

ESTTA Tracking number: **ESTTA378426**

Filing date: **11/14/2010**

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

Proceeding	92051465
Party	Defendant Edge Games, Inc.
Correspondence Address	EDGE GAMES, INC. 530 SOUTH LAKE AVENUE, #171 PASADENA, CA 91101 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Tim Langdell
Filer's e-mail	uspto@edgegames.com
Signature	/Tim Langdell/
Date	11/14/2010
Attachments	Cancellation92051465Response.pdf (2 pages)(32369 bytes)

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

EA Digital Illusions CE AB, a Swedish	}	
Corporation; Electronic Arts Inc., a	}	
Delaware corporation,	}	
	}	
Petitioners,	}	Cancellation No. 92051465
	}	
v.	}	
	}	
EDGE GAMES, INC.	}	
	}	
Respondent/Registrant,	}	
	}	
_____	}	

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

**RESPONSE TO NOTICE OF DISPOSITION OF CIVIL ACTION
AND TO REQUEST FOR ENTRY OF JUDGMENT**

In response to Petitioners' Notice of Disposition of Civil Action and Request for Entry of Judgment, and in response to the TTAB communication of October 27, 2010, Respondent/Registrant responds as follows. The civil action was terminated by the parties reaching a contractual agreement which resulted in a stipulated judgment. The final judgment in the civil matter, then, was purely the result of a contractual agreement between the parties and was not the result of the court considering the issues on their merits or issuing any orders or judgments as a result of litigation of the disputes. Indeed, the stipulated judgment was on condition that neither party admitted any wrong doing, and that Respondent/Registrant – Plaintiff in the civil action – was not being found to have either abandoned any of its registered trademarks, or to have obtained any of them improperly, and in the stipulated judgment Respondent/Registrant expressly retained all of its common law rights in all of its U.S. trademarks in question. The civil action was not fully litigated: while set for a jury trial, the proceedings were

terminated early as a result of a settlement reached between the parties that resulted in termination of the proceedings before evidence was exchanged or arguments were heard. The dispute was thus not litigated nor ruled upon by the court, and was never heard by before a jury.

In discussion between the parties, it has been agreed that it would not be in keeping with the contractual settlement arrived at by the parties that these proceedings before the USPTO should result in entry of judgment against Respondent, and indeed it is agreed by the parties that such a result of the current proceedings would be directly contrary to the contractual settlement reached by the parties.

Consequently, the parties have decided that to adhere to the contractual terms of the settlement between the parties, Respondent/Registrant is filing a Motion On Consent To Surrender Registrations With Prejudice, and Request For Dismissal of Proceedings with Prejudice. Respondent/Registrant is thus concurrently filing said Motion And Request along with this Response, and Petitioners are concurrently submitting a Withdrawal of their October 18, 2010 request for entry of judgment.

The parties are thus respectfully requesting that the instant trademark registrations in question be cancelled as a result of their surrender on consent by Respondent/Registrant (not as a result of entry of judgment against Respondent), and that the instant proceedings be dismissed without prejudice accordingly.

Date: November 12, 2010

Respectfully submitted,

EDGE GAMES, INC.

A handwritten signature in black ink, appearing to read 'Tim Langdell', written over a horizontal line.

By: Dr. Tim Langdell,
Its: CEO

530 South Lake Avenue, #171
Pasadena, CA 91101
Respondent/Registrant