

92051465

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July 28, 2011

VIA EXPRESS MAIL EM563142468US

Commissioner for Trademarks
Post Office Box 1451
Alexandria, VA 22313-1451

**Re: Motion by Defendant Future Publishing Limited for Cancellation of
Registration No. 3,105,816 Pursuant to District Court Final Judgment
Mark: EDGE
Serial No. 78/208,607**

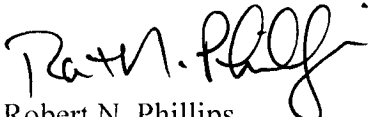
Dear Sir/Madam:

Enclosed please find the following:

1. This transmittal letter (in duplicate);
2. Change of Correspondence Address;
3. Motion by Defendant Future Publishing Limited for Cancellation of Registration No. 3,105,816 Pursuant to District Court Final Judgment; and
4. A self-addressed stamped postcard to evidence receipt of Motion by Defendant Future Publishing Limited for Cancellation of Registration No. 3,105,816 Pursuant to District Court Final Judgment and Change of Correspondence Address.

Please charge all necessary government fees or credit any overpayment to Deposit Account # 190011 in the name of Sachnoff & Weaver, Ltd., reference 362970.20001/R.N.Phillips.

Very truly yours,


Robert N. Phillips


07-28-2011

Enclosures
RNP:dk

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

ReedSmith

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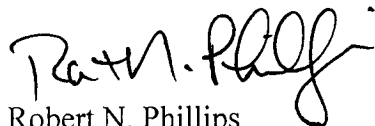
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Very truly yours,



Robert N. Phillips

Enclosures
RNP:dk

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In re: Registration of: The Edge Interactive Media, Inc.	
Serial No: 78/208,607	Cancellation No. 92051465
Filed: January 29, 2003	MOTION BY DEFENDANT FUTURE PUBLISHING LIMITED FOR CANCELLATION OF REGISTRATION NO. 3,105,816 PURSUANT TO DISTRICT COURT FINAL JUDGMENT
Registered: June 20, 2006	
International Class: 16	
Mark: EDGE	

**MOTION BY DEFENDANT FUTURE PUBLISHING LIMITED
FOR CANCELLATION OF REGISTRATION NO. 3,105,816
PURSUANT TO DISTRICT COURT FINAL JUDGMENT**

Defendant Future Publishing Limited (“Future”) respectfully moves the Trademark Trial and Appeal Board (the “Board”) to cancel registration of the above-referenced trademark pursuant to the final judgment of the United States District Court for the Northern District of California. As grounds for this motion, Defendant states as follows:

1. On September 11, 2009, EA Digital Illusions CE AB and Electronic Arts, Inc. (collectively “EA”) filed a Consolidated Petition for Cancellation of Registration Nos. 3,559,342, 3,381,826, 3,105,816, 2,251,584, and 2,219,387. On October 21, 2009, Edge Games Inc. (“Edge Games”) recorded a partial assignment of Registration No. 3,105,816 to Future.
2. On June 15, 2010, Edge Games commenced a trademark infringement, false designation of origin, unfair competition and unjust enrichment action against Electronic Arts, Inc. entitled *Edge Games, Inc. v. Electronic Arts, Inc.*, Case No. CV-10-02614 in the United States District Court for the Northern District of California (“the District Court Action”).

3. On October 8, 2010, based upon the parties' stipulation to the disposition of claims in the District Court Action, the United States District Court for the Northern District of California entered Final Judgment directing the Commissioner of Patents and Trademarks and the Assistant Commissioner of Trademarks to cancel Registrations Nos. 3,559,342, 3,381,826, 3,105,816, 2,251,584, and 2,219,387. (See United State District Court's Final Judgment attached hereto as Exhibit A). On October 18, 2010, EA submitted the Final Judgment to the Board and requested that the Registrations be cancelled and judgment entered in EA's favor in this proceeding. (See Docket No. 28) At Edge Games' request, EA subsequently withdrew that request, and agreed to a procedure whereby the registrations would be voluntarily surrendered for cancellation and this proceeding would be dismissed. (See Docket No. 32, 33)

4. On November 14, 2010, pursuant to TBMP §602.02(a), and the settlement reached in Case No. CV-10-02614, Edge Games, on consent of EA, moved to voluntarily surrender Registrations Nos. 3,559,342, 3,381,826, 3,105,816, 2,251,584 and 2,219,387 and requested that this proceeding be dismissed without prejudice. (See Docket No. 33).

