industrial transformation possible.

Captured in *Kink*, a new documentary by Christina Voros, director of the award-winning short film *The Ladies* and cinematographer of the forthcoming *As I Lay Dying* and *Child of God*, Acworth's creation appears as less of a corporate entity than a guild of directors who occupy their own particular subsets and are responsible for making several new movies each week for their own subsites. Alongside the enduring Hogtied.com, Kink hosts more than 30 specially focused sites including Water Bondage, Naked Kombat, Sadistic Rope, Dungeon Sex, Foot Worship, Electro Sluts, and Butt Machine Boys. Though each of these sites appear as their own self-contained entity, they are all run from the same servers, administered by the same support staff, and use shared cameras, editing bays, production staff, and prop vaults as all the others.



Hard at work or hardly working? Image via Kink press kit.

Kink is an earnest and straightforward look at the business of binding, spanking and electrocuting the nude. It's a glib catalog of vocational details accumulated from extended time in Kink's office space, a fabric of voyeurism assembled from a neutral distance that feels more like conflict-avoidance than active engagement with a subject and their claims. There is a palpable incuriosity about the larger context in which Kink operates, with little reportage outside of Kink's office, nor even an perceptible aesthetic framing of its subjects within an intimate point of view,

△

no contextual marks like Errol Morris's jagged jumpcuts and awkward silences, nor the gothic sublimity of Pumping Iron's silken monstrosities disappearing into pools of staged shadow. The movie is thankfully explicit and unsensational, neither underemphasizing the nature and intensity of each shoot nor overstating the symbolic significance of any scene.

The movie unsentimentally captures the interplay of sex and wage labor, implicitly pointing to a baseline of sexual normalcy in order to sell the marketable novelty its transgression. Like many other sex sites, the industrial demands to maximize output while minimizing production costs have essentially collapsed video production and photography into one conjoined labor, with individual stills for photo galleries harvested from movie sets, a reasonable corner-cutting reflective of what matters most in the company's approach to sexual media.

In a statement released alongside promotional materials for the film, Kink.com said its most important corporate value was upholding "a safe, sane, and consensual environment." Like most values, these are more aspirational than actual. The pressures of casting for several shoots a day are immense, ensuring most performers have little rehearsal time, are hastily screened, often don't meet their director until the day of the shoot, and are given only a safe word to use in case something in a scene is no longer tolerable. Kink's pace of production remains so high it guarantees none of the bureaucratic structures necessary to practicing those ideals are economically viable—longer periods between casting and filming, extended rehearsal and planning periods, shoots spread across multiple days to mitigate the pressures of wanting to soldier through to keep the crew and director happy, resources for counseling both before and after the shoot to ensure each performer's personal history is honored and protected throughout the shoot.

Continue
(<http://www.forbes.com/sites/michaelthomsen/2014/11/20/of-bondage-and-business-management-how-the-internet-turned-kink-into-an-industry/2/>)

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James Franco, the producer of "Kink," admitted in several interviews that it was his visit to a porn/fetish set which inspired the making of the film "Kink." Franco, an acclaimed actor who has lent his name to a number of gay themed films, said that the most fascinating aspect of his peek inside the studios of fetish

auteurs Kink.com was how similar the onset dynamics were to what he saw back stage when he hosted Saturday Night Live.



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Everyone Franco met at Kink.com's San Francisco headquarters was there to produce the best possible product. Though models were often tied up and beaten on camera, they were all there by choice – this was what they wanted to do. All scenes were discussed and carefully rehearsed prior to filming – models were questioned as to what they were comfortable with and which acts they were willing to perform.

Franco soon returned to the Kink studios with a documentary film crew in tow.

Kink.com is one of the porn world's most popular and successful producers of fetish porn. The company is headquartered in one of San Francisco's most historic buildings –the 100 year old Armory, which was once the home of the SF National Guard. Playboy Magazine reports that the Armory has also served as a sound stage for some of Star Wars' interior shots.

"Kink," the film, is graphic, and may shock people who aren't into the fetish lifestyle. During one sequence, a model is hung upside down via chains, her legs "forcibly" spread wide apart. But, as we soon see, her director is quite attentive of her needs and of her well being – she is asked in between shots if she's OK. She and other models can call cut at any time.

Director Christina Voros moves between gay and straight fetish sets. On both sides, the atmosphere is laid back and respectful. Some of the models speak about their choices: a gay model hopes to become a Yoga instructor. A straight female model speaks lovingly about her three school-aged children.

Throughout the proceedings, all the models make it clear that they are there because they want to be there. They can walk out the door at any time. Tomcat, a female-to male transgender director, speaks eloquently about the misguided notion that models need to be "protected."

