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

Proceeding	91196425
Party	Plaintiff Demand Media, Inc.
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Submission	Motion to Amend Pleading/Amended Pleading
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Date	03/14/2012
Attachments	Motion to Amend Complaint.pdf (9 pages)(40145 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.	)	

MOTION FOR LEAVE TO AMEND OPPOSER'S STATEMENT OF GROUNDS UPON WHICH OPPOSITION IS BASED

Opposer Demand Media, Inc. ("Demand Media"), pursuant to 37 C.F.R. 2.107 and Rule 15 of the Federal Rules of Civil Procedure, requests an order granting Demand Media leave to file, the Amended Statement Of Grounds Upon Which Opposition Is Based attached hereto as Exhibit A (the "Amended Statement"). In support of this motion Demand Media states the following:

1. Demand Media filed its original Statement Of Grounds Upon Which Opposition Is Based on September 9, 2010 (the "Original Statement"), which opposed Applicant's U.S. Trademark Application Serial No. 77/699,474 based upon Demand Media's prior U.S. Trademark Registration No. 2447530, as well as Demand Media's prior common law usage of the mark GOLFLINK. (*See generally* Dkt. 1.)

2. On December 2, 2011, the USPTO cancelled the aforementioned '530 registration because a Declaration of Use was not filed pursuant to § 8.

3. Accordingly, Demand Media hereby requests leave to file, *instanter*, the Amended Statement, which removes the '530 registration as a basis upon which Demand Media opposes Applicant's '474 application.

4. Demand Media requested Applicant's consent to file the Amended Statement, but as of the filing of this motion, Applicant had not provided its consent.

Dated: March 14, 2012

Respectfully submitted,

/s/ Eric J. Maiers

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Attorneys for Opposer Demand Media, Inc

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that this document is being electronically filed on March 14, 2012 with the United States Patent and Trademark Office.

/s/ Eric J. Maiers
Eric J. Maiers

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION FOR LEAVE TO AMEND OPPOSER'S STATEMENT OF GROUNDS UPON WHICH OPPOSITION IS BASED has been served first class mail, postage pre-paid this 14th day of March, 2012, to:

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

/s/ Eric J. Maiers
Eric J. Maiers

Exhibit A

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.	)
	)
GLOBAL DIGITAL LLC,	)
	)
Applicant.	)

AMENDED STATEMENT OF GROUNDS UPON WHICH OPPOSITION IS BASED

As grounds for this opposition, it is alleged that:

1. Demand Media, Inc. ("Demand") is the owner of the common law mark "GOLFLINK" for Computer software for use on mobile and cellular phones; promoting the goods and services of others by providing advertising space on websites; design and preparation of advertisements for the promotion of goods and services of others; placing advertising banners for others products and services on web sites accessed through a global computer network; providing an internet website featuring news and information in the field of golf; providing a database for tracking, monitoring, and generating reports on user golf statistics; television transmission services; provision of telecommunication access to films and television programs provided via a video-on-demand service; electronic transmission of voice, data and images by television; Internet protocol television (IPTV) transmission services; providing a website featuring information on travel; providing on-line publications and videos in the nature of e-articles featuring instruction on golf; providing a web site through which golfers reserve tee times at golf courses; providing a web site through which golfers locate information

about golf courses; on-line journals, namely, blogs featuring golf; application service provider, namely, providing, hosting, managing, developing, researching, tracking, analyzing, reporting, and maintaining applications, software, web sites, and databases for the use of others in the field of golf (collectively, the "Goods and Services"). An application for registration of this mark was filed on September 8, 2010, and given Trademark Serial No. 85125255.

2. Demand or its predecessors in interest have used the "GOLFLINK" mark in interstate commerce, on its own and/or through their licensees, on or in connection with the Goods and Services, since at least as early as March 31, 1995.

