

ESTTA Tracking number: **ESTTA423267**

Filing date: **08/03/2011**

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	uspto@edgegames.com
Signature	/Tim Langdell/
Date	08/03/2011
Attachments	92051465MotionToReverseTwoFurtherSection7s.pdf (19 pages)(1561719 bytes)

**MOTION TO WITHDRAW (REVERSE) SECTION 7
SURRENDER OF REG. NOS. 3,559,342 AND 2,219,837**

1. On July 11, 2011 the Board ruled that Edge Games Inc lacked authority to voluntarily surrender Registration No. 3,105,816 and was granted its Motion to Withdraw (Reverse) Section 7 Surrender. The Board also joined Future Publishing Ltd as a party defendant in this cancellation proceeding (see Docket No. 42).
2. It has now come to the attention of Registrant Edge Games Inc. that it is also not the sole owner of the two trademark registration numbers 3,559,342 and 2,219,837. Like Registration No. 3,105,816, these two registrations are also co-owned by Future Publishing Limited, 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 these two registrations either and was thus in error in filing said Section 7 Surrender for both of these two registrations, too.
3. Indeed, co-defendant Future Publishing Limited has recently filed the attached Response to Office Action in respect to its own applications to register the mark EDGE (Application Nos. 85153981 and 85153958). As can be seen at page 9 of Future's attached Response to Office Action of June 27, 2011, Future goes so far as to claim that it is now the sole owner of these two registrations 3,559,342 and 2,219,837 following what it claims was Edge Interactive's partial assignment to Future, an assignment of Edge Interactive's portion to Edge Games and then Edge Games Section 7 Surrender of its "partial interest." However, this is of course not true. As with Registration No. 3,105,816, Edge Games did not file a Section 7

- Surrender of just its partial interest in either Registration 3,559,342 or 2,219,837, rather it filed a Section 7 Surrender of the *entirety* of both of these registrations.
4. Clearly, the situation for these two registrations, 3,559,342 and 2,219,837, is essentially identical to the situation for Registration No. 3,105,816 in respect to which the Board has reversed the Section 7 Surrender and added Future as a co-defendant to the cancellation proceedings. Given Future goes so far as to now claim to be the sole owner of these two registrations, it is clear that Edge Games did not have the standing or right to file a Section 7 Surrender of either of these registrations since it was not the sole owner of either of them.
 5. Registrant Edge Games thus has no option other than to withdraw (reverse) the previously filed Section 7 Surrenders in respect to trademark registration numbers 3,559,342 and 2,219,837. In the alternate, since Registrant Edge Games was not the sole owner of these registrations its attempt to file Section 7 Surrenders of them was invalid as Registrant lacked the authority on its own to file said Section 7 Surrenders of these two registrations.
 6. 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 these registrations, either.
 7. 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 (co-defendant) to the petition to cancel and given equal opportunity with

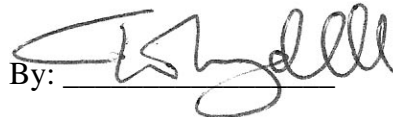
- Registrant to respond to the instant petition to cancel – thus the TTAB lacks the authority to take action in respect to these particular registrations without first involving Future Publishing in the issues and giving that entity the opportunity it has a right in respect of to defend or answer any 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 these two registrations.
8. 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 nos. 3,559,342 and 2,219,837 be reinstated with the two Section 7 Surrenders reversed (withdrawn).
 9. Since the Board has already reinstated the cancellation proceedings and added Future Publishing as a party defendant in respect to Registration No. 3,105,816, similarly Registrant Edge Games moves that since the situation is identical for these two other registrations, that the Board thus also rule that Registration Nos. 3,559,342 and 2,219,837 be added to the cancellation proceedings with Future Publishing being a co-defendant in respect to the revived cancellation proceedings for all three registrations 3,105,816, 3,559,342 and 2,219,837.
 10. Registrant Edge Games also notes again that since Future Publishing was not a party (and yet should have been) to either the Federal Court action or the settlement with Electronic Arts, that renders both the Federal Court stipulated judgment and the settlement with Electronic Arts *invalid* – at the very least, invalid as to these further two registrations as well as to Registration No. 3,105,816. This is thus not a situation where Future Publishing may now, in its new standing as co-defendant in

