ESTTA Tracking number: **ESTTA396274**

Filing date: **03/04/2011**

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

Proceeding	91196425
Party	Plaintiff Demand Media, Inc.
Correspondence Address	PAUL D MCGRADY JR GREENBERG TRAURIG LLP 77 W WACKER DRIVE , SUITE 3100 CHICAGO, IL 60601-1732 UNITED STATES chiipmail@gtlaw.com
Submission	Other Motions/Papers
Filer's Name	Eric J. Maiers
Filer's e-mail	maierse@gtlaw.com, osheak@gtlaw.com, chiipmail@gtlaw.com
Signature	/Eric J. Maiers/
Date	03/04/2011
Attachments	Response to Request to Withdraw.pdf (3 pages)(79052 bytes) Exhibits.pdf (16 pages)(507882 bytes)

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

In the Matter of Trademark Application Serial No. 77/699,474
Published August 10, 2010

DEMAND MEDIA, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91196425
	)	
GLOBAL DIGITAL LLC,	)	
	)	
Applicant.	)	

RESPONSE TO REQUEST TO WITHDRAW AS APPLICANT'S ATTORNEY OF RECORD

Opposer Demand Media, Inc. ("Demand Media") hereby submits its response to Larry G. Townsend's Request to Withdraw as Applicant's Attorney of Record ("Request"). At the outset, Demand Media advises the Board that it does not oppose Mr. Townsend's withdrawal as Applicant's attorney of record. However, Demand Media does oppose the Request to the extent it purports to seek a suspension of the present proceedings. In support thereof, Demand Media states the following:

1. Applicant has apparently been searching for new counsel for over two months now. (*See* Exhibit A, December 22, 2010 email from Townsend to Maiers.)

2. Notwithstanding Applicant's purported search for new counsel, Applicant has been eager to communicate directly with counsel for Demand Media, including requesting meet and confers as recently as March 3, 2011.[1] (*See* Exhibit B, January 25, 2011 email from Harper to Maiers; *see also* Exhibit C, February 6, 2011 letter from Harper to Maiers; *see also* Exhibit D,

[1] To date, counsel for Demand Media has not been able to engage in any meaningful communications with Applicant, because it is ethically inappropriate for counsel to communicate directly with Applicant's non-attorney representative as long as Applicant is on record as being represented by counsel.

February 25, 2011 email from Harper to Maiers; *see also* Exhibit E, March 3, 2011 email from Harper to Maiers.)

3. Mr. Townsend's suggested suspension of these proceedings should be denied because Applicant's own actions suggest that Applicant is ready and willing to proceed in this matter. (*See* Ex. E.)

4. Mr. Townsend's suggested suspension should also be denied because it would prejudice Demand Media. Demand Media currently has pending U.S. Trademark Application No. 85/125,255 for the word mark GOLFLINK. It appears likely that said application will be suspended pending resolution of the present proceedings. Accordingly, any suspension of the present proceedings will only serve to further delay the registration of Demand Media's pending application.

5. Accordingly, Demand Media requests that the Board deny Mr. Townsend's suspension request.

Dated: March 4, 2011

Respectfully submitted,

/s/ Eric J. Maiers

Paul D. McGrady, Jr.
Kevin J. O'Shea
Eric J. Maiers
Greenberg Traurig, LLP
77 West Wacker Drive
Chicago, IL 60601
Phone: (312) 456-8400
Fax: (312) 456-8435
Attorneys for Opposer Demand Media, Inc

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RESPONSE TO REQUEST TO WITHDRAW AS APPLICANT'S ATTORNEY OF RECORD has been served via first class mail this 4th day of March, 2011, to:

Lawrence G. Townsend
Law Offices of Lawrence G. Townsend
455 Market Street, Suite 1910
San Francisco, CA 94105

Matthew C. Harper
Global Media Arts
1100 Glendon Avenue 17th Floor
Los Angeles, CA 94105

/s/ Eric J. Maiers
Eric J. Maiers

Exhibit A

Maiers, Eric J. (Assoc-Chi-IP-Tech)

From: Larry Townsend [LTOWNSEND@owe.com]
Sent: Wednesday, December 22, 2010 10:59 AM
To: Maiers, Eric J. (Assoc-Chi-IP-Tech)
Subject: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Dear Eric,

I have been informed that I no longer will represent Global Digital, and therefore the telephone conference scheduled for later today is canceled. As soon as new representation is on board, I trust you will be promptly notified.

