

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

dmd

Mailed: April 9, 2013

Cancellation No. 92051465

EA Digital Illusions CE AB
and Electronic Arts Inc.

v.

Edge Games, Inc., and Future
Publishing, Ltd.

On March 13, 2013, petitioners filed a certified copy of the October 8, 2010 Final Judgment of the United States District Court for the Northern District of California, San Francisco Division,¹ entering an order that the parties stipulated to the disposition of the claims, and ordering that the Director of the United States Patent and Trademark Office cancel United States Trademark Registrations Nos. 2219837, 2251584, 3105816, 3381826, and 3559342 pursuant to Section 37 of the Trademark Act, 15 U.S.C. § 1119.

Section 37 of the Trademark Act, 15 U.S.C. § 1119, provides:

¹ Petitioner's submission also included a certified copy of the Court orders of July 23, 2012.

In any action involving a registered mark the court may determine the right to registration, order the cancellation of registrations, in whole or in part, restore cancelled registrations, and otherwise rectify the register with respect to the registrations of any party to the action. Decrees and orders shall be certified by the court to the Director, who shall make appropriate entry upon the records of the Patent and Trademark Office, and shall be controlled thereby.

The Court's order to cancel respondent's involved registrations has been certified by the Court. The appeal period has passed and the order has therefore become final. While the Board's jurisdiction is concurrent with that of the district courts of the United States, "where a court of competent jurisdiction '[i]n any action involving a registered mark' determines the respective rights of the parties before it to registration under the Trademark Act, that determination is binding upon the Commissioner pursuant to Section 37 of the Trademark Act." *In re Wells Fargo & Company*, 231 USPQ 95, 104 (TTAB 1986) (citing *Avon Shoe Co. v. David Crystal, Inc.*, 279 F.2d 607, 125 USPQ 607, 614 (2d Cir. 1960)).²

Accordingly, pursuant to the order of the Court and in accordance with Trademark Act Section 37, the petition to

² In view of petitioner's March 13, 2013 filing herein of the certified copies of the orders issued by the United States District Court, the Board gives no consideration to the filings submitted subsequent to that date.

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cancel is granted and Registration Nos. 2219837, 2251584, 3105816, 3381826, and 3559342 will be cancelled in due course.

***By the Trademark Trial
and Appeal Board***