

ESTTA Tracking number: **ESTTA713149**

Filing date: **12/07/2015**

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	Opposition/Response to Motion
Filer's Name	Dr. Tim Langdell
Filer's e-mail	uspto@edgegames.com, tim@edgegames.com
Signature	/Tim Langdell/
Date	12/07/2015
Attachments	PetitionersResponseToRegistrantMotionForJudgmentPart2a.pdf(5541954 bytes ) PetitionersResponseToRegistrantMotionForJudgmentPart3a.pdf(1555047 bytes )

# EXHIBIT 1



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

November 17, 2015

Certified Mail

(copy of cover letter by email)

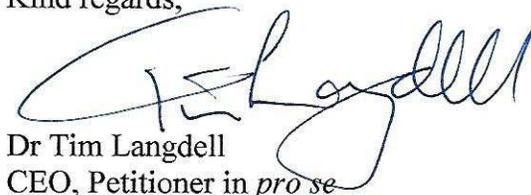
**Re: EDGE Trademark Cancellation Action in the U.S.  
Cancellation No. 92058543**

Dear Mr. Barritt:

Please find attached 852 pages of document production on behalf of Petitioner, Edge Games Inc. As you can see, pages 000001-000266 are designated as confidential and trade secret, as are pages 000551-000602. The former pages consist of the complete declaration with exhibits of Mr. Randall Copeland, along with the declaration of Dr. Tim Langdell and exhibit TL1 thereto (the Velocity sales figures). The second set of pages set as confidential and trade secret are the exhibit TL9 to the Langdell declaration, being the Edge Games sales figures. As confidential and trade secret, these documents are for your eyes only (not your client's) and for the TTAB to view, but not for the public to view.

As you can see, the evidence is voluminous, as we warned it would be, and perhaps you can now appreciate why we indicated it would take us some while to compile and serve it on you. You will also note that the two declarations make very clear that Edge's license with Velocity is entirely valid, that Velocity's sales of EDGE brand game computers is in the tens of millions of dollars, and that therefore there can be no doubt whatsoever as to Edge Games' priority rights in the mark EDGE for the goods your client is wrongfully using our mark in respect to the sale of. There can thus be no doubt that this petition action will eventually be ruled in our favor.

Kind regards,



Dr Tim Langdell  
CEO, Petitioner in *pro se*

**EDGE Games, Inc.,**

530 South Lake Avenue, 171, Pasadena, California, 91101  
T: 626 449 4EDGE F: 626 844 4EDGE W: www.edgegames.com

Subject: Edge Games Document Production  
From: "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 11/17/2015 11:59:25 AM  
To: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
Attachments: CoverLetterBarritt17Nov15.pdf

Dear Mr Barritt,

Please find attached a copy of the cover letter that was just sent to you by Certified Mail along with some 852 pages of discovery documents. Please note the designations in this letter as to which of the documents are to be considered 'confidential and trade secret.'

Thank you,

Dr Tim Langdell  
CEO, Edge Games Inc  
Petitioner in Pro Se  
Direct: 626 824 0097

Edge Games Inc  
530 South Lake Avenue, 171  
Pasadena, CA 91101  
T: 626 449 4EDGE  
F: 626 844 4EDGE  
[www.edgegames.com](http://www.edgegames.com)  
[www.edgegames.co.uk](http://www.edgegames.co.uk)



Microsoft Word document content, including a blue underlined link.

# EXHIBIT 2

# EDGE™ GAMES

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

October 5, 2015

Via Certified Mail

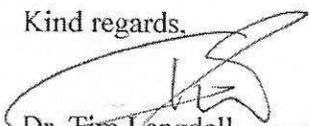
**Re: EDGE Trademark Cancellation Action in the U.S.  
Cancellation No. 92058543**

Dear Mr Barritt:

In accord with the TTAB ruling of September 25, 2015, please find enclosed our revised responses to Razer's first set of interrogatories and first set of requests for document production. As you can see, per the Board's order, we have not objected on the basis of merit grounds and have done our best to be responsive under the circumstances. We note EDGE was given 20 days in which to serve the attached on you, thus our service is timely and meets the Board's conditions.

Please bear in mind that Petitioner EDGE and its predecessors in rights have been in business in the U.S. for over 30 years, and have been using the mark EDGE in United States commerce for game related products and services continuously for over 30 years, too. Consequently, while we shall commence sending documents to you shortly in accord with our Responses, this process will of necessity take time--not least since you successfully prevented us from objecting on legitimate grounds of a given request being overly burdensome or beyond scope which in turn means what you have requested is potentially exceedingly voluminous and will be time consuming to gather and copy before sending to you.

Kind regards,

  
Dr. Tim Langdell  
CEO, Petitioner in *Pro Se*

**EDGE Games, Inc.,**

530 South Lake Avenue, #171, Pasadena, California, 91101

T: 626 449 4EDGE F: 626 844 4EDGE W: www.edgegames.com E:corp@edgegames.com

# EXHIBIT 3

# Law offices of Dale Jensen, PLC

Tel (434) 249-3874  
Fax (866) 372-0348

606 Bull Run  
Staunton, VA 24401

2027 Woodbrook Court  
Suite 2027  
Charlottesville, VA 22901



September 30, 2015

Mr Keith A. Barritt, Esq  
Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005

Re: EDGE Trademark Cancellation Action – TTAB Cancellation No. 92058543

Dear Mr. Barritt:

Our office has been retained by Edge Games, Inc. ("Edge") to obtain certain discoverable information in the above styled case. Pursuant to our representation of Edge, we have enclosed copies of subpoenas to be served pursuant to Fed.R.Civ.P 45(a)(4).

