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

Proceeding	92051465
Party	Plaintiff EA Digital Illusions CE AB and Electronic Arts Inc.
Correspondence Address	John W. Crittenden Cooley Godward Kronish LLP 101 California Street, 5th Floor San Francisco, CA 94111 UNITED STATES trademarks@cooley.com
Submission	Motion to Strike
Filer's Name	Gavin L. Charlston
Filer's e-mail	trademarks@cooley.com, gcharlston@cooley.com, llewallen@cooley.com
Signature	/GLC/
Date	05/18/2010
Attachments	SF-#1180397-v1-EA_Edge___Cancellation___Motion_to_Strike_Reply.pdf (3 pages)(25830 bytes)

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

In the Matter of Registration No. 3,559,342
For the Trademark THE EDGE
Issued January 13, 2009

In the Matter of Registration No. 3,381,826
For the Trademark GAMER'S EDGE
Issued February 12, 2008

In the Matter of Registration No. 3,105,816
For the Trademark EDGE
Issued June 20, 2006

In the Matter of Registration No. 2,251,584
For the Trademark CUTTING EDGE
Issued June 8, 1999

In the Matter of Registration No. 2,219,837
For the Trademark EDGE
Issued January 26, 1999

EA DIGITAL ILLUSIONS CE AB, a Swedish)
corporation; ELECTRONIC ARTS INC., a)
Delaware corporation,)
)
Petitioners,)
)
v.)
)
EDGE GAMES, INC., a California corporation,)
)
Registrant.)
)
)

Cancellation No. 92051465

**MOTION TO STRIKE
REGISTRANT'S REPLY
TO PETITIONERS'
OPPOSITION TO MOTION
FOR RECONSIDERATION**

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

Registrant filed a Motion for Reconsideration in the instant matter on March 19, 2010. Petitioners never received a service copy of that Motion, but learned of the filing through a periodic status check of the TTABVUE database and opposed the Motion within the prescribed time period, on March 31, 2010. Nearly one month later, on April 30, 2010, Registrant filed a reply brief. Petitioners have not received a service copy of the Reply, and again learned of its filing via the TTABVUE database.


Under TBMP § 502.02(b), “[a] reply brief . . . **shall** be filed within [20] days from the date of service of the brief in response to the motion. . . . The time for filing a reply brief **will not be extended**” (emphasis added). *See also* 37 CFR § 2.127(a). The Board should decline to consider any reply brief filed beyond the applicable deadline. *See Ron Cauldwell Jewelry Inc. v. Clothestime Clothes Inc.*, 63 USPQ2d 2009 (TTAB 2002) (refusing to accept late-filed reply brief, despite the parties’ consent and Board’s prior approval of an extended filing deadline). Accordingly, Registrant’s Reply should be stricken from the record.

In addition, given the apparent delivery problems associated with Registrant’s mail service, Petitioners respectfully request that the Board order Registrant to serve all papers in this proceeding by a means that incorporates electronic tracking and delivery confirmation, such as Express Mail or Federal Express.

Date: May 18, 2010

Respectfully submitted,

COOLEY LLP

By: 
Gavin L. Charlston
101 California Street, Fifth Floor
San Francisco, California 94111-5800
Telephone: (415) 693-2000
Email: trademarks@cooley.com

CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that Petitioners' Motion to Strike Registrant's Reply to Petitioners' Opposition To Motion for Reconsideration is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of Petitioners' Opposition to Registrant's Motion for Reconsideration was placed in the United States Mail, postage prepaid, addressed to the correspondent for Respondent in this proceeding (as identified in the TTAB database) as follows:

EDGE GAMES, INC.
530 SOUTH LAKE AVENUE #171
PASADENA, CA 91101

Date: May 18, 2010


Gavin L. Charlston