- the instant proceedings, seek to waive its rights to object to either the Federal Court stipulated judgment or the settlement with Electronic Arts. The fact Future was not a party to either the court action or the settlement renders those invalid, and Future Publishing seeking to waive its rights in respect to either the judgment or the settlement does not then cause either the judgment or settlement to become valid.
11. Registrant/Co-Defendant Edge Games also notes that the Federal Court judgment was a stipulated judgment and not a judgment that was arrived at after full litigation of the issues in question. Indeed, there was no litigation of the issues of trademark ownership, validity of trademarks, etc, at all and the Federal Court action was to be a jury trial and there was certainly no judgment arising out of a jury verdict since the matter never got as far as discovery, let alone as far as trial. Consequently, while the USPTO may generally be compelled to accept and act on a judgment of the Federal Court, this is not the case here where a Federal Court judgment is the result of a settlement between the parties and is only a stipulated judgment that did not arise from full litigation of the issues in question.
12. As to the two remaining Registrations in these proceedings that have not had a motion to withdraw the Section 7 Surrender filings (Reg. No. 2,251,584 for CUTTING EDGE and Reg No. 3,381,826 for GAMER'S EDGE), Registrant/Co-Defendant Edge Games requests that a stay be placed on these two registrations ensuring they not go forward to cancellation pending further investigation of these two registrations by Edge Games. It is not clear at this time whether there are similar grounds for the Section 7 Surrender of each of these last two registrations to be withdrawn (reversed) too, but at the least it is possible that any settlement

between the parties would result in Edge Games retaining ownership of these two registrations, either by reversal or invalidating of the settlement that lead to their surrender or otherwise, which retention of ownership by Edge Games will not be possible if the Board were to permit these two registrations to formally cancel.

Date: August 3, 2011

Respectfully submitted,

By: 

Dr. Tim Langdell, CEO
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Registrant in Pro Se
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Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85153981
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_67109845-095109906_.Argument.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT11\IMAGEOUT11\851\539\85153981\xml7\ROA0002.JPG
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ORIGINAL PDF FILE	evi_67109845-095109906_.Exhibit_A.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT11\IMAGEOUT11\851\539\85153981\xml7\ROA0005.JPG
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DESCRIPTION OF EVIDENCE FILE	Argument and accompanying exhibit
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; printed publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; electronic publications in the nature of magazines relating to computer game software and computer hardware	
FILING BASIS	Section 1(b)

FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2552147
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	07/05/2010
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; printed publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; <u>downloadable publications in electronically readable form, namely, magazines relating to computer game software and computer hardware;</u> electronic publications in the nature of magazines relating to computer game software and computer hardware; <u>downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware</u>	
FINAL DESCRIPTION	
Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; downloadable publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	2552147
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	07/05/2010
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Advertising, promotional and marketing services for others; computerised electronic on-line retail store services featuring computer games software and computer hardware	
FILING BASIS	Section 1(b)

FILING BASIS	Section 44(d)
GOODS AND/OR SERVICES SECTION (035)(proposed)	
INTERNATIONAL CLASS	035
TRACKED TEXT DESCRIPTION	
Advertising, promotional and marketing services for others ; computerised electronic on-line retail store services featuring computer games software and computer hardware	
FINAL DESCRIPTION	
computerised electronic on-line retail store services featuring computer games software and computer hardware	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
GOODS AND/OR SERVICES SECTION (038)(no change)	
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Providing on-line electronic publications (non-downloadable); publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Providing on-line electronic publications (non-downloadable) ; <u>Providing on-line non-downloadable electronic publications in the nature of magazines in the field of on-computer, on-console and online gaming, computer games software, computer hardware and related accessories</u> ; publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software	
FINAL DESCRIPTION	
Providing on-line non-downloadable electronic publications in the nature of magazines in the field of on-computer, on-console and online gaming, computer games software, computer hardware and related	

accessories; publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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SIGNATURE SECTION