In anticipation of potential objections that you might have:

1. The Clerk of the United States District Court for the Eastern District of Virginia (the "Clerk") interprets 35 U.S.C. 24 as allowing for attorney signature of such subpoenas, and indeed, will not generally sign such subpoenas. You may note that 35 U.S.C. 24 provides that:

The provisions of the Federal Rules of Civil Procedure relating to the attendance of witnesses and to the production of documents and things shall apply to contested cases in the Patent and Trademark Office.

The Clerk believes that Fed.R.Civ.P. 45(a)(3) allows for such signature by an attorney. If you wish to contest this interpretation, we can set up a matter with the Court and you can make your case, but we certainly hope that your client does not desire to increase the costs of discovery to all concerned.

2. We also believe that any contention that you might make that any deposition must be certified by the Trademark Trial and Appeals Board will not be likely to succeed in view of the Trademark Trial and Appeal Board's decision of September 25, 2015. We also note that the incorporation of the Federal Rules of Civil Procedure Fed.R.Civ.P 30 and 45 are also contrary to any such contention.

Should you have any questions or require any additional information regarding this matter, feel free to contact me.

Sincerely,

Dale Jensen  
Attorney At Law

# EXHIBIT 4







# EXHIBIT 5

Subject: Re: Demand for you to withdraw your 11/17 motion as moot  
From: "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 11/19/2015 1:28:57 PM  
To: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
BCC: "Tim Langdell" <[timlangdell@gmail.com](mailto:timlangdell@gmail.com)>

Dear Mr Barritt,

As you know, we wrote to you on the morning of November 17th informing you that we had just sent you 852 pages of document discovery that responds entirely to all discovery requests that we believe Razer would hold as being previously outstanding. We also note that last month we did give clear warning that it would take a considerable time to compile and serve these documents on you, and you are aware from the communications with our attorney Dale Jensen that our document production process was further being delayed into November by Velocity requiring additional time to produce the documents we had requested of them. You thus had ample warning that it would take us until about now to produce this voluminous bundle of documents that you had demanded of us, and we also note that you did not attempt to communicate with us at any time in the past month to inquire as to the progress. Accordingly, it was reasonable for us to assume that you were waiting patiently for the documents from us, and that if your patience was growing thin, that you would of course in all courtesy have communicated that fact to us before contemplating filing any motion with the Board.

However, your response on Tuesday 11/17 to our notifying you that 852 pages of document production were on their way to you was to file a motion with the Board, without giving us any warning, which asks the Board to compel us to produce the documents that you knew full well we had just told you had already been produced.

Accordingly, we ask that by return you confirm that Razer is immediately withdrawing its motion dated 11/17/15 as moot. If you are unable to provide this assurance by return, then we shall file an opposition to your moot motion, and since you did not need to file it we shall ask that Razer be sanctioned for doing so. We would remind you that you have been given an extended period of discovery until late December precisely so that you would not have to be impatient with document production, and thus filing any such motion as the one you just filed was at the very least premature, not least since you did not even bother to inquire in the past month of the documents were about to be served.

We await your confirmation by return that you are withdrawing your 11/17 motion as moot.

Kind regards,  
Dr Tim Langdell  
CEO, Edge Games Inc  
530 South Lake Avenue 171

Subject: Edge vs. Razer: Second and Final Request to Withdraw Moot Motion  
From: "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 11/20/2015 9:22:40 AM  
To: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
BCC: "Tim Langdell" <[timlangdell@gmail.com](mailto:timlangdell@gmail.com)>

Mr Barritt,

Yesterday, we made the reasonable request that you withdraw your 11/17/15 motion as moot given that you have received the discovery documents your motion was contending were not produced. Your motion is without merit -- and indeed *was* without merit when it was filed and served given our email notice to you of early on the same day which confirm the 852 pages of documents were on their way to you.

Accordingly, we invite you one final time to confirm by return that Razer is withdrawing its motion as moot. If that confirmation is not received by 5pm PST today we shall deem you to have refused to withdraw the motion. We shall then oppose the motion and file a concurrent request for sanctions against Razer to include, but not limited to, summary judgment in Edge Games' favor and our costs of having to take legal advice to file the opposition to your motion.

Yours sincerely,  
Dr Tim Langdell  
CEO, Petitioner in Pro Se

Edge Games Inc  
530 South Lake Avenue 171  
Pasadena, CA 91101  
T: 626 449 4EDGE  
F: 626 844 4DGE

# EXHIBIT 6

Subject: RE: Edge vs. Razer: Second and Final Request to Withdraw Moot Motion (F&R File 39771-0019PP1)  
 From: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
 Sent: 11/21/2015 8:06:37 AM  
 To: ""Tim"" <[tim@edgegames.com](mailto:tim@edgegames.com)>



Dear Mr. Langdell:

The motion speaks for itself. You are free to review it and draw your own conclusions.

Sincerely,

Keith Barritt :: Principal :: Fish & Richardson P.C.  
 1425 K Street, N.W., Suite 1100 Washington DC 20005  
 +1-202-626-6433 direct :: [barritt@fr.com](mailto:barritt@fr.com)  
[fr.com](http://fr.com) :: [FishTMCopyrightblog.com](http://FishTMCopyrightblog.com) :: [Bio](#)

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From: Tim [mailto:[tim@edgegames.com](mailto:tim@edgegames.com)]  
 Sent: Friday, November 20, 2015 4:44 PM  
 To: Keith Barritt  
 Subject: Re: Edge vs. Razer: Second and Final Request to Withdraw Moot Motion (F&R File 39771-0019PP1)

Mr Barritt

Your motion is entirely focused on your claim that we had not produced documents as fast as you wanted them to be produced (while also requiring us to produce documents far beyond the scope of these proceedings which added to the production time).

It is irrelevant that you say the motion was filed early on the 17th, since when our email was received later in the morning it would have been appropriate to withdraw the motion at that time.

If you feel there is some other basis for your motion remaining in place, please indicate what basis you believe that to be.