Larry

Lawrence G. Townsend
455 Market Street, 19th Floor
San Francisco, CA 94105

Tel: 415-882-3288
Fax: 415-882-3299
Email: lgt@lgt-law.com

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify the above sender, and destroy all copies of this message and any attachments. Thank you.

From: maierse@gtlaw.com [mailto:maierse@gtlaw.com]
Sent: Monday, December 20, 2010 1:21 PM
To: Larry Townsend
Subject: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Sorry, Larry, I should have been more clear. I thought we were talking about your availability for Wednesday. Can we plan on 1:00 PM PST on Wednesday?

Regards,
Eric

From: Larry Townsend [mailto:LTOWNSEND@owe.com]
Sent: Monday, December 20, 2010 3:14 PM
To: Maiers, Eric J. (Assoc-Chi-IP-Tech)
Subject: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Call me anytime between now and 1:30 PST.

Larry

From: maierse@gtlaw.com [mailto:maierse@gtlaw.com]
Sent: Monday, December 20, 2010 12:59 PM
To: Larry Townsend
Cc: McGradyP@gtlaw.com; GriersonL@gtlaw.com
Subject: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Hi Larry,

Let's plan on 1:00 PM PST.

Regards,
Eric

From: Larry Townsend [mailto:LTOWNSEND@owe.com]
Sent: Monday, December 20, 2010 1:44 PM
To: Maiers, Eric J. (Assoc-Chi-IP-Tech)
Cc: McGrady, Paul D. (Shld-Chi-IP-Tech); Grierson, Loyanna (Paralegal-Chi-IP-Tech)
Subject: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Eric,

No problem. Would 1:00 or 1:30 Pacific Time work? Or another time after that.

Thanks.

Larry

From: maierse@gtlaw.com [mailto:maierse@gtlaw.com]
Sent: Monday, December 20, 2010 11:00 AM
To: Larry Townsend
Cc: McGradyP@gtlaw.com; GriersonL@gtlaw.com
Subject: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Larry,

I apologize, but I just saw your email today. As we had discussed, I added some clawback provisions at the end. I also removed some of the text of the preamble, as it related solely to the unaltered form of the standard protective order.

Can we reschedule our call for later in the day or possibly Wednesday?

Kind regards,

Eric J. Maiers
Associate
Greenberg Traurig, LLP | 77 West Wacker Drive | Suite 3100 | Chicago, IL 60601
Tel 312.456.1036 | Fax 312.899.0383
maierse@gtlaw.com | www.gtlaw.com

From: Larry Townsend [mailto:LTOWNSEND@owe.com]
Sent: Thursday, December 16, 2010 4:58 PM

To: Maiers, Eric J. (Assoc-Chi-IP-Tech)
Cc: McGrady, Paul D. (Shld-Chi-IP-Tech); Grierson, Loyanna (Paralegal-Chi-IP-Tech)
Subject: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Dear Eric,

Can you confirm that the Protective Order is the TTAB standard form? If there are changes, kindly let me know what they are. Thanks.

Yes, I am available on Monday. Let me know if 11:00 Pacific time works for you.

Larry

Lawrence G. Townsend
455 Market Street, 19th Floor
San Francisco, CA 94105

Tel: 415-882-3288
Fax: 415-882-3299
Email: lgt@lgt-law.com

From: maierse@gtlaw.com [mailto:maierse@gtlaw.com]
Sent: Thursday, December 16, 2010 10:52 AM
To: Larry Townsend
Cc: McGradyP@gtlaw.com; GriersonL@gtlaw.com
Subject: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Dear Larry,

In furtherance of our meet and confer, please find attached our proposed Protective Order. Let us know if you approve or if you have any comments.

Additionally, we would like to speak with you about some additional matters of which you may or may not be aware. Please let us know if you are available either tomorrow morning or Monday to speak with us.

