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TTAB

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October 11, 2011

VIA EXPRESS MAIL EM 563142471 US

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

Re: **Defendant Future Publishing Ltd's Objections to Document
Numbers 53-56 Filed by Edge Games, Inc.**

Cancellation No.: 92051465

74556730

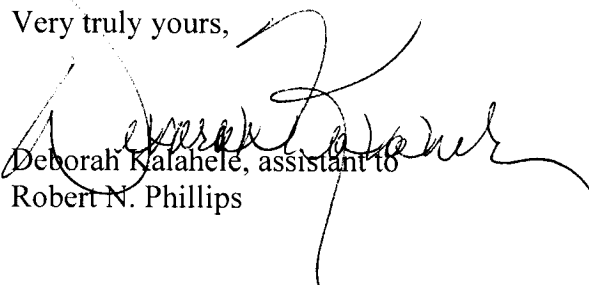
Dear Sir/Madam:

Enclosed please find the following:

1. This transmittal letter (in duplicate);
2. Defendant Future Publishing Ltd's Objections to Document Numbers 53-56 Filed by Edge Games, Inc.; and
3. A self-addressed stamped postcard to evidence receipt of the above-referenced documents.

Please charge all necessary government fees or credit any overpayment to Deposit Account # 190011 in the name of Sachnoff & Weaver, Ltd., reference 362970.20002/R.N.Phillips.

Very truly yours,


Deborah Kalahere, assistant to
Robert N. Phillips

Enclosures
:dk



10-11-2011

U.S. Patent & TM Office Mail Report 4/02

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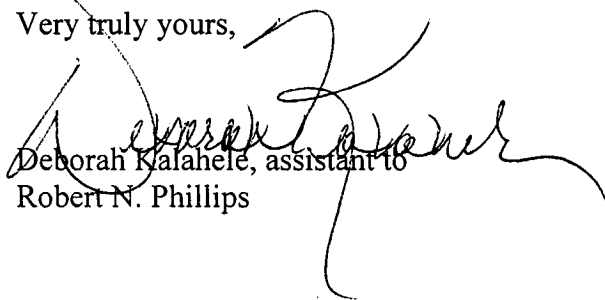
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Deborah Kalahelē, assistant to
Robert N. Phillips

Enclosures
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**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,

v.

EDGE GAMES, INC., a California corporation and FUTURE PUBLISHING LTD, a UK company,

Co-Defendants.

Cancellation No. 92051465

**FUTURE PUBLISHING'S
OBJECTIONS TO DOCUMENT
NUMBERS 53 - 56 FILED BY
EDGE GAMES, INC.**

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

Future Publishing, Ltd. ("Future") objects to Document Numbers 53 through 56 filed by Edge Games, Inc. ("EGI") on the following grounds:

Document Nos. 53 and 55

Edge Games, Inc.'s Reply to Future's and Petitioner's Oppositions to Edge Games' Motion to Withdraw (Reverse) Section 7 Surrenders of Reg. Nos. 3,559, 342 and 2,219,837 is **untimely** and **exceeds the page limit** for reply briefs.

EGI's reply brief was due September 7, 2011, which was 20 days after the date of service of Future's response brief (August 18, 2011 by first class mail -- see Doc. No. 47).¹ See 37 CFR § 2.127(a). EGI's reply brief was not filed until September 29, 2011 (Doc. No. 53). It was later

¹ Future's counsel also emailed Future's response brief to Tim Langdell, Edge Games' President and representative in this proceeding, on August 19, 2011. See Ex. A attached hereto. The email address used – tim@edgegames.com – is the same email address Mr. Langdell uses to correspond with Future's counsel. See Ex. B attached hereto.

amended and refiled on October 3, 2011. Both filings are untimely and should therefore not be considered.

EGI's Doc. No. 53 is 13 pages, and Doc. No. 55 is 16 pages. Both exceed the 10 page limit for reply briefs, and therefore should not be considered.

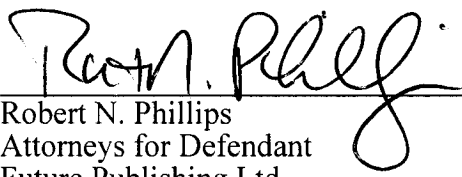
Document Nos. 54 and 56

Edge Game Inc.'s Response to Future's Reply to Edge Games' Opposition to Future's Motion to Cancel Reg No. 3,105,815 Pursuant to District Court Judgment, first filed as Doc. No. 54 and then amended and re-filed as Doc. No. 56, is an **improper surreply** brief to Future's reply brief (Doc No. 49).

Therefore, Doc. Nos. 54 and 56 should not be considered. See 37 CFR § 2.127(a) ("No further papers (including surreply briefs) will be considered by the Board"); *Pioneer Kabushiki Kaisha v. Hitachi High Technologies*, 73 USPQ2d 1672, 1677 (TTAB 2005) (because 37 CFR § 2.127(a) prohibits the filing of surreply briefs, opposer's surreply to applicant's motion was not considered); *No Fear Inc. v. Rule*, 54 USPQ2d 1551, 1553 (TTAB 2000).