Voros offers no judgements, but simply shows what is. When Kink CEO Peter Ackworth takes Voros on a tour of the building, or when Voros points her camera at a production meeting, we see that Kink is first and foremost a business, run like any other.

Yet the S&M stigma remains. "If this were high school, we'd be the Goth kids," observes one director.

Kink is now available on DVD.

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Where San Francisco's Mountain Lion Has Been Spotted

By [Author Name]

Raymond Chow Finally Gets His Wish

By [Author Name]

SFMTA Decides Today Whether to Jack Up Parking Rates

By [Author Name]

Health / Porno

Kink.com 'Absolutely Opposed' to Strict Safety Regulations Proposed for CA Porn Performers (Updated)

Posted By Julia Carrie Wong on Thu, May 28, 2015 at 1:06 PM

Search

Do you think the new health and safety standards for porn performers proposed by CA are too strict?

- Yes, they are ridiculous
- No, only way to protect performers ...
- Indifferent



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California's Division of Occupational Safety and Health has proposed strict new health and safety standards for porn production after five years of study and debate, the **Los Angeles Daily News reports**. The draft regulations, embedded below, are intended to protect porn performers from sexually transmitted diseases such as HIV and hepatitis B.

Included in the rules are guidelines for handling clothing and props that come into contact with blood or other bodily fluids and a requirement that producers pay for workers' doctor's appointments and hepatitis B vaccines.

According to the **LA Daily News**, some in the industry are unhappy with the strict regulations:

"These are regulations designed for medical settings, and are unworkable on an adult film set — or even a Hollywood film set," Diane Duke, CEO of the Canoga Park-based

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Free Speech Coalition, said in a statement.

BoingBoing pointed out that one of the rules might require performers to wear protective goggles, which could work for a sexy scientist scene but might be out of place in other films:

Personal Protective Equipment.

1. Where occupational exposure remains after institution of engineering and work practice controls, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, condoms, gloves for cleaning, and, if contact of the eyes with OPIM-STI is reasonably anticipated, eye protection. Personal protective equipment will be considered "appropriate" only if it prevents blood or OPIM—STI* from passing through to or reaching the employee's eyes, mouth, or other mucous membranes, or non-intact skin under normal conditions of use and for the duration of time which the protective equipment will be used.

Other rules seem like a big win for workers in the porn industry, requiring their employers to pay for medical services during working hours:

The employer shall establish, implement and maintain a system of medical services and post-exposure evaluation and follow-up for all employees who have occupational exposure. All medical services required by this section shall be provided at no cost to the employee, made available at a reasonable time and place and during the employee's working hours, performed by or under the supervision of a PLHCP, and provided according to the requirements of this section, and the recommendations of the CDC and CDPH current at the time these evaluations and procedures take place.

San Francisco is home to a major porn producer, Kink.com, which operates out of the Armory building in the Mission. SF Weekly has reported on **safety concerns by workers at Kink** in the past. We reached out to Kink for comment on the new regulations, and will update this post if they respond.

UPDATE:

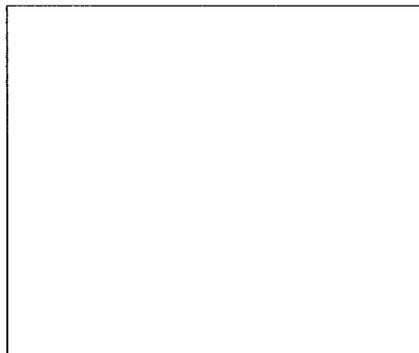
Michael Stabile, a spokesperson for Kink.com, responded to our query with the following statement:

We're absolutely opposed to the new regulations proposed by Cal/OSHA. They're based in stigma and threaten to make working conditions less safe for adult performers. Because everything we do at Kink is based in consent, we can't support regulations that remove performers' control over their bodies or forces performers to disclose medical information, for instance. It's important to note that these are regulations to which performers have been vocal in their opposition, including APAC, the main performer group....

That said, we're not opposed to regulation itself. But they have to be workable by adult performers. They can not be hospital ward regulations grafted onto an adult film set. When we saw the proposed regulations, we came together with performers and performer groups, STI experts, civil rights organizations, and health advocacy groups like the San Francisco AIDS Foundation and the Gay Men's Health Crisis to revise the proposed regulations in a way that increases performer safety, but also preserves their autonomy. Those revisions were presented at the Cal/OSHA board hearing last week, and we hope to be engaged in active conversation with them over the next few months.

APAC is the **Adult Performer Advocacy Committee**.