Kind regards,

Eric J. Maiers
Associate
Greenberg Traurig, LLP | 77 West Wacker Drive | Suite 3100 | Chicago, IL 60601
Tel 312.456.1036 | Fax 312.899.0383
maierse@gtlaw.com | www.gtlaw.com

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Exhibit B

Maiers, Eric J. (Assoc-Chi-IP-Tech)

From:	globalmediaarts@mac.com on behalf of globalmediaarts [globalmediaarts@mac.com]
Sent:	Tuesday, January 25, 2011 12:28 AM
To:	Maiers, Eric J. (Assoc-Chi-IP-Tech)
Cc:	tyrone.craven@uspto.gov; nperetsman@allenco.com; grants@sec.gov; gaurav.bhandari@gs.com; richard@demandmedia.com; fred@oakvc.com; michele.h.rowell@gmail.com; lisac@mandalay.com; ssanbo@pacific-crest.com; vic@spectrumequity.com
Subject:	(R)egistered: RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design
Attachments:	ATT5486762.htm; ATT5486763.htm; Paul McGrady Letter .pdf; Trademark Guidelines _12-7-10 Demand Media.pdf

To The Attention Of:

Greenberg Traurig, LLP
Eric J. Maiers

Dear Mr. Maiers,

Please be advised that new counsel is being appointed. We are making VERY CERTAIN that no conflict of interest with Demand Media Inc. "purportedly exists" with Demand Media, especially after John Berryhill had represented us for over 15 months regarding the U.S. application for the mark Golflink Network. Suddenly Paul McGrady found it convenient to magic up "conflict of interest" as evidenced by the attached letter sent to John Berryhill by Paul McGrady (see attached).

As you know, John Berryhill referred Larry Townsend as replacement legal counsel and further "conflicts of interest" have arisen.

Mr. Townsend confirmed in writing to me that no verbal or written Agreement was reached regarding your proposed "clawback rich" Protective Order.

It takes guts to ask for a protective order (with broad clawback provisions) from the USPTO when your firm - acting on Demand Media's instruction - has blatantly caused trademark fraud against the same U.S. Government Office for commercial gain - just prior to an IPO requiring the "good housekeeping" seal of approval of the SEC.

You are reminded that, at your client's instruction, your firm opposed the subject Golflink Network trademark application claiming that G Golflink was a commercially active trademark when your client knew full well that the "G Golflink" trademark had been intentionally abandoned well over 3 years prior to the date of opposition (September 9, 2010) of the Golflink Network trademark application.

The aforementioned trademark opposition was lodged with the USPTO the day after your office applied for a Demand Media trademark for the wordmark "golflink" with the USPTO (September 8, 2010). This application was submitted while it was known or should have been known that Demand Media had been consistently and purposely trading as GolfLink® as a registered trademark (see attached).

It is self-evident that your client will try to claw back crumbling ground on technical points rather than relying on the facts. Therefore, please be advised that new counsel will contact your firm by February 4th. To expedite matters, please provide a list of all attorneys who have a client relationship with Demand Media Inc. who seem to have invested a substantial amount of capital into spreading its relationship reach to a

multitude of law firms.

Quite importantly, please be further advised that we are cooperating fully with the SEC regarding the Intentional Trademark Fraud Demand Media Inc. has caused upon the United States Government, namely the USPTO. All documented evidence has been made public in the interest of apprising the Mainstreet Investor who hopefully will stay well clear of investing in Demand Media shares. All communication and evidence shall continue to be provided to the SEC as kindly welcomed and requested.

The SEC et al. shall be consistently informed until this matter is fully resolved.

As your client should be aware, an IPO is not a means to a "cash-out" end, rather, being a public company requires commercial feasibility, responsibility, integrity and transparency.

Sincerely,

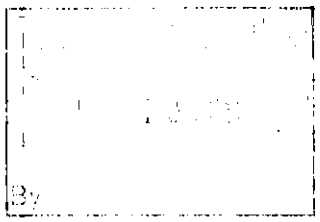
Matt Harper

Global Digital LLC
V. 805 208 6455
email: mattharper@mac.com

Exhibit C

February 6, 2011

Attn: Eric Maiers
Greenberg Traurig
77 West Wacker Drive
Suite 3100
Chicago, Illinois
60601



RE: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK & Design
Your Ref. 104128.219500

Dear Mr. Maiers,

Applicant "Global Digital LLC" responds to the discovery served on Applicant by Opposer "Demand Media Inc." on January 7, 2010 consisting of (Demand Media Inc.'s First Set Of Requests For Production Of Documents & Things and Interrogatories, copy provided herewith) - as follows:

Applicant objects to said discovery requests to the extent that any or all such requests are burdensome, overbroad, vague and ambiguous, are not reasonably calculated to lead to the discovery of admissible evidence, call for material protected by the attorney-client or work product privilege, and/or call for confidential or trade secret information. Without waiving said objections, Applicant is in the process of obtaining new counsel and will respond to the discovery in full as soon as practicable.