Sincerely  
 Dr Tim Langdell  
 CEO, Petitioner in Pro Se

Edge Games Inc  
 Pasadena CA

Sent from my iPhone 6 with apologies for any errors due to Apple's auto-correct or my mis-typing.

On Nov 20, 2015, at 12:32 PM, Keith Barritt <[barritt@fr.com](mailto:barritt@fr.com)> wrote:



Dear Mr. Langdell:

This is in response to your email below and related email of November 19, 2015.

As an initial matter, please note that Razer's motion was filed early in the morning of November 17, as confirmed in the attached filing receipt from the TTAB. I can appreciate how this may not have been apparent to you from the TTAB website alone. In any event, all statements in the motion that no documents had been produced were true when the motion was filed.

The motion is not based exclusively on failure to produce the documents you have now produced. Accordingly, Razer will not be withdrawing the motion. I am certain that in your opposition to the motion you will indicate to the TTAB that you have now produced such documents, which we will address at the proper time.

Sincerely,

Keith Barritt: Principal: Fish & Richardson P.C.  
 1425 K Street, N.W., Suite 1100 Washington DC 20005

# EXHIBIT 7



FISH & RICHARDSON

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005  
202 783 5070 main  
202 783 2331 fax

October 13, 2015

Via Email and U.S. Certified Mail  
uspto@edgegames.com, tim@edgegames.com

**Keith A. Barritt**  
Principal  
barritt@fr.com  
202 626 6433 direct

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

Re: Responses to Razer's Discovery Requests in EDGE Cancellation Action No. 92058543  
Our Ref.: 39771-0019PP1

Dear Mr. Langdell:

I am writing pursuant to Section 523.02 of the Trademark Trial and Appeal Board Manual of Procedure in a good faith effort to address the deficiencies in your discovery responses that were served on October 5, 2015 in the above-referenced proceeding.

As an initial matter, some of the original discovery requests as they appear in your answers contain minor and some not-so-minor typos. Your answers should reflect the original discovery requests as put, without changing the original wording in any material way. The original discovery requests that should be reviewed in particular for the original wording are Requests for Admission Nos. 4(c), 5(c), 6(c), 10(c), 11(c), 12(c), 22, 26 and Document Request Nos. 3 and 5.

Many of your answers refer to "the best of Petitioner's recollection." I remind you that the Petitioner in this case is Edge Games Inc. and not you as an individual. I also remind you of Edge Games' duty to cooperate in good faith in discovery, which requires Edge Games to review its records in response to a discovery request and not base its response solely on one person's personal recollection.

Razer agrees that Edge Games' and any alleged licensees' foreign use of EDGE is irrelevant to these proceedings. However, factual matters regarding Edge Games' and its affiliates' questionable activities before foreign courts is directly relevant to Razer's "unclean hands" defense. Thus, your answer to Interrogatory No. 12(f), for example, is deficient.

The specific deficiencies in your discovery responses are too numerous to identify individually. As one example, your response to Interrogatory No. 1 fails to state "each product or service offered by Petitioner" or its affiliates/licensees bearing an EDGE-related mark as requested in the very first sentence of Interrogatory No. 1, which affects subsequent answers (see, for example, Interrogatory No. 2 requesting information "for each product or service identified in answer to interrogatory No. 1"). Your response to Interrogatory No. 1(d) misunderstands the "classes of consumers," which is not a reference to the U.S. Trademark Office's classes of goods and services, but rather the types of purchasers (see Section 414(3) of the Trademark Trial and Appeal Board Manual of Procedure).

October 13, 2015

Your response to Interrogatory No. 8(c) regarding the identity of any assignors refers to your response to Interrogatory No. 4 regarding licensees, and thus it is unclear which marks have been licensed and which have been assigned. Please review the interrogatories carefully and provide clear responses.

Your response to Interrogatory 12(d) fails to provide information regarding settlement agreements and licenses, which I note are specifically discoverable as set forth in the footnotes to Section 414(10) of the Trademark Trial and Appeal Board Manual of Procedure.

More generally, where you have objected that a request asks for information or documents that fall within the attorney-client or other privilege, you have failed to provide a privilege log identifying any such information or documents. The parties have not agreed to dispense with the production of privilege logs, and I remind you that Razer provided a privilege log with its discovery responses.

Likewise, where you have objected that a request calls for information or documents that are protected as trade secrets or otherwise confidential (see, for example, answers to Interrogatory Nos. 4(e), 4(f), 5(a), and 6), I remind you of the Board's standard protective order in place in this case which provides a manner to timely produce such information or documents. As noted in the Board's scheduling order of January 21, 2014, the standard protective order is available at <http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>.

In short, for the reasons noted above (which do not necessarily identify each specific deficiency), Edge Games' responses are deficient. We understand that some information is still being gathered from licensees and we are willing to consider a reasonable extension for these requests only. However, considering that your counsel has scheduled a deposition of Edge Games' alleged licensee Velocity Micro on October 26, we must insist that you deliver to me for receipt by October 20 complete responses to all other interrogatories and document requests – and especially responses to Document Request Nos. 4 through 7 as they pertain to Velocity Micro. Given the short time frame involved, the interrogatory responses and documents should be delivered directly to me for receipt by October 20 either via email at [barritt@fr.com](mailto:barritt@fr.com) or by hard copy at Fish & Richardson, P.C., 1425 K Street, N.W., Suite 1100, Washington, DC 20005.

Sincerely,

  
Keith A. Barritt

# EXHIBIT 8

Subject: Re: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)  
From: "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/19/2015 12:49:30 PM  
To: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
CC: "Tim Langdell" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
BCC: "Tim Langdell" <[timlangdell@gmail.com](mailto:timlangdell@gmail.com)>

Dear Mr. barritt,

We have now reviewed your observations regarding Edge Games' Amended Responses to Razer's First Set of Requests for Document Production. You questioned what we wrote in regard to requests 4 and 5. In regard to request No. 4, we cannot see the difference between what you wrote and what we wrote in our Response, but confirm that our Response remains the same anyway. As to request No. 5 we see a slight typing error, but this too does not change our response(s) at all. Thus, with typing correction, the Response reads the same and hence the response needs no further amendment:

Request No. 5

For each licensee identified in response to Interrogatory No. 2 or Document Request No, 2 above, produce:

(a) All documents regarding Petitioner's creation, maintenance, and enforcement of the quality control provisions for each product or service covered by the license; and

(b) All documents regarding any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.

