

March 4, 2011

DIRECT DIAL 650.798.3535
E-MAIL: CADYJ@HOWREY.COM
FILE 21002.0008.TMUS00**BY EXPRESS MAIL: EV747617571US**Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

78208607

**Re: Intervener's Response to Registrant's Motion to Withdraw
(Reverse) Section 7 Surrender of Reg. No. 3,105,816 and to
Petitioner's Opposition Thereto
EA Digital Illusions CE AB v. Edge Games, Inc.
Cancellation No. 92051465**

Dear Sir or Madam:

Enclosed please find the following:

1. This transmittal letter (in duplicate);
2. Intervener's Response to Registrant's Motion to Withdraw (Reverse) Section 7 Surrender of Reg. No. 3,105,816 and to Petitioner's Opposition Thereto; and
3. A self-addressed stamped postcard to evidence receipt of Intervener's Response to Registrant's Motion to Withdraw (Reverse) Section 7 Surrender of Reg. No. 3,105,816 and to Petitioner's Opposition Thereto.

Please charge all necessary government fees or credit any overpayment to Deposit Account No. 08-3038, reference 21002.0008.TMUS00/J. Cady.

Please return the enclosed postcard to evidence receipt of the above-referenced documents.

Very truly yours,


James R. Cady /rfr/rfr
Enclosures

03-04-2011

U.S. Patent & TM Office Mail Rept. 01. #72

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Enclosures

**INTERVENER'S RESPONSE TO REGISTRANT'S MOTION TO WITHDRAW
(REVERSE) SECTION 7 SURRENDER OF REG. NO. 3,105,816 AND
TO PETITIONER'S OPPOSITION THERETO**

Future Publishing Ltd. ("Future" or "Intervener") is a limited liability company organized under the laws of the United Kingdom with its principal place of business at Beauford Court, 30 Monmouth Street, Bath BA1 2BQW, United Kingdom. Future has until now not been named or otherwise joined as a party to the instant cancellation proceeding. However, Future is the rightful owner of a partial interest in U.S. Reg. No. 3,105,816 for the mark EDGE in International Class 16 (the "Subject Registration"), as a result of partial assignment of rights made to Future by Registrant's predecessor, The Edge Interactive Media, Inc., on October 15, 2004. The partial assignment was recorded on October 21, 2009 by Registrant, and is recorded at Reel/Frame No. 4081/0843. See attached Exhibit A, extracts from the United States Patent and Trademark Office's trademark assignment database. Since the current proceeding involves the potential cancellation or surrender of registration for the "Subject Registration," for which Future owns a partial interest, Future's intervention in this proceeding is proper. See T.B.M.P. Section 512.01 *et seq.*

On November 14, 2010, Registrant moved to voluntarily surrender Reg. No. 3,105,816 (the "Subject Registration") pursuant to a settlement agreement reached between Registrant and Petitioner following civil litigation. Future was not a party to the civil litigation, these cancellation proceedings, or the settlement agreement that resulted in the attempted surrender of the Subject Registration. On February 18, 2011, Registrant moved to withdraw or reverse its previous voluntary surrender on grounds that it lacked the power or authority to file a Section 7 Surrender for the Subject Registration as a result of the partial assignment thereof to Future.

On February 25, 2011, Petitioners opposed Registrant's Motion to Withdraw (Reverse) Section 7 Surrender of Reg. No. 3,105,816 on the basis that *inter alia* failure to surrender would put Registrant in breach of its contractual obligations. However, Petitioners also stated that they do not object to reinstatement of the Subject Registration, provided that the registration is held solely in the name of Future.

Future hereby states for the record as a proper intervener in these proceedings that it objects to Registrant's original Motion on Consent to Surrender Registrations With Prejudice (and Request for Dismissal of Proceedings Without Prejudice), to the extent that Registrant did not have the right or authority to surrender that portion of the Subject Registration that had previously been duly assigned to Future. See Exhibit A and recorded assignment referenced therein. Future further objects to Petitioners' Opposition to Motion to Withdraw (Reverse) Section 7 Surrender of Reg. No. 3,105.816, insofar as Future was not named a party to the civil litigation and these proceedings and was not included in the settlement agreement that resulted in the attempted termination of these proceedings. As a result, Registrant had neither the right nor the authority to negotiate the surrender of Future's interest in the Subject Registration.

Future would not object to the partial surrender of the Subject Registration with respect to that portion owned by Registrant, but does object to the surrender of the portion that was previously assigned to Future. Likewise, to the extent necessary, Future would not object to the partial reinstatement of the Subject Registration corresponding to that portion properly belonging to Future. Future is prepared to cooperate as necessary with the Board, the Registrant and the Petitioners to achieve that end.

As a result, Future respectfully requests that the Board allow the Subject Registration to remain valid in the name of Future with respect to Future's partial interest therein. In the

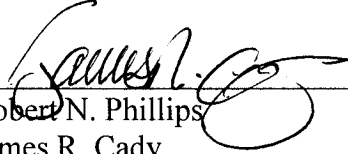
alternative, Future respectfully requests that the Board reinstate the Subject Registration in the name of Future with respect to Future's partial interest therein.

Respectfully submitted,

FUTURE PUBLISHING LTD.