Mr. Townsend will confirm in writing that he did not verbally agree or infer agreement to any standard or modified protective order in relation to this case and new counsel will address this fact with your goodselves.

In the meantime, should you have any questions or concerns, please do not hesitate to contact me regarding this matter.

Sincerely,

Matt Harper
Managing Partner
Global Digital LLC
1100 Glendon Ave. 17th Floor
Los Angeles, CA.
90024

V. 805 208 6455 UTC -8
F. 310 689 7272
email: mattharper@mac.com

DOCKETED

GREENBERG TRAURIG

February 7, 2011

PROOF OF SERVICE

I hereby certify that a true copy of the Global Digital LLC response to Demand Media Inc.'s First Set Of Requests For Production Of Documents & Things and Interrogatories was delivered by United States Postal Service Express Mail today (tracking number EG 541616135 US) to Mr. Eric Maiers, Greenberg Traurig, 77 West Wacker Drive, Suite 3100, Chicago, Illinois, 60601 this 7th day of February 2011.

Matt Harper
Managing Partner
Global Digital LLC
1100 Glendon Ave. 17th Floor
Los Angeles, CA.
90024

V. 805 208 6455 UTC -8
F. 310 689 7272
email: mattharper@mac.com

Exhibit D

Maiers, Eric J. (Assoc-Chi-IP-Tech)

From: MATT HARPER [mattharper@mac.com]
Sent: Tuesday, February 15, 2011 2:00 PM
To: Maiers, Eric J. (Assoc-Chi-IP-Tech)
Cc: Larry Townsend
Subject: Fwd: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design
Attachments: 60754432_v_1_Global Digital Letter Response to First Set of Discovery Requests.PDF; ATT6253730.htm

Mr. Maiers,

Please advise your availability for meet and confer teleconference with counsel regarding this matter on Tuesday February 22, 2011.

Matt Harper
Managing Partner
Global Digital LLC
1100 Glendon Ave.
17th Floor
Los Angeles, CA.
90024

V. 805 208 6455 UTC -8
F. 310 689 7272

email: mattharper@mac.com

From: maierse@gtlaw.com [mailto:maierse@gtlaw.com]
Sent: Friday, February 11, 2011 2:06 PM
To: Larry Townsend
Cc: osheak@gtlaw.com
Subject: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Dear Larry,

We recently received the attached letter from your client in response to our first sets of interrogatories and document requests. As you can see, you client has provided no substantive responses to any of our requests, nor has he provided any particularized objections to any specific discovery requests, as required under the Rules.

As we cannot indefinitely while your client purportedly searches for new counsel, please advise when you are available between now and 5 PM CST Tuesday to conduct a Rule 37 meet and confer regarding your client's deficient discovery responses. If we do not hear from you by then, we intend to file a motion to compel with the TTAB.

Kind regards,

Eric J. Maiers
Associate
Greenberg Traurig, LLP | 77 West Wacker Drive | Suite 3100 | Chicago, IL 60601
Tel 312.456.1036 | Fax 312.899.0383
maierse@gtlaw.com | www.gtlaw.com

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Exhibit E

Maiers, Eric J. (Assoc-Chi-IP-Tech)

From: MATT HARPER [mattharper@mac.com]
Sent: Thursday, March 03, 2011 3:33 PM
To: Maiers, Eric J. (Assoc-Chi-IP-Tech)
Subject: Fwd: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Begin forwarded message:

From: MATT HARPER <mattharper@mac.com>
Date: March 3, 2011 8:12:21 AM PST
To: maierse@gtlaw.com.rpost.org
Subject: TTAB Opp. No. 91196425 re: GOLFLINK NETWORK and Design

Mr. Maiers,

Please advise your availability for meet and confer teleconference regarding golflink tomorrow afternoon March 4, 2011.

Matt Harper
Managing Partner
Global Digital LLC
1100 Glendon Ave.
17th Floor
Los Angeles, CA.
90024

V. 805 208 6455 UTC -8
F. 310 689 7272

email: mattharper@mac.com