OBJECTION: See objections to No.1 and No. 2 above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

We trust this satisfies your questions about our Discovery responses to the document production requests.

Kind regards,  
Dr Tim Langdell  
CEO, Edge Games Inc  
Petitioner in pro se

----- Original Message -----

From: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
To: "[uspto@edgegames.com](mailto:uspto@edgegames.com)" <[uspto@edgegames.com](mailto:uspto@edgegames.com)>; "[tim@edgegames.com](mailto:tim@edgegames.com)" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/13/2015 11:14:01 AM  
Subject: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)



Dear Mr. Langdell:

Please see the attached correspondence.

Sincerely,

Keith Barritt: Principal: Fish & Richardson P.C.  
1425 K Street, N.W., Suite 1100 Washington DC 20005  
+1-202-626-6433direct::[barritt@fr.com](mailto:barritt@fr.com)  
[fr.com](http://fr.com) :: [FishTMCopyrightblog.com](http://FishTMCopyrightblog.com) :: [Bio](#)

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\*\*\*\*\*

Subject: Re: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)  
From: "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/19/2015 1:02:38 PM  
To: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
CC: "Tim Langdell" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
BCC: "Tim Langdell" <[timlangdell@gmail.com](mailto:timlangdell@gmail.com)>

Mr Barritt

We have now reviewed your observations regarding Edge Games' Responses to Razer's First Set of Request for Admissions. No changes to Edge Games' responses are called for.

There is a small typing error in 4(c) which we confirm does not alter Edge Games' response. The response should be taken as responding to the wording Razer used as if the reference to computer tablets was there in the request. The same holds true for 5(c) 6(c), 10(c), 11(c) and 12(c) where the same inadvertent typing error was made by an ill-chosen use of "copy and paste" from 4(c).

As to Request No. 22, we see there is an inadvertent typing error in the Cancellation No. - it should read 92051465. This typing error does not alter Edge Games' response and you should take the response as responding as if the correct number had been used. Similarly, for Request No. 26, there is an inadvertent typing error in the US Registration which should read 2,251,584. This error, too, does not alter Edge Games' response, and the response should be taken as responding to the request as worded by Razer, with the correct registration number in it.

Respectfully, these typing errors would have been eliminated if you had supplied electronic copies of your discovery requests for us to use rather than calling for us to have to re-type them all.

Kind regards,  
Dr Tim Langdell  
CEO, Edge Games Inc  
Petitioner in pro se

----- Original Message -----

From: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
To: "[uspto@edgegames.com](mailto:uspto@edgegames.com)" <[uspto@edgegames.com](mailto:uspto@edgegames.com)>; "[tim@edgegames.com](mailto:tim@edgegames.com)" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/13/2015 11:14:01 AM  
Subject: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)



Dear Mr. Langdell:

Please see the attached correspondence.

Sincerely,

Keith Barritt: Principal: Fish & Richardson P.C.  
1425 K Street, N.W., Suite 1100 Washington DC 20005  
+1-202-626-6433direct :: [barritt@fr.com](mailto:barritt@fr.com)  
[fishTMCcopyrightblog.com](http://fishTMCcopyrightblog.com) :: [Bio](#)

\*\*\*\*\*  
This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.  
\*\*\*\*\*

Subject: Re: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)  
From: "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/19/2015 1:02:38 PM  
To: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
CC: "Tim Langdell" <[tim@edgegames.com](mailto:tim@edgegames.com)>

Mr Barritt

We have now reviewed your observations regarding Edge Games' Responses to Razer's First Set of Request for Admissions. No changes to Edge Games' responses are called for.

There is a small typing error in 4(c) which we confirm does not alter Edge Games' response. The response should be taken as responding to the wording Razer used as if the reference to computer tablets was there in the request. The same holds true for 5(c) 6(c), 10(c), 11(c) and 12(c) where the same inadvertent typing error was made by an ill-chosen use of "copy and paste" from 4(c).

As to Request No. 22, we see there is an inadvertent typing error in the Cancellation No. - it should read 92051465. This typing error does not alter Edge Games' response and you should take the response as responding as if the correct number had been used. Similarly, for Request No. 26, there is an inadvertent typing error in the US Registration which should read 2,251,584. This error, too, does not alter Edge Games' response, and the response should be taken as responding to the request as worded by Razer, with the correct registration number in it.

Respectfully, these typing errors would have been eliminated if you had supplied electronic copies of your discovery requests for us to use rather than calling for us to have to re-type them all.

Kind regards,  
Dr Tim Langdell  
CEO, Edge Games Inc  
Petitioner in pro se

----- Original Message -----

From: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
To: "[uspto@edgegames.com](mailto:uspto@edgegames.com)" <[uspto@edgegames.com](mailto:uspto@edgegames.com)>; "[tim@edgegames.com](mailto:tim@edgegames.com)" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/13/2015 11:14:01 AM  
Subject: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)



Dear Mr. Langdell:

Please see the attached correspondence.

