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Filing date: **06/03/2015**

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

Proceeding	92058543
Party	Plaintiff Edge Games Inc
Correspondence Address	TIM LANGDELL EDGE GAMES INC 530 SOUTH LAKE AVENUE 171, PASADENA, CA 91101 UNITED STATES uspto@edgegames.com, tim@edgegames.com
Submission	Reply in Support of Motion
Filer's Name	Tim Langdell
Filer's e-mail	uspto@edgegames.com, tim@edgegames.com
Signature	/Tim Langdell/
Date	06/03/2015
Attachments	PetitionersObjectionToRegistrantsUnlawfulSurReply.pdf(59543 bytes )

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

EDGE GAMES, INC.	}	
(California Corporation)	}	
	}	
Petitioner	}	Cancellation No. 9205843
	}	
v.	}	Mark: EDGE
	}	
RAZER (ASIA-PACIFIC PTE LTD	}	Registration No. 4,394,393
(Singapore Corporation)	}	
	}	Registered: September 3, 2013
Registrant	}	
	}	
	}	
_____	}	

**Petitioner Edge Games, Inc’s Objection To The Self Titled “Registrant Razer (Asia-Pacific) Pte Ltd’s Correction Of Factual Misrepresentation By Petitioner In Reply Brief Re Motions To Withdraw Default Admissions And Take Discovery Under FRCP 56(d)”**

On making a periodic check of the state of this case on TTABVUE, Petitioner discovered that Registrant had made the above captioned filing on June 1, 2015.

First, Petitioner understands that Registrant does not have the right to reply to Petitioner’s Response to Registrant’s Objection to Petitioner’s motion. Such a sur-reply is not permitted, we understand, in TTAB rules and thus should not be given any consideration.

If, though, the Board is minded to give consideration to Registrant’s filing, then Petitioner objects to that filing as follows. First, to make the record clear, Exhibit A to Dr Langdell’s affidavit contains two entirely separate email communications and does not contain emails that “...purport[s] to show the March 10 email as part of an email string that includes Petitioner’s email of March 31, 2015...” Petitioner assumed that since they

are two self-contained emails that are clearly not linked in the form of an email string that it would be obvious that they were separate emails printed out one after the other rather than on separate pages. To confirm, they are two separate emails, not an email string.

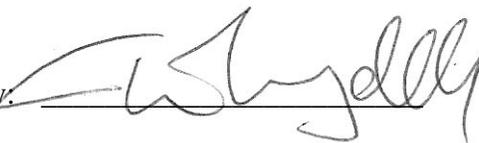
Second, it is outrageous that Registrant should suggest fabrication of evidence. It is one thing for Registrant to deny receipt of the March 10 email (as Petitioner gathers they do), but the March 10 email is entirely genuine. This submission by Petitioner dated May 27, 2015 was the first opportunity where it became appropriate to exhibit this March 10 email. Petitioner did not exhibit the email to the main motion since it reasonably assumed at that point that the email was accepted by both parties, and that it was not essential to show the existence of it to the Board. Only when Registrant responded in its Opposition Brief that it had not received a request did it become appropriate for Petitioner to exhibit what it had written. Perhaps Registrant did not safely receive the email in question, but it is outrageous (and unsupported by the facts) to extrapolate from non-receipt (presumably due to Internet malfunction) to fabrication. Petitioner asks the Board to note that Registrant confirms it received the March 31, 2015 email exhibit to the affidavit (or at least does not deny receiving that email), and in that email there is clear reference to Petitioner having sent another email earlier in March regarding the need for an extension until March 31. The existence of the March 10 email was thus acknowledged in separate interparties communication.

The foregoing withstanding, in order to avoid Registrant turning this issue into a distracting side show, Petitioner hereby withdraws the March 10, 2015 exhibit to Dr Langdell's affidavit, and also withdraws all specific reference to it within the affidavit and in Petitioner's Reply to Registrant's Brief in Opposition to Motion. The Board should

not see this withdrawal as an admission on behalf of Petitioner – on the contrary, the March 10 email is entirely genuine – rather, Petitioner is withdrawing this evidence because it is (or should be) superfluous to Petitioner’s clear grounds for granting its motion to withdraw the effective (default) admissions and be granted permission to file actual admissions. Petitioner does not wish the Board to be distracted from the clear grounds Petitioner has for being granted both its 36(b) motion and its 56(d) motion.

Thus in considering Petitioner’s “in the alternate” grounds of *accusable neglect*, the Board should please not take into account the exhibited March 10 email. Petitioner believes that excusable neglect has been established without the necessity to rely on this email (since the parties do not agree that it was both sent and safely received). But should the Board deem these grounds insufficient, then Petitioner is relying on its main grounds that form the basis of its Rule 36(b) motion (which motion has clear precedence for being granted by the Board) and its and 56(d) motion which has similar precedence in historic Board decisions. Neither the 36(b) motion nor the 56(d) motion rely in any way on the March 10 email, of course.

Respectfully submitted,

By: 

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June 3, 2015

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

<b>EDGE GAMES, INC.</b>	}	
	}	
<b>Petitioner,</b>	}	<b>Cancellation No. 92058543</b>
	}	
<b>v.</b>	}	<b>Mark: EDGE</b>
	}	
<b>RAZER (ASIA-PACIFIC) PTE LTD</b>	}	<b>Registration No. 4,394,393</b>
	}	
<b>Registrant</b>	}	
	}	
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**CERTIFICATE OF SERVICE**

It is hereby certified that on June 3, 2015 a true copy of the foregoing Petitioner Edge Games, Inc's Objection To The Self Titled "Registrant Razer (Asia-Pacific) Pte Ltd's Correction Of Factual Misrepresentation By Petitioner In Reply Brief Re Motions To Withdraw Default Admissions And Take Discovery Under FRCP 56(d)"

was deposited in the U.S. mail, certified, postage prepaid, addressed to:

Keith A. Barritt Esq  
Fish & Richardson P.C.  
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Minneapolis, MN 55440-1022

Signature: 