Date: March 4, 2011

By: _____


Robert N. Phillips
James R. Cady
HOWREY LLP
1950 University Ave., 4th Floor
East Palo Alto, California 94303
(650) 798-3500
Attorneys for Future Publishing Ltd.

CERTIFICATE OF EXPRESS MAIL

NUMBER: EV747617571US
DATE OF DEPOSIT: March 4, 2011

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451:


JAMES R. CADY

CERTIFICATE OF SERVICE VIA MAIL

I, Rosario F. Renojo, secretary to James R. Cady, of Howrey LLP, attorneys for Intervener, Future Publishing Ltd., hereby certify that a true and complete copy of the foregoing RESPONSE TO REGISTRANT'S MOTION TO WITHDRAW (REVERSE) SECTION 7 SURRENDER OF REG. NO. 3,105,816 AND TO PETITIONER'S OPPOSITION THERETO was served on Registrant, EDGE Games, Inc. c/o Dr. Tim Langdell, at 530 South Lake Avenue, 171, Pasadena, CA 91101, and Counsel for Petitioners, EA Digital Illusions CE AB and Electronic Arts Inc., Gavin L. Charlston, Esq., at Cooley LLP, 101 California Street, 5th Floor, San Francisco, CA 94111-5800 via postage prepaid by first-class mail on March 4, 2011.


Rosario F. Renojo

Exhibit A



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: 78208607 **Filing Dt:** 01/29/2003 **Reg #:** 3105816 **Reg. Dt:** 06/20/2006
Registrant: The EDGE Interactive Media, Inc.
Mark: EDGE

Assignment: 1

Reel/Frame: 4081/0843 **Received:** 10/21/2009 **Recorded:** 10/21/2009 **Pages:** 3
Conveyance: ASSIGNMENT OF AN UNDIVIDED PART OF ASSIGNORS INTEREST
Assignor: THE EDGE INTERACTIVE MEDIA, INC **Exec Dt:** 10/15/2004

Assignee: FUTURE PUBLISHING LTD.
 20 MONMOUTH STREET
 BATH, UNITED KINGDOM BA1 2BW
Entity Type: CORPORATION
Citizenship: CALIFORNIA
Entity Type: CORPORATION
Citizenship: UNITED KINGDOM

Correspondent: TIM LANGDELL
 530 S LAKE AVE #171
 PASADENA, CA 91101

Assignment: 2

Reel/Frame: 3769/0309 **Received:** 04/30/2008 **Recorded:** 04/30/2008 **Pages:** 3
Conveyance: ASSIGNS THE ENTIRE INTEREST
Assignor: THE EDGE INTERACTIVE MEDIA, INC **Exec Dt:** 02/21/2008

Assignee: EDGE GAMES, INC.
 530 SOUTH LAKE AVENUE
 #171
 PASADENA, CALIFORNIA 91101
Entity Type: CORPORATION
Citizenship: NONE
Entity Type: CORPORATION
Citizenship: NONE

Correspondent: TIM LANGDELL
 530 SOUTH LAKE AVENUE
 #171
 PASADENA, CA 91101

Assignment: 3

Reel/Frame: 4089/0688 **Received:** 11/02/2009 **Recorded:** 10/24/2009 **Pages:** 7
Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE UNDIVIDED INTEREST ONLY SHOULD HAVE BEEN CONVEYED PREVIOUSLY RECORDED ON REEL 003769 FRAME 0309. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNMENT WAS OF UNDIVIDED INTEREST REMAINING AFTER PRIOR PARTIAL ASSIGNMENT TO FUTURE PUBLISHING.

Assignor: EDGE INTERACTIVE MEDIA, INC, THE **Exec Dt:** 02/21/2008
Entity Type: CORPORATION
Citizenship: CALIFORNIA
Entity Type: CORPORATION
Citizenship: CALIFORNIA

Assignee: EDGE GAMES, INC.
 530 S LAKE AVENUE #171
 PASADENA, CALIFORNIA 91101

Correspondent: TIM LANGDELL
 530 SOUTH LAKE AVENUE #171
 PASADENA, CALIFORNIA 91101

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 Web interface last modified: Apr 30, 2009 v.2.1

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Trademark Assignment Details

Reel/Frame: 4081/0843

Pages: 3

Received: 10/21/2009

Recorded: 10/21/2009

Attorney Dkt #: PARTIALASSIGNTOFUTURE

Conveyance: ASSIGNMENT OF AN UNDIVIDED PART OF ASSIGNORS INTEREST

Total properties: 1

1 Serial #: 78208607 Filing Dt: 01/29/2003 Reg #: 3105816 Reg. Dt: 06/20/2006
Mark: EDGE

Assignor

1 THE EDGE INTERACTIVE MEDIA, INC

Exec Dt: 10/15/2004

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee

1 FUTURE PUBLISHING LTD.
20 MONMOUTH STREET
BATH, UNITED KINGDOM BA1 2BW

Entity Type: CORPORATION

Citizenship: UNITED KINGDOM

Correspondence name and address

TIM LANGDELL
530 S LAKE AVE #171
PASADENA, CA 91101

Search Results as of: 03/03/2011 07:06 PM

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