Sincerely,

Keith Barritt:: Principal:: Fish & Richardson P.C.  
1425 K Street, N.W., Suite 1100 Washington DC 20005  
+1-202-626-6433direct :: [barritt@fr.com](mailto:barritt@fr.com)  
[fr.com](http://fr.com) :: [FishTMCopyrightblog.com](http://FishTMCopyrightblog.com) :: [Bio](#)

\*\*\*\*\*  
This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.  
\*\*\*\*\*

Subject: Re: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)  
From: "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/19/2015 1:52:36 PM  
To: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
CC: "Tim Langdell" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
BCC: "Tim Langdell" <[timlangdell@gmail.com](mailto:timlangdell@gmail.com)>  
Attachments: PetitionersResponseToRegistrantsRogsAmended2.pdf

Mr Barritt,

I believe the attached addresses your concerns regarding the Interrogatory responses. For the most part, the responses were there in response to other requests. So ultimately, the responses did not change.

Kind regards,  
Dr Tim Langdell  
CEO, Edge Games Inc  
Petitioner in pro se

----- Original Message -----

From: "Keith Barritt" <[barritt@fr.com](mailto:barritt@fr.com)>  
To: "[uspto@edgegames.com](mailto:uspto@edgegames.com)" <[uspto@edgegames.com](mailto:uspto@edgegames.com)>; "[tim@edgegames.com](mailto:tim@edgegames.com)" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
Sent: 10/13/2015 11:14:01 AM  
Subject: Edge Games' discovery responses in EDGE Cancellation Action No. 92058543 (F&R File 39771-0019PP1)



Dear Mr. Langdell:

Please see the attached correspondence.

Sincerely,

Keith Barritt:: Principal:: Fish & Richardson P.C.  
1425 K Street, N.W., Suite 1100 Washington DC 20005  
+1-202-626-6433direct :: [barritt@fr.com](mailto:barritt@fr.com)  
[fr.com](http://fr.com) :: [FishTMCopyrightblog.com](http://FishTMCopyrightblog.com) :: [Bio](#)

\*\*\*\*\*  
This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.  
\*\*\*\*\*

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

EDGE GAMES, INC.	}	
	}	
Petitioner,	}	Cancellation No. 92058543
	}	
v.	}	Mark: EDGE
	}	
RAZER (ASIA-PACIFIC) PTE LTD	}	Registration No. 4,394,393
	}	
Registrant	}	
	}	
-----	}	

PETITIONER'S AMENDED RESPONSES TO  
APPLICANT'S FIRST SET OF INTERROGATORIES

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rules of Practice í 2.120, Petitioner Edge Games, Inc. ("Petitioner") by its undersigned pro per representative hereby responds to Registrant's First Set of Interrogatories.

RESERVATION OF RIGHTS

Petitioner's responses are based solely on information currently available to Petitioner based upon reasonable investigation. Investigation and discovery are ongoing. Petitioner reserves all rights to supplement, revise and/or amend these responses should additional information become available through the discovery process or other means. Petitioner also reserves the right to produce or use any information or documents that are discovered after service of these responses in support of or in opposition to any motion, in depositions, or in hearings. In responding to Registrant's requests, Petitioner does not waive any objection on the grounds of privilege,

competency, relevance, materiality, authenticity, or admissibility of the information contained in these responses.

## GENERAL OBJECTIONS

1. Petitioner objects to the definitions, instructions, and requests to the extent that they seek information or documents protected by the attorney-client privilege or by the work product doctrine, prepared in connection with settlement discussions, prepared in anticipation of litigation or for trial, or subject to any other applicable privilege, protection, immunity or restriction from discovery. Inadvertent disclosure of any privileged or protected information or documents in response to these requests shall not be deemed a waiver of the applicable privilege or protection, or any other basis for objecting to discovery, or of the right of Petitioner to object to the use, and see the return, of any such inadvertently disclosed information.

2. Petitioner objects to the requests to the extent that they seek information subject to confidentiality restrictions of a third party.

3. Petitioner objects to the requests to the extent that they are duplicative (if this objection is viewed as non-merit based, otherwise this objection is withdrawn).

4. A statement by Petitioner of its willingness to produce responsive documents that are not protected from discovery does not mean that such documents exist.

5. Petitioner incorporates by reference the General Objections set forth above into each of its responses, whether or not repeated therein, as well as any specific stated objections. Petitioner may repeat a general objection for emphasis or some other reason, but the failure to repeat any general objection does not waive any general objection to the requests. Petitioner does not waive its right to amend its objections. Petitioner's willingness to provide the requested

responses or information is not an admission that such responses or information are relevant or admissible.

6. Petitioner reserves the right to include additional objections to any future discovery requests.

#### SPECIFIC OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION

Subject to the foregoing General Objections and reservation of rights, as well as the specific objections set forth below, Petitioner responds as follows:

#### PETITIONER'S RESPONSES TO REGISTRANT'S FIRST REQUEST FOR ADMISSION

##### Interrogatory No. 1

State each product or service offered by Petitioner (defined above as including its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, and for each product or service state:

- (a) The mark used;
- (b) The date of first use of the mark in each state of the United States;
- (c) Whether use of each mark for each product or service in each state identified above has continued every year thereafter, and if not state the periods of time during which the mark was not used in connection with each product or service;

- (d) The classes of consumers to whom each product or service is or was sold or distributed;
- (e) The retail establishments and other channels of trade where each product or service is or was sold or distributed;
- (f) The amount spent each year on advertising;
- (g) The amount of sales each year in volume and dollar amount; and
- (h) The manner in which the mark EDGE or any variant has been used, e.g. by affixing it to the product, packaging, advertising, or use in promotional materials, and the name and address of the person(s) or organization(s) which printed any such labels, packaging, advertising, or other materials.

OBJECTION: Petitioner objects on the grounds this asks confidential trade secret information or other privileged information.

ANSWER:

- (a) The mark used;

"EDGE" in the form EDGE (game software, game hardware), THE EDGE (game software, game hardware), EDGE PC (game hardware), EDGE GAMING PC (game hardware), EDGE GAMERS (gamer software and online services for gaming), EDGE OF EXTINCTION (game software), CUTTING EDGE (game software), EDGE 3D (game software, game hardware), EDGE OF TWILIGHT (game software) and GAMER'S EDGE (game software, game hardware)

- (b) The date of first use of the mark in each state of the United States;

on or about June 1, 1984 (see response for (c) below, too).