RESPONSE SIGNATURE	/Nina Habib Borders/
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SIGNATORY'S NAME	Nina Habib Borders
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SIGNATORY'S POSITION	Attorney of Record, Illinois bar member
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DATE SIGNED	06/27/2011
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AUTHORIZED SIGNATORY	YES
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FILING INFORMATION SECTION

SUBMIT DATE	<u>Mon Jun 27 09:53:37 EDT 2011</u>
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TEAS STAMP	USPTO/ROA-67.109.84.5-201 10627095337685272-8515398 1-48063fd3461f2846f38c690 5af12d742a34-N/A-N/A-2011 0627095109906357
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Response to Office Action To the Commissioner for Trademarks:

Application serial no. **85153981** has been amended as follows:

EVIDENCE

Evidence in the nature of Argument and accompanying exhibit has been attached.

Original PDF file:

[evi_67109845-095109906_..Argument.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

Original PDF file:

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; printed publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; electronic publications in the nature of magazines relating to computer game software and computer hardware

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Filing Basis: Section 44(d), Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [United Kingdom application number 2552147 filed 07/05/2010]. 15 U.S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; ~~printed publications in electronically readable form, namely, magazines relating to computer game software and computer hardware;~~ [downloadable publications in electronically readable form, namely, magazines relating to computer game software and computer hardware;](#) ~~electronic publications in the nature of magazines relating to computer game software and computer hardware;~~ [downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware](#)

Class 009 for Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; downloadable publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Filing Basis: Section 44(d), Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [United Kingdom application number 2552147 filed 07/05/2010]. 15 U.S.C. Section 1126(d), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Advertising, promotional and marketing services for others; computerised electronic on-line retail store services featuring computer games software and computer hardware

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through

the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: ~~Advertising, promotional and marketing services for others~~; computerised electronic on-line retail store services featuring computer games software and computer hardware

Class 035 for computerised electronic on-line retail store services featuring computer games software and computer hardware

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Providing on-line electronic publications (non-downloadable); publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: ~~Providing on-line electronic publications (non-downloadable)~~; Providing on-line non-downloadable electronic publications in the nature of magazines in the field of on-computer, on-console and online gaming, computer games software, computer hardware and related accessories; publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software

Class 041 for Providing on-line non-downloadable electronic publications in the nature of magazines in the field of on-computer, on-console and online gaming, computer games software, computer hardware and related accessories; publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line

journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

SIGNATURE(S)

Response Signature

Signature: /Nina Habib Borders/ Date: 06/27/2011

Signatory's Name: Nina Habib Borders

Signatory's Position: Attorney of Record, Illinois bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85153981

Internet Transmission Date: Mon Jun 27 09:53:37 EDT 2011

TEAS Stamp: USPTO/ROA-67.109.84.5-201106270953376852

72-85153981-48063fd3461f2846f38c6905af12

d742a34-N/A-N/A-20110627095109906357

Serial No. 85/153,981
Examining Attorney: Julie A. Watson
Law Office 109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

→ In re Application of: Future Publishing
Limited, LLC

Serial Number: 85/153,981

Filed: October 15, 2010

Mark: EDGE

Commissioner For Trademarks

Julie A. Watson
Examining Attorney

Law Office 109

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

RESPONSE TO OFFICE ACTION

I. Trademark Act Section 2(d), Likelihood of Confusion (Class 35)

The Examining Attorney has refused registration of Applicant's EDGE trademark on the basis of alleged confusing similarity with prior registrations nos. 2,951,647, 3,097,321, 3,506,527 and 3,710,874. Applicant states that it has adequately distinguished itself from the prior registrations by removing the clause "Advertising, promotional and marketing services for others" and limiting the services in Class 35 as follows:

Class 35: computerised electronic on-line retail store services featuring computer games software and computer hardware.

