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

Proceeding	92051465
Party	Defendant Edge Games, Inc.
Correspondence Address	TIM LANGDELL EDGE GAMES INC 530 SOUTH LAKE AVENUE, #171 PASADENA, CA 91101 UNITED STATES uspto@edgegames.com
Submission	Other Motions/Papers
Filer's Name	Tim Langdell
Filer's e-mail	ttab@edgegames.com
Signature	/Tim Langdell/
Date	02/18/2011
Attachments	92051465Motion.pdf ( 7 pages )(127749 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

<b>EA DIGITAL ILLUSIONS CE AB, a Swedish Corporation; ELECTRONIC ARTS INC., a Delaware corporation,</b>	)	<b>MOTION TO WITHDRAW (REVERSE) SECTION 7 SURRENDER OF REG. NO. 3,105,816  Cancellation No. 92051465</b>
<b>Petitioners,</b>	)	
<b>v.</b>	)	
<b>EDGE GAMES, INC., a California corporation</b>	)	
<b>Registrant.</b>	)	
_____	)	
	)	
	)	
	)	
	)	

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

**MOTION TO WITHDRAW (REVERSE) SECTION 7  
SURRENDER OF REG. NO. 3,105,816**

1. It has come to the attention of Registrant that it is not the sole owner of trademark registration number 3,105,816. The registration in question is jointly owned by Registrant and Future Publishing Ltd, to whom a partial assignment was made in October 2004. Consequently, registrant Edge Games Inc did not have the power or authority to file a Section 7 Surrender in respect to this registration and was thus in error in filing said Section 7 Surrender.
2. Registrant thus has no option other than to withdraw (reverse) the previously filed Section 7 Surrender in respect to trademark registration number 3,105,816. In the alternate, since Registrant was not the sole owner of this registration its attempt to file a Section 7 Surrender of it was invalid as Registrant lacked the authority on its own to file said Section 7 Surrender of this particular registration.
3. Since Future Publishing Ltd was not a party to the Federal Court action, and since the final decision of that action was not a judgment of the court *per se* but a stipulated judgment based on a settlement reached between Petitioners and Registrant to which Future Publishing Ltd was not a party, the court judgment cannot compel the cancellation of this registration, either.
4. Further, since Future Publishing Ltd was also not a party to the instant cancellation action – rightfully Future should have been named as a co-registrant and co-respondent to the petition to cancel and given equal opportunity with Registrant to respond to the instant petition to cancel – thus the TTAB lacks the

authority to take action in respect to this particular registration without first involving Future Publishing in the issue and giving that entity the opportunity it has a right in respect of to defend or answer any threat of cancellation of a registration they are part owner of. For the same reason, the TTAB cannot act on the Federal Court ruling calling for cancellation in respect to this one registration.

5. Since Future Publishing Ltd had a right to be named as a respondent to the instant cancellation proceeding, and since it was not, the instant petition was imperfect. Registrant thus moves that the registration no. 3,105,816 be reinstated but that the cancellation proceedings not be reinstated. Registrant further moves that Petitioners retain the right to commence new cancellations proceedings in respect to this registration should they desire to do so, this time correctly giving notice to and naming *both* registrants of record, not just Registrant Edge Games Inc.

Date: February 7, 2011

Respectfully submitted,

By: 

Dr. Tim Langdell, CEO  
EDGE Games, Inc.  
Registrant in *Pro Se*  
530 South Lake Avenue, 171  
Pasadena, CA 91101  
Telephone: 626 449 4334  
Facsimile: 626 844 4334  
Email: ttab@edgegames.com

# EXHIBIT A

----- Original Message -----

**From:** Robert N. Klieger  
**To:** Tim Langdell  
**Sent:** Monday, February 07, 2011 6:19 PM  
**Subject:** RE: EA / Edge

Dr. Langdell,

Thank you for bringing this to my attention. EA's trademark counsel at Cooley LLP is aware of this issue and would like to coordinate directly with your counsel, if possible. Please provide me the contact information for your counsel, and I will ask Cooley to get in touch with him or her as soon as possible.

Best regards,

Rob

**From:** Tim Langdell [mailto:tim@edgegames.com]  
**Sent:** Monday, February 07, 2011 6:49 AM  
**To:** Robert N. Klieger  
**Subject:** Re: EA / Edge

Robert,

We have encountered a hitch. It has been brought to our attention that we are not the sole owners of the trademark EDGE registration number 3,105,816. This registration was partially assigned to Future Publishing Ltd in October 2004. Consequently, we did not have the power or authority to file a Section 7 Surrender of this registration. Our counsel advises that we need to file something immediately to withdraw/reverse the Section 7 filing and has suggested a motion along the lines of the attached. They advised that it would be better presented as a consent motion. Might we have your urgent input on this please? Since we lacked the power to file the section 7 on this particular registration, and since Future were not a party to either the Federal case or the TTAB proceeding, as far as we can see we have no option but to withdraw the Section 7. Do you concur? If not, what alternate solution do you propose since we clearly cannot leave the invalid Section 7 filing as it is?

Kind regards,

Dr Tim Langdell  
CEO, Edge Games Inc

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<b>EA DIGITAL ILLUSIONS CE AB, a Swedish Corporation; ELECTRONIC ARTS INC., a Delaware corporation,</b>	)	
	)	
<b>Petitioners,</b>	)	<b>Cancellation No. 92051465</b>
	)	
<b>v.</b>	)	<b><u>CERTIFICATE OF SERVICE</u></b>
	)	
<b>EDGE GAMES, INC., a California corporation</b>	)	
	)	
<b>Registrant.</b>	)	
_____	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2011, a true and correct copies of the attached Motion to Withdraw Section 7 Surrender of Reg. No. 3,105,816 in respect to Cancellation No. 92051465 filed by Edge Games, Inc., a California corporation, have been served by mailing said copy, via U.S. mail, postage prepaid, addressed to:

Cooley, Godward, Kronish LLP  
Attn. John W. Crittenden  
101 California Street, 5th Floor  
San Francisco  
CA 94111-5800

and to:

Trade Mark Trial & Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

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

Tim Langdell