- (c) Whether use of each mark for each product or service in each state identified above has continued every year thereafter, and if not state the periods of time during which the mark was not used in connection with each product or service;

EDGE and THE EDGE continuous; GAMER'S EDGE continuous from or about 1992 for software, and from or about 1998 for hardware. Still awaiting details from licensee(s) as to whether GAMER'S EDGE was not used for any given period since 1998 for hardware. EDGE PC and EDGE GAMING PC believed to be from or about 2008. EDGE GAMERS believed to be since or about 2006, and continuous since that time. EDGE OF EXTINCTION believed to be from or about March 2000. CUTTING EDGE believed to be from or about April 1995 to April 2013 for printed comics; continuous to current day for game software related use. EDGE 3D believed to be from or about 1995 to 1998. EDGE OF TWILIGHT from or about 2009 and believed to be until the current day.

(d) The classes of consumers to whom each product or service is or was sold or distributed;

General consumers within the United States who usually buy computer or video game software and hardware via any of the channels used by EDGE or its licensees, Affiliates or Predecessors in Rights. Other consumers are probable (e.g. education, corporate purchases and other non regular US consumer purchases), but Petitioner is awaiting data from licensees to be able to answer more fully.

(e) The retail establishments and other channels of trade where each product or service is or was sold or distributed;

via Internet ("on line" direct to consumer and via resellers such as Amazon.com and NewEgg.com), and major retail outlets such as Best Buy, and Fry's.

(f) The amount spent each year on advertising;  
still awaiting data from licensee(s).

(g) The amount of sales each year in volume and dollar amount;  
still awaiting data from licensee(s).

and

(h) The manner in which the mark EDGE or any variant has been used, e.g. by affixing it to the product, packaging, advertising, or use in promotional materials, and the name and address of the person(s) or organization(s) which printed any such labels, packaging, advertising, or other materials.

Affixed to products, on product packaging, used on website to promote products, used on advertising materials to promote products. Awaiting on further data from licensee to be able to complete this request.

## Interrogatory No. 2

For each product or service identified in answer to interrogatory No. 1, identify:

- (a) The name and address of any of Petitioner's trademark licensees who sold or distributed the product or service;
- (b) The name and address of the actual producer of the product or provider of the service;
- (c) The person employed by Petitioner or any licensee who is most knowledgeable about the marketing and sales in the United States of such product or service.

OBJECTION: Petitioner repeats its objection for No. 1 above.

## ANSWER:

- (a) The name and address of any of Petitioner's trademark licensees who sold or distributed the product or service;

In the United States: Velocity Micro Inc., 835 Grove Road, Midlothian, VA 23114; Future Publishing Ltd., Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; Diamond Multimedia, 20740 Plummer St., Chatsworth CA 91311; Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108; FuzzyEyes Studio Pty Ltd, 3/53 Brandl St., Eight Mile Plains, Q4113, Australia; Dattel Design and Development Inc, 33 North Garden Avenue, Suite 900, Clearwater FL 33755

- (b) The name and address of the actual producer of the product or provider of the service;

In the United States: Edge Games Inc, 530 South Lake Avenue, 171, Pasadena, CA 91101; Velocity Micro Inc., 835 Grove Road, Midlothian, VA 23114; Future Publishing Ltd., Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; Diamond Multimedia, 20740 Plummer St., Chatsworth CA 91311; Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108; FuzzyEyes Studio Pty Ltd, 3/53 Brandl St., Eight Mile Plains, Q4113, Australia; Dattel Design and Development Inc, 33 North Garden Avenue,

Suite 900, Clearwater FL 33755; Edgegamers, 555 E. Pacific Coast Highway, #218, Long Beach, CA 90806 (all as believed to be the case to the best of knowledge and belief).

- (c) The person employed by Petitioner or any licensee who is most knowledgeable about the marketing and sales in the United States of such product or service.

Dr Tim Langdell, CEO of Petitioner; Randall Copeland of Velocity Micro Inc.; Wei-Yao Lu of FuzzyEyes; Ken Tarolla of Datel Design; John Coates and Mark Charles Zerbe of Edgegamers. As to others, contact believed to be the senior executive or designated officer at any given time.

### Interrogatory No. 3

For each product or service identified in answer to Interrogatory No. 1:

- (a) Identify the name and address of each media source (including but not limited to newspapers, trade journals, electronic publications, radio or TV stations) used for advertising such product or service.
- (b) Identify the primary person at each such media source who had rendered services to Petitioner or any licensee in connection with the promotion of such product or service; and
- (c) State the dates such advertising occurred.

OBJECTION: See objection to No.1 above

ANSWER:

- (a) Identify the name and address of each media source (including but not limited to newspapers, trade journals, electronic publications, radio or TV stations) used for advertising such product or service.

Still awaiting data from licensee(s) to be able to answer this.

(b) Identify the primary person at each such media source who had rendered services to Petitioner or any licensee in connection with the promotion of such product or service;

Still awaiting data from licensee(s) to be able to answer this.

and

(c) State the dates such advertising occurred.

Still awaiting data from licensee(s) to be able to answer this.

Interrogatory No. 4

For each licensee identified in response to Interrogatory No. 2 above, state:

- (a) The name and address of the licensee;
- (b) The effective date such license began and ended;
- (c) The marks covered by the license;
- (d) The products and services covered by the license.
- (e) The quality control procedures, in detail, for each product or service sold under each mark covered by the license that are or have ever been in place and the dates such controls were in place;
- (f) The annual expenses incurred by Petitioner for enforcing the quality control requirements in the license; and
- (g) The royalty fee or other licensing payment received by Petitioner each year pursuant to the license or any other benefit received by Petitioner under the license.