Since the cited registrations are used in connection with very different subject matters, namely, (1) promoting Oklahoma's scientific and technological advantages for businesses, (2) market research services in the field of health care, (3) business and advertising services related to aviation, and (4) promoting the economic development of New York, Applicant respectfully requests that the refusal to register the mark EDGE on the Principal Register be withdrawn.

→ **II. Claim of Ownership Statement**

The Examining Attorney requested that Applicant submit a claim of ownership if it is the owner of U.S. Registration Nos. 2,219,837, 3,559,342, and 3,713,604. Applicant respectfully submits that it is the owner of U.S. Registration No. 3,713,604 pursuant to a partial assignment from Edge Interactive Media, Inc. and a subsequent renewal and division of the registration in Applicant's name alone. As for U.S. Registration Nos. 2,219,837 and 3,559,342, Applicant respectfully submits that it is the sole owner of such registrations as a result of (1) Edge Interactive Media, Inc.'s partial assignment of the registrations for certain of the goods to Applicant (see Assignments in Reel 2965, Frame 0742 recorded October 27, 2004 and Corrective Assignments in Reel 3159, Frame 0971 recorded September 15, 2005 and Reel 3186, Frame 0406 recorded November 2, 2005), and (2) Edge Games, Inc.'s (as the assignee of, and successor in interest to, Edge Interactive Media, Inc.) November 14, 2010 voluntary surrender with prejudice of its remaining partial interest in such registrations pursuant to a settlement reached with Electronic Arts, Inc. (See Exhibit A submitted herewith).

III. Filing / Registration Basis

The Examining Attorney requests whether applicant intends to reply upon both Trademark Act Section 1(b) and Section 44(e) as filing bases. Applicant submits that it intends to rely on both Section 1(b) and Section 44(e) as filing bases. However, the international applications remain pending and have not yet registered. Applicant further states that it may drop the Section 1(b) basis later in the examination process.

Conclusion

In view of the foregoing, and having responded to all issues raised in the Office Action, this application is believed to be in condition for publication, and reconsideration and favorable action are respectfully requested.

ESTTA Tracking number: **ESTTA378427**

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	Voluntary Surrender Of Registration
Filer's Name	Tim Langdell
Filer's e-mail	uspto@edgegames.com
Signature	/Tim Langdell/
Date	11/14/2010
Attachments	MotionToCancelNov2010.pdf (2 pages)(27153 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

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

MOTION ON CONSENT TO SURRENDER REGISTRATIONS *WITH PREJUDICE*
AND REQUEST FOR DISMISSAL OF PROCEEDINGS *WITHOUT PREJUDICE*

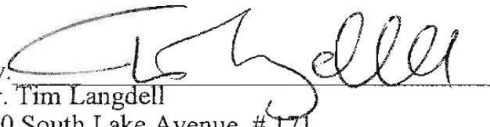
Pursuant to TBMP § 602.02(a), Registrant respectfully moves, on consent of Petitioners pursuant to a settlement reached in the above-captioned dispute, that Registration Nos. 2,219,837 (EDGE), 2,251,584 (CUTTING EDGE), 3,105,816 (EDGE), 3,381,826 (GAMER'S EDGE), and 3,559,342 (THE EDGE) be voluntarily surrendered *with prejudice*.

The parties submit that the surrender of the subject registrations with prejudice and on Petitioners' consent should result in the dismissal of the above-captioned proceedings *without prejudice* under TBMP § 602.02(a). Petitioners are submitting concurrently herewith a withdrawal of their October 18, 2010 request for entry of judgment. The parties respectfully request that these proceedings be dismissed without prejudice accordingly.

Date: November 12, 2010


Respectfully submitted,

EDGE GAMES, INC.

By: 
Dr. Tim Langdell
530 South Lake Avenue, #171
Pasadena, California 91101
Registrant

CONSENTED TO:

COOLEY LLP

By: 
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San Francisco, California 94111-5800
Telephone: (415) 693-2000
Email: trademarks@cooley.com
Counsel to Petitioners