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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., and Future Publishing, Ltd.
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Date	04/17/2012
Attachments	MotionForReconsiderationOfBoardsDenialOfMotionToReverse3559342.pdf (5 pages)(59765 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,
ELECTRONIC ARTS INC.,**

Petitioners in pro per,

v.

**EDGE GAMES, INC.
FUTURE PUBLISHING LTD**

Co-Registrants/Co-Defendants.

)
) **CO-REGISTRANT EDGE**
) **GAMES INC'S**
) **MOTION FOR**
) **RECONSIDERATION OF**
) **THE BOARD'S DENIAL**
) **OF EDGE'S MOTION TO**
) **WITHDRAW (REVERSE)**
) **SURRENDER OF REG.**
) **NOS. 3559342 & 2219837**
) **Cancellation No. 92051465**
)

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

1. Co-Registrant Edge Games, Inc. (“EDGE”) has just noticed that in the Board’s March 30, 2012 order the Board placed in footnote 5 on page 5 a denial of EDGE’s motion to withdraw (reverse) it’s surrender of trademark Registrations Nos. 3559342 & 2219837. EDGE notes that the Board gives no explanation for its denial of EDGE’s motion, and EDGE is at a loss to understand on what possible grounds the Board made its decision to deny. Consequently, EDGE believes the decision was in error and hereby motions the Board to reconsider its decision and to reverse it and grant the motion in EDGE’s favor, at least in part if not in entirety.

2. Previously in these proceedings, EDGE filed an essentially identical motion to reverse its earlier voluntary surrender of trademark registration no. 3105816 (at docket #32) and the Board granted EDGE’s motion in its order of July 11, 2011 (at docket #42). In ruling in EDGE’s favor, the Board said “Inasmuch as respondent Edge Games, Inc. is not the sole owner of record of said registration, the Board cannot give effect to its surrender thereof.” This decision was, of course, correct and sound and resulted in Co-Defendant Future being brought into these proceedings.

3. However, in respect to the instant motion to reverse its prior voluntary surrenders of Reg. Nos. 3559342 & 2219837, certainly in respect to at least the first of these registrations (3559342), EDGE’s grounds are identical to that which the Board concurred with in the prior motion to withdraw (reverse) its surrender. In the case of this registration, 3559342, too, there is no doubt that the registration, like Reg. No. 3105816, is co-owned by both EDGE and Future Publishing Ltd (“Future”). Thus just as with Reg. No. 3105816, EDGE is not the sole owner of Reg. No. 3559342, and consequently there can surely be no doubt that inasmuch as EDGE is not the sole owner of record of this registration, the Board should not give effect to EDGE’s surrender thereof (to paraphrase the Board’s decision in Docket #42). There can be no dispute

that Reg. No. 3559342 is indeed co-owned by Future and thus undisputedly, surely, EDGE had no authority or power to file the voluntary surrender of this registration. Consequently the Board should have granted this motion just as it granted the prior one.

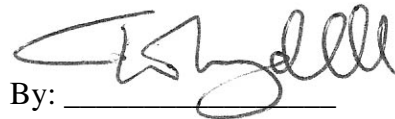
4. As to Reg. No. 2219837, EDGE is aware that its argument regarding it lacking standing to surrender this registration relies in turn on the Board granting EDGE's sister motion to reverse the division of Reg. No. 2219837. EDGE notes that while the Board also denied that other motion by EDGE in the same footnote 5 of page 5 of its March 30, 2012 order, EDGE has filed a sister Motion for Reconsideration in respect to the Board's denial of that motion, too. If EDGE prevails on this sister Motion, as EDGE believes it should, then our argument as to why our motion to withdraw (reverse) the surrender of Reg. No. 2219837 also becomes identical to the motion the Board already granted EDGE in regard to Reg. No. 3105816. Consequently, if the division of Reg. No. 2219837 is reversed as properly it should be, then clearly the Board should grant EDGE's motion to withdraw (reverse) its surrender of this registration since it too was co-owned by Future. And since the mark was co-owned, and EDGE lacked sole ownership, the Board should not have given effect to the surrender of the registration.

5. Because part of this Motion for Reconsideration depends on the outcome of EDGE's sister co-filed Motion for Reconsideration of the denial of its Motion to Reverse the division of Reg. No. 2219837, EDGE asks that the Board rule on the sister motion first. In the event the sister motion is granted and the division of Reg. No. 2219837 is reversed, then EDGE respectfully asks that the Board reconsider its decision in regard to Motion to Withdraw (Reverse) the instant surrenders, and permits both of these surrenders to be withdrawn (reversed) just as the Board granted the reversal (withdrawal) of Reg. No. 3105816. Alternatively, in the event that the Board rejects EDGE's sister motion to reverse the mark division, then EDGE

respectfully still asks that the Board partially grant EDGE's instant motion at least as to Reg. No. 3559342 since the grounds for withdrawal of surrender of this mark are identical to the grounds for withdrawal of the mark 3105816 that the Board already ruled in EDGE's favor on at Docket #42.

Date: April 17, 2012

Respectfully submitted,

By: 


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Certificate of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing CO-REGISTRANT EDGE GAMES INC'S MOTION TO RECONSIDER THE BOARD'S DENIAL OF EDGE'S MOTION TO WITHDRAWN (REVERSE) SURRENDER OF REG. NOS. 3559342 & 2219837 in these proceedings was served on the following parties of record, by depositing same in the U.S. Mail, first class postage prepaid, this 17th day of April, 2012:

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Cheri Langdell