Proposed Health and Safety Standards for Porn Shoots



LIKE US ON FACEBOOK

Facebook share widget for 'The Snitch' page. It includes a profile picture, the text 'LIKE US ON FACEBOOK', a 'Like Page' button, a 'Share' button, and a notification that says 'Be the first of your friends to like this' with a row of small profile pictures. Below this, it shows 'The Snitch' profile picture and the text '4 mins'.

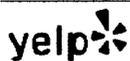
SLIDESHOWS

Slide show navigation area with two thumbnail images. The first thumbnail is titled 'The Smashing Pumpkins & Marilyn Manson'. The second thumbnail is titled 'Anime Expo 2015 @ Los Angeles Convention Center'. Below the thumbnails is a link that says 'More Slideshows »'.

P ETITIONER'S EXHIBIT AA

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Near San Francisco, CA



SF Armory



286 reviews

Details

\$\$ · Adult Entertainment, Tours

Edit



1800 Mission St
San Francisco, CA 94103
b/t 15th St & 14th St in Mission

Get Directions

Message the business
armorystudios.com



"Thank you Peter and **kink.com** for preserving and keeping this historic building beautiful!" in 50 reviews



"It was a trip to see the **sets** where some of my fav scenes were filmed." in 57 reviews



"Kink .com, **porn studios**, SF history up the butt, and loads of fun. . . ." in 15 reviews

Recommended Reviews

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Yi Z.
San Francisco, CA
358 friends
1809 reviews
Elite '15

★★★★★ 3/26/2015

I bought a Livingsocial deal for four and convinced three of my friends to check out the Armory with me. I'm not shy when it comes to stuff like this and I was really looking forward to the tour. I have to admit that I had watched some of **kink's** videos even before I moved to the City and when I drove by the building for the first time, I was excited as if I had just seen a celebrity.

The tour takes you to many of the sets in the building but there's no filming going on at that time so you need to use your imagination to understand what's going on. The tour guide did demonstrate the use of the St. Andrew's cross gently on a tour participant but of course, it was all consensual. I didn't realize how many separate websites the company manages and I guess there are some people with very odd interests out there. I'm not into electrocuting people but if you are, hey they've got a website for that.

It was very informative, eye-opening (for my friend), and a lot of fun. I highly recommend the tour!

\$\$\$ Price range Moderate

Edit business info

Hours

More business info

- Accepts Credit Cards Yes
- Parking Street
- Bike Parking Yes
- Good for Groups Yes
- Ambience Divey
- Noise Level Quiet
- Good For Dancing No
- Alcohol No
- Happy Hour No
- Best Nights Fri, Sat, Sun
- Coat Check No
- Smoking No
- Outdoor Seating No
- Has TV No



Jennifer s.
First to review

From the business

Take a tour of the historic San Francisco Armory located in the heart of the Mission district. The Armory tour is led by employees of Kink.com, the adult video production company that ...

Learn more about SF Armory

People also viewed

as a cam model for kink.com and was really open and patient with answering any and all questions about the industry and kink. The amount of detail that many of the sets had were impressive and I love that they utilize much of the original architecture.



Top photo by user: [unreadable]



Pam S.
San Francisco, CA
263 friends
471 reviews
Elite '15

★★★★★ 12/27/2014

My ever curious mind and willingness to explore the dirty :)

Ok, disclaimer of the night - despite of how Groupon would describe this deal, as it being a military tour and such, it only is by 10%. This a porn company tour. Yes, people walk around here naked, engaging in "miracles" while being filmed. So don't be shock! Oh, and it's not just your typical porn. It's the BDSM type. If you don't know what that is, start googling.

This place is huge with plenty of sets. We visited a couple but I feel we didn't really get to see most of them. It was unfortunate that there was no filming the night we came. A friend told me there is no way we'll be able to see a live scene in action but I thought it would be cool to know something is going on in one of those rooms.

There's a lot of narration about the armory itself and the porn industry. Very interesting indeed. I'm glad I was on the tour.



Hannah C.
Beaumont, CA
0 friends
6 reviews

★★★★★ 3/14/2015

I came out from Southern California just for this tour! I just recently found out it was available to tour and had to jump on the opportunity immediately. Our tour guide Susan was very informative, upbeat and fun. She was more than happy to answer any questions we had. You can tell she loves the company. It was so awesome to see this business behind the scenes and I'm really happy I checked it out!

Two things that upset me a little.
1. I didn't meet the cat
2. I don't work for Kink.



Ilya N.
San Francisco, CA
5 friends
2 reviews

2/10/2015

Let me preface this with the fact that I never actually got to the tour.