OBJECTION: See objections to No.1 and No.2 above.

ANSWER:

(a) The name and address of the licensee;

For the United States market: (1) Velocity Micro Inc., 835 Grove Road, Midlothian, VA 23114; (1) Future Publishing Ltd., Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; (3) Diamond Multimedia, 20740 Plummer St., Chatsworth CA 91311; (4) Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108; (5) FuzzyEyes Studio Pty Ltd, 3/53 Brandl St., Eight Mile Plains, Q4113, Australia; (6) Datel Design and Development Inc, 33 North Garden Avenue, Suite 900, Clearwater FL 33755

(b) The effective date such license began and ended;

(1) began 1998 and has not ended; (2) began 1993 and has not ended; (3) Believed to have began 1995 and believed to have ended circa 1998; (4) Began circa 2000 and believed to be still on-going; (5) Began in or about 2009 and believed to be still on-going; (6) Began in or about J anuary 29, 2009 until or about J anuary 29, 2012.

(c) The marks covered by the license;

(1) EDGE and GAMER'S EDGE; (2) EDGE; (3) EDGE in the form EDGE 3D; (4) EDGE in the form EDGE OF EXTINCTION; (5) EDGE in the form EDGE OF TWILIGHT; (6) THE EDGE.

(d) The products and services covered by the license.

(1) Game hardware such as game computers; (2) Computer and video game publications and magazines published electronically; (3) EDGE 3D PC game hardware such as a plyg in circuit board enabling a PC to play SEGA Saturn games; (4) Computer game; (5) Computer game; (6) Game hardware such as a controller for Nintendo consoles.

(e) The quality control procedures, in detail, for each product or service sold under each mark covered by the license that are or have ever been in place and the dates such controls were in place;

See objection

(f) The annual expenses incurred by Petitioner for enforcing the quality control requirements in the license;

See objection

and

(g) The royalty fee or other licensing payment received by Petitioner each year pursuant to the license or any other benefit received by Petitioner under the license.

See objection

#### Interrogatory No. 5

For each licensee identified in response to Interrogatory No. 2 above, describe in detail:

- (a) How Petitioner creates, maintains, and enforces the quality control provisions for each product or service covered by the license; and
- (b) Any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.

OBJECTION: See objections to No. 1 and No. 2 above.

ANSWER:

- (a) How Petitioner creates, maintains, and enforces the quality control provisions for each product or service covered by the license;

See objection

and

- (b) Any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.

None found.

#### Interrogatory No. 6

For each licensee identified in response to Interrogatory No. 2 above, identify by name and address the primary person of the licensee with whom Petitioner communicated for the

purpose of enforcing the quality control provisions in the license, providing the position(s) such individual has held with the licensee and the dates such individual held the position(s) with the licensee.

OBJECTION: See objections to No. 1 above.

ANSWER: See objection.

Interrogatory No. 7

Describe any correspondence with any licensee regarding the notice that Petitioner's U.S. trademark registration nos. 2,219,837; 2,251,584; 3,105,816; 3,559,342; and 3,381,826 had been ordered cancelled, as ordered by the court in Exhibit 1 hereto, including all subsequent correspondence with each licensee regarding the status of the license.

OBJECTION: See Petitioner's Objections to Interrogatory No. 1.

ANSWER: Notices were sent to licensees in accord with the Court's Order; to the best of Petitioner believes there was no subsequent correspondence with any licensee regarding the status of the license(s). Petitioner notes that the court order referenced was one that Petitioner itself requested the court to make, not a court order arising from a court considering the facts, evidence or merits of Petitioner's trademark registrations, right to own same, or similar.

Interrogatory No. 8

List all of Petitioner's marks incorporating the term EDGE that were assigned at any time to Petitioner or any of its predecessor, affiliates, or subsidiaries, and state for each mark:

- (a) The effective date of the assignment;
- (b) The products or services associated with the assigned mark;
- (c) The name and address of the assignor;
- (d) The name and address of Petitioner's primary contact person at the assignor regarding the assignment;

- (e) The purchase price or other consideration given to the assignor for the assignment of each mark;
- (f) The circumstances of the assignment, including whether the assignment was made to resolve any disputes regarding use of the mark; and
- (g) The steps taken to ensure that the entire goodwill of the assignor's business as it relates to the mark was assigned.

OBJECTION: See objection to No. 1 above.

ANSWER:

- (a) The effective date of the assignment;

(1) EDGE GAMERS on or about January 13, 2009; (2) EDGE believed to be in or about 1996 and 2014; (3) CUTTING EDGE (Marvel Comics) in or about September 1995; (4) EDGE OF EXTINCTION on or about September 29, 2009.

- (b) The products or services associated with the assigned mark;

(1) online gaming services; (2) game magazines published electronically; (3) comic books; (4) game software

- (c) The name and address of the assignor;

(1) John Coates, Edg gamers, 555 E. Pacific Coast Highway, #218, Long Beach, CA 90806 (last known address); (2) Future Publishing Ltd Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; (3) Marvel Entertainment Group, Inc. CORPORATION DELAWARE 387 Park Avenue South New York NEW YORK 10016; (4) Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108.

- (d) The name and address of Petitioner's primary contact person at the assignor regarding the assignment;

See response above.

- (e) The purchase price or other consideration given to the assignor for the assignment of each mark;

See objection

(f) The circumstances of the assignment, including whether the assignment was made to resolve any disputes regarding use of the mark;

See objection

and

(g) The steps taken to ensure that the entire goodwill of the assignor's business as it relates to the mark was assigned.

See objection

Interrogatory No. 9

If Petitioner has requested, received or has knowledge of any legal opinions regarding the right of anyone (including Petitioner) to use the mark EDGE or any variant thereof, identify:

- (a) Each such opinion;
- (b) The person or persons requesting each such opinion; and
- (c) The person rendering each such opinion.

