

ESTTA Tracking number: **ESTTA489768**

Filing date: **08/17/2012**

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

Proceeding	92051465
Party	Plaintiff EA Digital Illusions CE AB and Electronic Arts Inc.
Correspondence Address	VINEETA GAJWANI ELECTRONIC ARTS INC 209 REDWOOD SHORES PARKWAY REDWOOD CITY, CA 94065 UNITED STATES vgajwani@ea.com
Submission	Other Motions/Papers
Filer's Name	Robert N. Phillips
Filer's e-mail	robphillips@reedsmith.com, dkalahale@reedsmith.com, vgajwani@ea.com
Signature	/s/ Robert N. Phillips
Date	08/17/2012
Attachments	EA Digital, Elec Arts and Future Pub Jt Supp Ntc Re Order Striking Edge Games Mot for Relief.pdf ( 4 pages )(90307 bytes ) Exhibit A.pdf ( 2 pages )(53143 bytes ) Exhibit B.pdf ( 4 pages )(84061 bytes )

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

In the Matter of Registration No. 3,105,816  
For the Trademark EDGE  
Issued June 20, 2006

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.

EA DIGITAL ILLUSIONS CE AB,  
ELECTRONIC ARTS INC., AND  
FUTURE PUBLISHING LTD'S JOINT  
SUPPLEMENTAL NOTICE REGARDING  
DISTRICT COURT'S ORDER STRIKING  
EDGE GAMES' MOTION FOR RELIEF  
FROM JUDGMENT (Re: Docket Nos. 80-  
81)

Cancellation No. 92051465

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

On July 25, 2012 (Docket No. 80), EA Digital Illusions CE AB, Electronic Arts Inc, and Future Publishing Ltd (collectively "Respondents") jointly notified the Board of the Order dated July 23, 2012 by the United States District Court for the Northern District of California in *Edge Games, Inc. v. Electronic Arts Inc.*, Case No. C 10-02614 WHA, striking Edge Games, Inc.'s Rule 60 motion for relief from judgment and vacating the hearing date ("the District Court Order"). Respondents advised the Board that Edge's Motion to Suspend Proceedings Pending Outcome of Motion Before Civil Court (Docket Nos. 75-77) was therefore moot and should be denied. Respondents also advised the Board that Edge Games' Motions for Reconsideration (Docket Nos. 69, 70) should likewise be denied. Respondents requested the Board to promptly enter the cancellations of the subject registrations in compliance with the District Court's final judgment dated October 8, 2010 and the Board's Order dated March 30, 2012 (Docket No. 67).

On July 26, 2012 (Docket No. 81), Edge filed a response claiming that (1) it was not served with EA's motion to strike, (2) did not have an opportunity to respond, and (3) Edge "is urgently having the rule 60 motion re-filed via attorneys as swiftly as it is able to."<sup>1</sup>

Respondents respectfully inform the Board that Edge was put on notice of EA's motion to strike in at least three different ways. First, the motion to strike was properly e-filed under the District Court's ECF System, and thereby constituted electronic service on Edge's counsel of record the Lanier Law Firm (see attached Exhibit A). Second, the motion was emailed by EA's counsel to Edge at [corp@edgegames.com](mailto:corp@edgegames.com), the corporate email address provided on Edge's web page [www.edgegames.com](http://www.edgegames.com) (see attached Exhibit B). Third, the motion was attached as Exhibit A to Respondents' Joint Opposition to Edge's Motion to Suspend in this proceeding (see Docket No. 78) which was received by Edge (see Docket No. 79). The ECF stamp shown at the top of the motion clearly indicated that the motion was filed with the District Court on May 30, 2012. If Edge had any doubt that the motion was in fact filed, it could have easily called the District Court clerk to verify, a call Edge has purportedly made on at least two other occasions in regard to its desired Rule 60 motion. Therefore, Edge was indisputably served and on notice of EA's motion to strike. Edge's claim that it did not know about the motion or have an opportunity to respond is patently false.