5. On December 13, 2010, the Board dismissed the petition to cancel without prejudice in accordance with Trademark Rule 2.134(a), and stated that Registrations Nos. 3,559,342, 3,381,826, 3,105,816, 2,251,584 and 2,219,387 would be cancelled with prejudice in due course pursuant to Section 7(e) of the Trademark Act. (See Docket No. 34)

6. On February 28, 2011, Edge Games filed a Motion to Withdraw its voluntary surrender of Registration No. 3,105,816. Pursuant to Edge Games' October 21, 2004 recordation of a partial assignment to Future, Edge Games asserted that it was not the sole owner of the registration in question, and therefore, lacked the authority on its own to file a Section 7 surrender. (See Docket No. 37)

7. On March 4, 2011 Future filed a Response to Registrant's Motion to Withdraw (Reverse) Section 7 Surrender of Registration No. 3,105,816, consenting to, and requesting, that the portion of Registration No. 3,105,816 held by Edge Games be cancelled. (See Docket No. 40)

8. On July 11, 2011, the Board ruled that Edge Games lacked authority to voluntarily surrender Registration No. 3,105,816 and granted its Motion to Withdraw (Reverse) Section 7 Surrender. The Board also joined Future as a party defendant in this cancellation proceeding. (See Docket No. 42)

9. Given the mutual agreement between Edge Games and EA to cancel U.S. Trademark Registration No. 3,105,816, and the Final Judgment of the United States District Court for the Northern District of California ordering the same, Future, now a party to this cancellation proceeding, hereby requests the Board to cancel U.S. Trademark Registration No. 3,105,816 in its entirety in compliance with the Final Judgment. Future waives any objection arising from the fact that it was not a named party to the district court action or the settlement agreement.

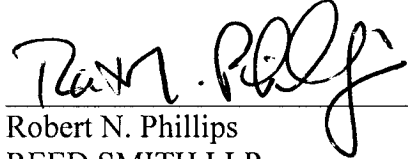
10. The Board is obligated to follow the Final Judgment of the United States District Court for the Northern District of California. *See The Other Telephone Co. v. Connecticut Nat'l Telephone Co.*, 181 U.S.P.Q. 779, 781-82 (Comm'r of Patents 1974) ("noting that Court adjudications are "binding" on TTAB, whereas TTAB decisions are not binding on District Courts").

11. Pursuant to TMBP § 602.02(a), Future respectfully moves that Registration No. 3,105,816 be cancelled in its entirety pursuant to the Final Judgment and that the claims of EA in this proceeding be dismissed as moot.

WHEREFORE, Future respectfully requests that the Board cancel Registration No. 3,105,816 in its entirety pursuant to the Final Judgment of the United States District Court for the Northern District of California.

Date: July 27, 2011

Respectfully submitted,



Robert N. Phillips
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105
Telephone: (415) 543-8700
Facsimile: (415) 391 8269

*Attorneys for Defendant
Future Publishing Limited*

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office on the date shown below.

Robert N. Phillips
(Typed of Printed Name of Person Signing Certificate)


(Signature)

July 27, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION BY DEFENDANT FUTURE PUBLISHING LIMITED FOR CANCELLATION OF REGISTRATION NO. 3,105,816 PURSUANT TO DISTRICT COURT FINAL JUDGMENT was served on the parties below on July 28, 2011, by e-mail and first class mail, postage prepaid:

Tim Langdell
Edge Games, Inc.
530 South Lake Avenue, # 171
Pasadena, CA 91101

Gavin L. Charlston
COOLEY LLP
101 California Street, 5th Floor
San Francisco, CA 94111-5800

*Attorney for EA Digital Illusions CE AB and
Electronic Arts, Inc.*

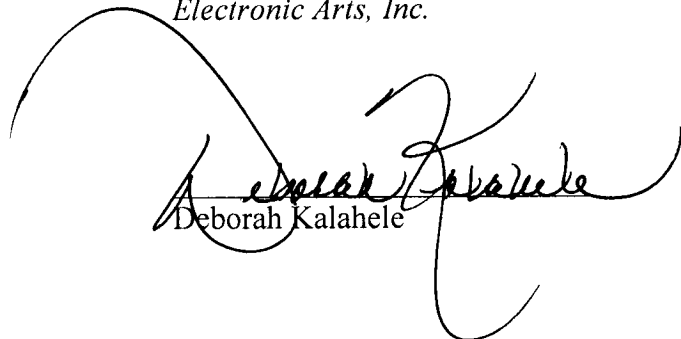

Deborah Kalahela

EXHIBIT A

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Daniel M. Shafer (244839)
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THE EDGE INTERACTIVE MEDIA, INC.

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15 Telephone: 314.345.6461
Facsimile: 314.480.1505

16 Attorneys for ELECTRONIC ARTS INC.
17 and EA DIGITAL ILLUSIONS CE AB

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

20 EDGE GAMES, INC., a California
21 corporation,

22 Plaintiff,

23 v.