I booked two tickets for the fifteenth at five pm. Imagine

my surprise when I receive an email on the eighth, asking me to rate my experience. On the tour I hadn't been on. Since there isn't a phone number you can call (great job there), I sent an email asking to confirm my tickets for the fifteenth.

Then I was introduced to Nic. Nic is a such a pleasure. I have never been talked down to like that since I was in grade school. I basically received a gigantic "fuck you" (ironic, considering their line of business). He told me I had missed my opportunity to fix the problem (before the eighth. Which I didn't know was the error until after the fact). Will my reservations be fixed? Of course not! Will I be receiving a refund? Don't be absurd.

I had been really excited about visiting the Armory. Sucks for me.



Comment from Armory T. of SF Armory
Business Manager

2/24/2015 · Ilya,
I am very sorry that our correspondence read as condescending. Striking a balance between... Read more



Nina Y.
San Francisco, CA
410 friends
741 reviews



2/7/2015

A friend had some free tickets and wanted me to come along for the ride.

The text I had gotten was..

Friend: "You busy tonight at 8pm?
Me: "Depends on what I'm doing haha. Not too busy..."
Friend: "Been to the army before? :)"

With that winky face, I knew I was getting myself into something...different? I had to look it up, but it seemed like a fun Friday activity with friends. Apparently, the armory is a good date place? I swear we were with all couples.

The location is really historical and our tour guide, Dusty, was very knowledgeable about the place. The historical area related to the military there before, but also what goes on in each of the rooms now - at least typically. Dusty works for kink.com and was very knowledgeable about the whole thing. She was fun and interactive with us. Had us ask questions and take a ton of pictures. The sets were very interesting (all BDSM related). Since they cannot change any of the structure in the actual location, they either build out more items, or they just use the original architecture which makes things really cool.

Overall, nice tour, always interesting to do the very San Franciscan things.



Connie K.
Santa Clara, CA
18 friends
37 reviews



2/16/2015

This review is for the studio and building tour.

There are lots of opportunities for this tour to be awesome, but it failed short, far short. If it was free then I would say 'meets expectations'. But it's not free and I expected them to take more care in crafting a tour that works your imagination. The same way Universal Studios (ok their tickets cost way more) or even Mardi Gras World (around the same price) in New Orleans uses simple techniques to bring you to imagine the reality of what happens within their walls and their city. Considering Kink is an entertainment company I expected better. Maybe it's just the tour guide's lackluster attitude. But the flow and organized elements of the tour were all falling short

be so touchy since we could see stains here and there, which we carefully avoided.

The area I enjoyed seeing the most was the underground river that was touted in the Groupon description. Really eerie to see it still running in the basement of a building, even scarier with all the water damage on the walls from when the whole basement was flooded.

Oh, and though the reservation email makes them sound strict about latecomers, they'll actually let you in. We got there ten minutes late and the guard kindly let us through. We did miss the intro in the reception area, but we didn't mind. Still, I recommend getting there early like the email says, at least to ensure you get parking.

After the tour, stop by the Armoury Club (their corresponding bar) on the other corner of the street. Really beautiful decor.



Dustin H.
Foster City, CA
115 friends
207 reviews

☆☆☆☆ 1/15/2015

I came on a tour here with my dear friend and it was really interesting. Our guide, Susan, was very knowledgeable and informed about the history of the building and the goings-ons of Kink...

I am man enough to admit that I have seen some of what Kink.com has produced, so it was "nice" to provide context to their sets. It was actually really good to know how much they care about their models and providing education about a pretty taboo subject.

The tour lasted about 1 hour, but I think it was supposed to be more like 75 minutes, but we weren't allowed upstairs since they were having some kinky, Downton Abbey live-streaming sexy thing (no joke), but I would've liked to have seen that. Sans all the kinky stuff. I highly recommend this tour. It's nice to know that a SF cultural institution is still thriving despite many other SF cultural flavors being snuffed out by gentrification.

Danielle A.
San Francisco, CA
13 friends
154 reviews

☆☆☆☆ 3/15/2015

It was fun to see the building and some sets. But overall there wasn't a lot of energy on the tour, kind of just see one room after another.

Did not see any filming.

I guess it was good to check out once.



Tim H.
San Leandro, CA
141 friends
50 reviews

☆☆☆☆ 12/8/2014

The Armory is, of course, now occupied by Kink.com, they adult entertainment empire (i.e. porn moguls).

The tour is not so much of the building as history, but of the resident business which includes lots of sets, props, cages, and more props. That you are in a historic building is an integral part of the tour and the tour guide we had, Danielle (?) who was fabulous and knew an immense amount about both the building, the business, and... well, sex.

