

ESTTA Tracking number: **ESTTA485675**

Filing date: **07/26/2012**

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.
Correspondence Address	TIM LANGDELL EDGE GAMES INC 530 SOUTH LAKE AVENUE, 171 PASADENA, CA 91101 UNITED STATES uspto@edgegames.com
Submission	Other Motions/Papers
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Date	07/26/2012
Attachments	EdgeResponseToEAFilingStrikingOurMotion26Jul12.pdf (4 pages)(62599 bytes)

1. Co-Registrant and Co-Defendant Edge Games Inc (“Edge”) has just noticed by inspecting the filings in this matter on the PTO website that apparently Plaintiffs in this matter have obtained an Order striking Edge’s motion to vacate judgment without Edge being served with any copy of any document filed by Plaintiffs in the District Court and without the District Court giving Edge any notice of hearing such a motion to strike its motion, or giving Edge any opportunity to respond to Plaintiffs’ motion to strike its motion. Edge notes that it did not receive a copy of Plaintiffs’ motion or of this July 23rd order, thus Edge believed the motion to strike had not been filed. Consequently, too, Edge would not have known about this court order if it had not been checking the PTO database from time to time for possible updates on these proceedings.

2. Upon learning of this order, Edge today contacted the District Court clerk who has now apologized for previously advising Edge that it can file its Rule 60 motion in *pro se* on the condition that Edge is represented by counsel at the hearing itself. The clerk now informs Edge for the first time that he was previously incorrect and that Edge must now re-file its Rule 60 motion via attorneys. The clerk also informed Edge that according to the court docket Plaintiffs indicate proof of service on Edge of its motion to strike, but the clerk confirmed that Plaintiffs had the incorrect contact details for Edge and this is presumably why Edge had no knowledge of Plaintiffs filing their motion or of any hearing on their motion. The clerk has also clarified to Edge that while a date was set for Plaintiffs’ motion to strike to be heard on August 9, 2012, the judge decided to make a ruling without a hearing and this thus explains why the court order references vacating a hearing on August 9th that Edge had no knowledge of.

3. Given the new information that the clerk has given Edge today for the first time (which is in direct contrast to the advice given by the clerk previously in May 2012 that lead to Edge filing the Rule 60 motion in Pro Se), and given the July 23rd order that Plaintiffs apparently

were just able to obtain, Edge is urgently having the Rule 60 motion re-filed via attorneys as swiftly as it is able to given that Edge has to identify and instruct attorneys to do so. However, even acting swiftly, identifying attorneys, re-drafting and re-filing this motion and being able to prove said filing to the Board will take, at least, some weeks.

4. Since Edge is about to re-file the Rule 60 motion via attorneys, and since the outcome of this motion will directly impact the outcome of these proceedings (if Edge prevails then the October 2010 order canceling Edge's marks will be reversed/voided), and since if the Board were to cancel Edge's marks before Edge now has time to re-file its Rule 60 motion it would be impossible to reverse the cancellations, Edge thus respectfully repeats its prior request via motion that these instant proceedings be stayed pending Edge re-filing its Rule 60 motion and pending the outcome of that re-filed motion.

Date: July 26, 2012

Respectfully submitted,

By: 

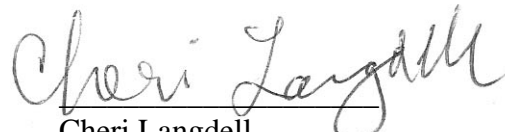
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Certificate of Service

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 RESPONSE TO PLAINTIFFS' FILING OF COURT ORDER STRIKING MOTION in these proceedings was served on the following parties of record, by depositing same in the U.S. Mail, first class postage prepaid, this 26th day of July, 2012:

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