Moreover, contrary to Edge's representation that it is "urgently" re-filing its Rule 60 motion via attorneys, as of this date (over three weeks later) EA has not received any such motion. This appears to be simply yet another delay tactic on the part of Edge. The Board should put an immediate end to these proceedings by issuing the cancellations provided in its March 30th Order.

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<sup>1</sup> Although the response indicates it was served by mail, Future's counsel never received a mailed copy and only learned of the filing by checking TTABVUE on-line.

Dated: August 17, 2012

REED SMITH LLP

By: /s/ Robert N. Phillips  
Robert N. Phillips  
Attorneys for Future Publishing Limited

Dated: August 17, 2012

EA DIGITAL ILLUSIONS CE AB  
ELECTRONIC ARTS, INC.

By: /s/ Vineeta Gajwani  
Vineeta Gajwani  
Trademark Counsel

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 EA DIGITAL ILLUSIONS CE AB, ELECTRONIC ARTS INC., and FUTURE PUBLISHING LTD'S JOINT SUPPLEMENTAL NOTICE OF DISTRICT COURT ORDER STRIKING EDGE GAMES' MOTION FOR RELIEF FROM JUDGMENT (Re: Docket Nos. 80-81) was served on Edge Games, Inc., by depositing same in the U.S. Mail, first class postage prepaid, this 17<sup>h</sup> day of August, 2012 to:

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

/s/ Deborah L. Kalahale  
Deborah L. Kalahale

# **EXHIBIT A**

**Kalahele, Deborah L.**

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**From:** Phillips, Robert N. (Rob)  
**Sent:** Friday, August 17, 2012 2:35 PM  
**To:** Kalahele, Deborah L.  
**Subject:** Ex. A

**From:** [ECF-CAND@cand.uscourts.gov](mailto:ECF-CAND@cand.uscourts.gov) [mailto:[ECF-CAND@cand.uscourts.gov](mailto:ECF-CAND@cand.uscourts.gov)]  
**Sent:** Wednesday, May 30, 2012 2:34 PM  
**To:** [efiling@cand.uscourts.gov](mailto:efiling@cand.uscourts.gov)  
**Subject:** Activity in Case 3:10-cv-02614-WHA Edge Games, Inc. v. Electronic Arts Inc., Motion to Strike

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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**U.S. District Court**

**California Northern District**

**Notice of Electronic Filing**

The following transaction was entered by Klieger, Robert on 5/30/2012 at 2:34 PM and filed on 5/30/2012

**Case Name:** Edge Games, Inc. v. Electronic Arts Inc.,  
**Case Number:** [3:10-cv-02614-WHA](#)  
**Filer:** EA Digital Illusions CE AB  
Electronic Arts Inc.,

**WARNING: CASE CLOSED on 10/08/2010**

**Document Number:** [82](#)

**Docket Text:**

**MOTION to Strike [81] MOTION Under FRCP 60(b)(4) to Confirm the Court's Final Order and Judgment Void re [77] Order, [78] Judgment filed by EA Digital Illusions CE AB, Electronic Arts Inc.,. Responses due by 6/5/2012. (Attachments: # (1) Proposed Order, # (2) Certificate/Proof of Service)(Klieger, Robert) (Filed on 5/30/2012)**

**3:10-cv-02614-WHA Notice has been electronically mailed to:**

Alan S. Nemes [alan.nemes@huschblackwell.com](mailto:alan.nemes@huschblackwell.com)

Christopher D. Banys [cdb@lanierlawfirm.com](mailto:cdb@lanierlawfirm.com), [dms@lanierlawfirm.com](mailto:dms@lanierlawfirm.com), [gap@lanierlawfirm.com](mailto:gap@lanierlawfirm.com),  
[lcm@lanierlawfirm.com](mailto:lcm@lanierlawfirm.com), [mgl@lanierlawfirm.com](mailto:mgl@lanierlawfirm.com), [rps@lanierlawfirm.com](mailto:rps@lanierlawfirm.com), [vac@lanierlawfirm.com](mailto:vac@lanierlawfirm.com)