24 ELECTRONIC ARTS INC., a Delaware
25 corporation,

26 Defendant.

27 AND RELATED COUNTERCLAIMS AND
28 COUNTER-COUNTERCLAIMS

Case No. 10-CV-2614-WHA

~~PROPOSED~~ FINAL JUDGMENT

Hon. William Alsup

Complaint Filed: June 15, 2010


1 The parties having stipulated to the disposition of the claims in this action, **FINAL**
2 **JUDGMENT IS HEREBY ENTERED** in favor of Defendant and Counterclaimant Electronic
3 Arts Inc. ("EA") and Counterclaimant and Counter-Counterdefendant EA Digital Illusions CE AB
4 ("DICE"), and against Plaintiff, Counterdefendant, and Counter-Counterclaimant Edge Games,
5 Inc. and Counterdefendant The Edge Interactive Media, Inc., on all claims, counterclaims, and
6 counter-counterclaims, with the exception of the Sixth Claim for Relief (Declaratory Relief) in the
7 Counterclaim asserted by Counterclaimants EA and EA DICE, which is dismissed without
8 prejudice in accordance with the parties' stipulation.

9 Pursuant to Section 37 of the Lanham Act, 15 U.S.C. § 1119, the Commissioner of Patents
10 and Trademarks and the Assistant Commissioner for Trademarks are hereby ordered to cancel
11 U.S. Trademark Registration Nos. 2,219,837; 2,251,584; 3,105,816; 3,559,342; and 3,381,826.
12 The Clerk of the Court is further directed to certify a copy of this final judgment and a copy of the
13 order denying plaintiff's motion for a preliminary injunction to the Commissioner of the Patent
14 and Trademark Office. Each party shall bear its own costs and fees in this matter.

15 **THE CLERK SHALL CLOSE THE FILE.**

16 **IT IS SO ORDERED.**

17
18
19 Dated: October 8, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In re: Registration of: The Edge Interactive Media, Inc.	
Serial No: 78/208,607	Cancellation No. 92051465
Filed: January 29, 2003	MOTION BY DEFENDANT FUTURE PUBLISHING LIMITED FOR CANCELLATION OF REGISTRATION NO. 3,105,816 PURSUANT TO DISTRICT COURT FINAL JUDGMENT
Registered: June 20, 2006	
International Class: 16	
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5. On December 13, 2010, the Board dismissed the petition to cancel without prejudice in accordance with Trademark Rule 2.134(a), and stated that Registrations Nos. 3,559,342, 3,381,826, 3,105,816, 2,251,584 and 2,219,387 would be cancelled with prejudice in due course pursuant to Section 7(e) of the Trademark Act. (See Docket No. 34)

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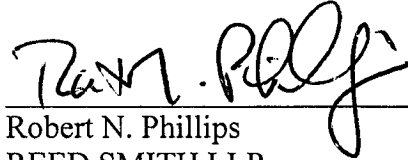
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Date: July 27, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R.N. Phillips", written over a horizontal line.

Robert N. Phillips
REED SMITH LLP
101 Second Street, Suite 1800
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Telephone: (415) 543-8700
Facsimile: (415) 391 8269

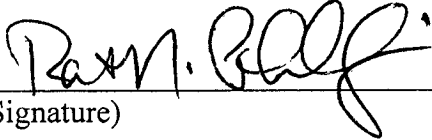
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(Typed or Printed Name of Person Signing Certificate)



(Signature)

July 27, 2011

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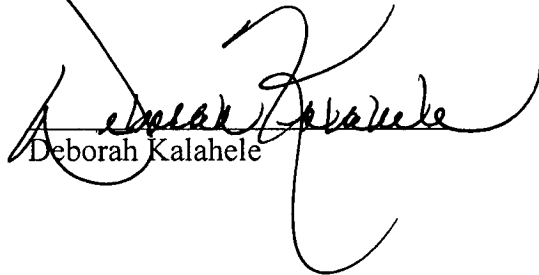

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~~PROPOSED~~ FINAL JUDGMENT

Hon. William Alsup

Complaint Filed: June 15, 2010

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17 **IT IS SO ORDERED.**

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19 Dated: October 8, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

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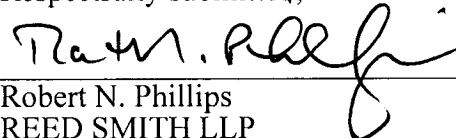
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Reed Smith
102 Second Street, Suite 1800
San Francisco, CA 94105

Date: July 28, 2011

Respectfully submitted,



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*Attorneys for Defendant
Future Publishing Limited*

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*Attorney for EA Digital Illusions CE AB and
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Deborah Kalahale

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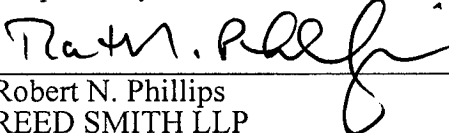
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*Attorney for EA Digital Illusions CE AB and
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Deborah Kalahela