3. Applicant filed Application Serial No. 77/699,474 on March 25, 2009, on an intent to use basis, towards registration of the proposed mark "GOLFLINK NETWORK and Design" for Providing an interactive website where users can post ratings, reviews and recommendations on products and services, namely, games, players, Internet content, people, companies, and products and services related to virtual worlds, social networks, massively multiplayer role-playing golf games; arranging subscriptions of online golf games and social networks; computerized on-line retail store services in the field of digital media related to virtual worlds, social networks and gaming; providing a website at which customers can manage account information related to golf and gaming products and services in International Class 35; for Providing telecommunications connections to a global computer network and connecting computer users to online, mobile, cross-platform and multi-platform organized golf applications, transmissions, gaming, social networking and virtual worlds through large scale global computer networks and virtual computing environments including satellite

networks, platforms and channels, Internet service providers, domain vertical networks, platforms and channels, cloud networks platforms and channels, wireless and mobile networks, platforms and channels, cable networks, platforms, channels and cable hubs and appliances, peer to peer networks, platforms and channels, social network platforms, connection and channels, digitally networked devices, wireless appliances, speech and gesture-driven motion interaction with golf content, games and applications, in International Class 38; for Production of video and computer golf game software and providing advice and training services in the field of upgrades, downloads, instruction, blogging and viral communication particularly related to massively multiplayer online role-playing golf games, social reality golf games, massively multiplayer online golf games, gesture technology golf games, casual games, premium casual games, social games, immersive golf games, golf game networking, social networking, messaging and virtual worlds; arranging and conducting educational gaming competitions; entertainment services, namely, providing a user instructive, interactive on-line competitive and educational computer golf game, in International Class 41; and for Design and development of computer golf game software and virtual reality software and video golf game programming development services and advice related thereto including upgrades, downloads, instruction, blogging and viral communication particularly related to massively multiplayer online role-playing golf games, social reality golf games, massively multiplayer online golf games, gesture technology golf games, casual games, premium casual games, social games, immersive golf games, golf game networking, social networking, messaging and virtual worlds, in International Class 42. Applicant's application was published for opposition on August 10, 2010.

4. Applicant's proposed "GOLFLINK NETWORK and Design" mark is confusingly similar to Demand's "GOLFLINK" mark in sight, pronunciation and sound, connotation and commercial impression. Demand's "GOLFLINK" mark is a completely arbitrary mark, which should be accorded great scope and broad protection.

5. Demand's Goods and Services associated with the "GOLFLINK" mark, and Applicant's services for which it is attempting to register the proposed "GOLFLINK NETWORK and Design" mark, are the same or similar. Moreover, neither Demand's senior Goods and Services nor the recitation of services in Applicant's junior application exclude any particular channels of trade or classes of consumers or otherwise serve to reduce or eliminate the likelihood of confusion.

6. Accordingly, there exists a substantial likelihood of confusion between Applicant's proposed "GOLFLINK NETWORK and Design" mark and Demand's "GOLFLINK" mark, should Applicant's applications be permitted to proceed to registration.

7. Applicant's proposed "GOLFLINK NETWORK and Design" mark is deceptively similar to Demand's its "GOLFLINK" mark so as to cause confusion and lead to deception as to the origin of Applicant's services. Permitting Applicant to register "GOLFLINK NETWORK and Design" will cause confusion in the public and trade resulting in damage and injury to Demand, by reason of the similarity between Applicant's proposed mark and Demand's marks. Persons familiar with Demand's marks would be likely to buy Applicant's services, and mistake them for services marketed or sponsored by or affiliated with Demand. Any defect, objection or fault

found with Applicant's services could necessarily reflect upon and seriously injure the reputation and goodwill which Demand has established for its own services.

WHEREFORE, Opposer prays that application Serial No. 77/699,474 be rejected, that no registration be issued to Applicant, and that this Opposition be sustained in favor of Opposers.

The fee required under 37 C.F.R. §2.6(a)(17) in the amount of $300.00 was previously paid via deposit account on September 9, 2010.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Dated: [*PROPOSED*]

[*PROPOSED*]
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