Dated: October 11, 2011

REED SMITH LLP


By: 
Robert N. Phillips
Attorneys for Defendant
Future Publishing Ltd.

Certificate Of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, its is hereby certified that a true copy of the foregoing Future Publishing's Objections to Document Numbers 53 - 56 Filed By Edge Games, Inc. was served on the following Co-Defendant and counsel of record for Petitioners, by depositing same in the U.S. Mail, first class postage prepaid, this 11th day of October, 2011:

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



Deborah L. Kalahela

US_ACTIVE-107490390.1

EXHIBIT A

From: Phillips, Robert N. (Rob)
Sent: Friday, August 19, 2011 9:27 AM
To: 'Tim Langdell' <tim@edgegames.com>
Subject: FW: 2011-08-18 Future's Opposition to Motion of Edge Games to Withdraw (Reverse) Section 7 Surrender of 3,559,342 and 2,219,837

Attachments: 2011-08-18 Exhibit A - Future_s Opposition.PDF; 2011-08-18 Declaration of Phillips iso Future_s Opposition.PDF; 2011-08-18 Exhibit B - Future_s Opposition.PDF; 2011-08-18 Exhibit C - Future_s Opposition.PDF; 2011-08-18 Exhibit D - Future_s Opposition.PDF; 2011-08-18 Exhibit E - Future_s Opposition.PDF; 2011-08-18 Exhibit F - Future_s Opposition.PDF; 2011-08-18 Exhibit G - Future_s Opposition.PDF; 2011-08-18 Exhibit H - Future_s Opposition.PDF; 2011-08-18 Future_s Oppos to Motion of Edge Games to Withdraw Section 7 - Reg Nos 3,559,342 and 2,21,PDF

Mr. Langdell:

Please find attached Future's opposition to your motion to withdraw (surrender) Section 7 surrenders. In the future, please email me copies of any pleadings you file in this matter. I did not receive service of your motion or your opposition to Future's recent motion, and only happened to learn of them by reviewing the docket on the TTAB website earlier this week.

Rob

Robert N. Phillips | Reed Smith LLP
101 Second Street - Suite 1800 San Francisco, CA 94105
Direct: 415.659.5953 | Reception: 415.543.8700 | Fax: 415.391.8269
robphillips@reedsmith.com | www.reedsmith.com

From: Kalahale, Deborah L.
Sent: Thursday, August 18, 2011 5:04 PM
To: Phillips, Robert N. (Rob)
Subject: 2011-08-18 Future's Opposition to Motion of Edge Games to Withdraw (Reverse) Section 7 Surrender of 3,559,342 and 2,219,837



2011-08-18

xhibit A - Future_



2011-08-18

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2011-08-18

xhibit C - Future_



2011-08-18

xhibit D - Future_



2011-08-18

xhibit E - Future_



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xhibit F - Future_



2011-08-18

xhibit F - Future_



2011-08-18

xhibit G - Future_



2011-08-18

xhibit H - Future_



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Debbie

Deborah L. Kalahale
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101 Second Street - Suite 1800, San Francisco, CA 94105-3659
Reception: 415.543.8700 | Fax: 415.391.8269
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EXHIBIT B

Kalahele, Deborah L.

From: Tim Langdell [tim@edgegames.com]
Sent: Tuesday, October 04, 2011 2:21 PM
To: Phillips, Robert N. (Rob)
Subject: Re: TTAB Cancellation Action No. 92051465
Attachments: MotionToReverseDivisionOrBringChildRegIn.pdf

Dear Rob,

Please find attached a copy of our Motion filed with the TTAB today.

Sincerely,
Dr Tim Langdell
CEO, Edge Games Inc.

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

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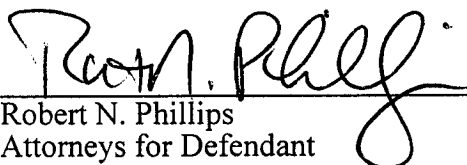
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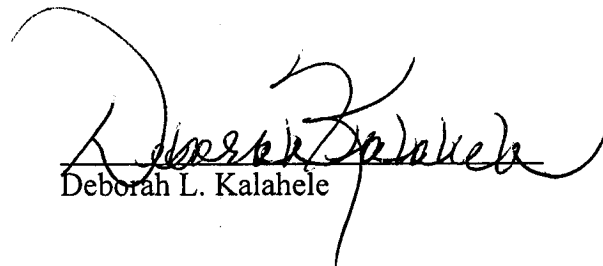
By: 
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xhibit F - Future_.xhibit G - Future_.xhibit H - Future_uture_s Oppos to N

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