In fact, the real charm of this tour is the titillation of being on a porn set, hearing someone unabashedly describe sex acts that many people never even imagine, and seeing behind the scenes.

It is a beautiful building and the tour is worth going on. I recommend it. And thanks to Kink.com the Armory is both

being maintained and is in active use. Bravo and...
encore.



Mindy E.
San Rafael, CA
25 friends
13 reviews



2/28/2015

A big disappointment. The tour guide Danielle, obviously a cute girl, looked like she just rolled in from a baseball game. Crappy faded mom jeans and crappy tennis shoes. There was nothing particularly exciting about the tour. The best part was the art work which we could have viewed on our own. We were brought into various rooms and told what happened there, it would have been great to have some models there demonstrating the various contraptions. I'd pay \$100 for that tour.



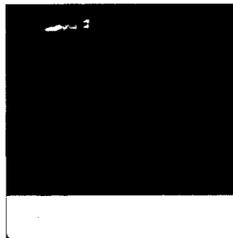
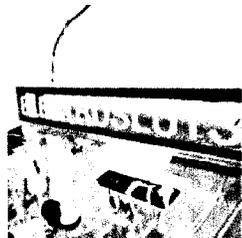
Chelsey G.
San Francisco, CA
299 friends
484 reviews
Elite '15



7/21/2014

Listed in Date Ideas That Will Get You SumSum

I am willing to admit it. I love kink.com. I also love SF history & architecture so this tour was right up my alley. It was a trip to see the sets where some of my fav scenes were filmed. Our tour guest was well spoken and knew her stuff. It was refreshing to chat about and learn about bdsm in a normalized way with like minded people. I really hope Kink sticks around in Armory. The tour is an off the beaten path date idea for a couple with a freaky deaky side, plus you can grab drinks at the Armory Club after. Metered parking was plentiful, the tour is about 90 min and you must be 18 and over and make reservations on their site. A must see if you about dat lyfe.



See all photos from Chelsey G. for SF Armory



Mike S.
South End, Boston, MA
3 friends
15 reviews



11/25/2014

So if you're a bit conservative and buttoned up tightly, then this tour is NOT for you. If you're out to have fun and enjoy a walk around a beautiful building with alot of history and enjoy talking about porn, then this tour IS right up your alley.

VIP area :)

They separated the 40,000 square foot space into 9 Houses where we could explore all of the goings on and appreciate the variety of costumes around us.

If you're looking for your next giant party venue, you've found it here!



Jennifer L.
San Francisco, CA
209 friends
643 reviews
Elite '15



2/24/2014

I bought an SF Armory tour off of either Groupon or Living Social a while ago and did the tour, but it looks like you can buy it through Yelp now, too!

I can't believe it's taken me this long to write a review. I came here on a Sunday when parking was still free and parked easily on Sunday morning. The downside was that I was incredibly hungover and probably should have kept sleeping... but we already had reservations for the tour, so I couldn't back out!

It seems like everyone else has pretty much explained this tour in detail, so all I'll really say is: DO IT. You can always leave if you feel uncomfortable. My tour guide could tell that I needed to vomit every 30 minutes, so she kindly directed me to the bathrooms on each floor without me having to ask. AND SHE PASSED NO JUDGEMENT. So that was nice.

My favourite floors were the top floor (which is a room with a 24 hour live feed, so you will be online), and the basement (which is pretty creepy because you can see where the river / creek used to run underneath). The tour guides do a pretty good job of telling you about the history of the Armory itself, which is cool if you're interested in SF history at all.



Michelle D.
Mountain View, CA
41 friends
136 reviews



10/23/2014 · Updated review

Purchased a Yelp Deal

We just attended a tour of the haunted event a few weeks ago.

So much fun! You wont forget it and you won't need therapy from it :)

Great for our date nights. Easy park
Excellent performance :) Very very well done.



10/20/2011 · Previous review

Excellent tour! Great for date night:) Very professional and fun :)



P.S.
San Francisco, CA
7 friends
97 reviews



1/11/2015

Fun and fascinating tour for the open-minded. If you aren't comfortable with the extreme edges of human sexuality, this tour is not for you. The Armory is a wonderful old building, but our large Meetup tour was more focused on the Kink.com and BDSM elements. Our guide, the lovely Miss D., was charming and knowledgeable, if a bit strict. I would've liked more time to explore and take pictures. The tour definitely whet my appetite and I would love to return and explore more.



Yiven C.
San Francisco, CA
35 friends

1/2/2014