# **EXHIBIT B**



## Kalahele, Deborah L.

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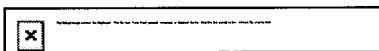
**From:** Phillips, Robert N. (Rob)  
**Sent:** Friday, August 17, 2012 2:37 PM  
**To:** Kalahele, Deborah L.  
**Subject:** Ex. B

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**From:** Robert N. Klieger  
**Sent:** Wednesday, May 30, 2012 2:34 PM  
**To:** 'corp@edgegames.com'  
**Subject:** Edge Games, Inc. v. Electronic Arts, Inc., Case No. 10-CV-2614-WHA

Please find attached the following documents that are being filed with the Court this afternoon:

- (1) NOTICE OF MOTION AND MOTION TO STRIKE PLAINTIFF EDGE GAMES' NOTICE OF MOTION AND MOTION UNDER FRCP 60(B)(4) TO CONFIRM THE COURT'S FINAL ORDER AND JUDGMENT VOID;
- (2) [PROPOSED] ORDER GRANTING NOTICE OF MOTION AND MOTION TO STRIKE PLAINTIFF EDGE GAMES' NOTICE OF MOTION AND MOTION UNDER FRCP 60(B)(4) TO CONFIRM THE COURT'S FINAL ORDER AND JUDGMENT VOID;
- (3) PROOF OF SERVICE



**Robert N. Klieger**  
Kendall Brill & Klieger LLP  
10100 Santa Monica Blvd., Suite 1725  
Los Angeles, California 90067  
Main: (310) 556-2700  
Direct: (310) 272-7933  
Fax: (310) 556-2705  
E-mail: [rklieger@kbkfirm.com](mailto:rklieger@kbkfirm.com)  
Web: [www.kbkfirm.com](http://www.kbkfirm.com)

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## Kalahele, Deborah L.

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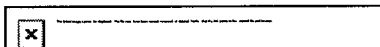
**From:** Phillips, Robert N. (Rob)  
**Sent:** Friday, August 17, 2012 2:38 PM  
**To:** Kalahele, Deborah L.  
**Subject:** Ex. B

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**From:** Robert N. Klieger  
**Sent:** Wednesday, May 30, 2012 2:38 PM  
**To:** 'WHApo@cand.uscourts.gov'  
**Cc:** 'corp@edgegames.com'  
**Subject:** 10-CV-2514 WHA [Proposed] Order Granting Motion to Strike

Please find attached a Word version of the [Proposed] Order Granting Motion to Strike Plaintiff Edge Games' Notice of Motion and Motion Under FRCP 60(b)(4) to Confirm the Court's Final Order and Judgment Void.

The accompanying motion to strike, a copy of which is also attached, was filed this afternoon as Docket No. 81.



**Robert N. Klieger**  
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10100 Santa Monica Blvd., Suite 1725  
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Main: (310) 556-2700  
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Fax: (310) 556-2705  
E-mail: [rklieger@kbkfirm.com](mailto:rklieger@kbkfirm.com)  
Web: [www.kbkfirm.com](http://www.kbkfirm.com)

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**Kalahahele, Deborah L.**

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**From:** Phillips, Robert N. (Rob)  
**Sent:** Friday, August 17, 2012 2:39 PM  
**To:** Kalahahele, Deborah L.  
**Subject:** RE: Ex. B (resending this one)

**From:** Robert N. Klieger  
**Sent:** Tuesday, June 05, 2012 11:09 AM  
**To:** 'corp@edgegames.com'  
**Subject:** Edge Games, Inc. v. Electronic Arts, Inc., Case No. 10-CV-2614-WHA

Please find attached the following document that is being filed with the Court this morning: RE- NOTICE OF MOTION AND MOTION TO STRIKE PLAINTIFF EDGE GAMES' NOTICE OF MOTION AND MOTION UNDER FRCP 60(B)(4) TO CONFIRM THE COURT'S FINAL ORDER AND JUDGMENT VOID.



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