OBJECTION: See objection to No. 1

Interrogatory No. 10

List all past and current users known by Petitioner, other than Petitioner and Registrant, of any marks incorporating the term EDGE in the United States, including the owner of such mark and the goods and/or services associated with such use.

OBJECTION: See objection to No. 1. While Petitioner is not permitted to object on the basis of relevance, scope, or other merit-based grounds, Petitioner nonetheless wishes to note for the record that this request is exceptionally burdensome since as written it pertains to all uses of the EDGE mark for any products and services, not just those relating to these proceedings. Petitioner makes a reasonable effort to respond based on its knowledge or belief at the time of responding without undertaking any special research into same.

ANSWER: In addition to those users who assigned any EDGE mark to Petitioner (referenced above), Petitioner knows of: EDGE for shaving cream believed to be owned by Edgewise Personal Care Brands; EDGE for automobiles believed to be owned by Ford Motor Company.

Interrogatory No. 11

Describe all instances Petitioner is aware of in which a person has been confused as to the source of Petitioner's or Registrant's products or services bearing any mark incorporating the term EDGE, or as to any affiliation or connection between Petitioner and Registrant. In your description:

- (a) State with particularity the nature of the confusion involved in each such instance;
- (b) Identify each person with knowledge of each instance of such confusion; and
- (c) Identify each document and/or oral communication concerning such confusion.

OBJECTION: See objection to No. 1

ANSWER:

- (a) State with particularity the nature of the confusion involved in each such instance;

Petitioner is still gathering data on this.

- (b) Identify each person with knowledge of each instance of such confusion;

Petitioner is still gathering data on this.

and

- (c) Identify each document and/or oral communication concerning such confusion.

Petitioner is still gathering data on this.

Interrogatory No. 12

If Petitioner or any of its predecessors, affiliates, subsidiaries, or directors, or officers, or shareholders, representatives, or agents thereof, has ever been a party to a lawsuit or trademark opposition or cancellation proceeding, or sent or received a cease and desist letter or otherwise communicated with a third party, involving a claim or action relating to the use of, application for, or registration of the mark EDGE or any variant thereof:

- (a) State the name and address of each such third party;
- (b) State the case docket number and filing date and identify the tribunal, if any;
- (c) Describe the nature of the claim or action, including the trademarks and products/services involved;
- (d) Describe the outcome of any such claim or action, including the details of any settlement agreement;
- (e) Identify all documents referring or relating to such litigation, proceeding, or dispute and ensuing negotiations, if any;
- (f) Identify all documents regarding any sanctions or findings of fact against Petitioner or any of its predecessors, subsidiaries, affiliates, or directors, or officers, directors, employees, agents and representatives thereof related to the falsification of any documents or submission of any false statements of fact or other falsehoods to any tribunal; and
- (g) The name(s), address(es), and telephone number(s) of all counsel representing any adverse party in such claim or action.

OBJECTION: Please see general objections.

ANSWER:

(a) State the name and address of each such third party;

Petitioner believes: (1) New World Computing, Inc. CORPORATION CALIFORNIA 20301 Ventura Boulevard, Suite 200 Woodland Hills CALIFORNIA 91364; (2) Marvel Entertainment Group, Inc. CORPORATION DELAWARE 387 Park Avenue South New York NEW YORK 10016; (3) ELECTRONIC ARTS INC, 209 REDWOOD SHORES PARKWAY , REDWOOD CITY, CA 94065 (4) Kabushiki Kaisha Sony Computer Entertainment (a/t/a Sony Computer Entertainment Inc.) 2-6-21, Minami-aoyama, Minato-ku Tokyo 107-0062 Japan; (5) John Coates (Edg gamers-see above for address); (6) Velocity Micro, 7510 Whitepine Rd, North Chesterfield, VA 23237; (7) Mobigame, 85 boulevard Pasteur F-75015 PARIS FRANCE

(b) State the case docket number and filing date and identify the tribunal, if any;

(1) Opposition No. 92021684; (2) Opposition No. 91104280; (3) Opposition No. 92051465 and Federal Court Case 10-CV-2614-WHA; (4) Opposition No. 91189164; (5) Opposition No. 77352656; (6) Opposition No. 92049162 and Federal Court Case 03:08CV 135-J RS; (7) Opposition No. 91212834

(c) Describe the nature of the claim or action, including the trademarks and products/services involved;

Trademark infringement and/or likelihood of confusion; see above for details of marks and products/services

(d) Describe the outcome of any such claim or action, including the details of any settlement agreement;

All settled or resolved amicably, most entirely in Petitioner's favor and one in the mutual favor of both parties; documents pertaining that are discoverable will be supplied insofar as there are no valid objections to such production; see general objections.

(e) Identify all documents referring or relating to such litigation, proceeding, or dispute and ensuing negotiations, if any;

See general objections; all discoverable documents will be produced that are not subject to valid objections.

(f) Identify all documents regarding any sanctions or findings of fact against Petitioner or any of its predecessors, subsidiaries, affiliates, or directors, or officers, directors, employees, agents and representatives thereof related to the falsification of any documents or submission of any false statements of fact or other falsehoods to any tribunal;

To the best of Petitioner's belief, none in any U.S. action or tribunal. Petitioner also believes none in any overseas tribunal, but will produce any documents necessary which are not covered by the general objections and which may clarify Petitioner's response.

and

(g) The name(s), address(es), and telephone number(s) of all counsel representing any adverse party in such claim or action.

See general objections as to anything that is not in the public record easily accessed by Registrant.

Interrogatory No. 13,

For each of Petitioner's marks incorporating EDGE, state whether Petitioner conducted or caused anyone else to conduct any trademark search or investigation with respect to selection, adoption, or the filing of any application for registration of such mark.

OBJECTION: See objection to No. 1. There is no response other than that covered by an objection on the grounds of attorney client privilege or other privilege.

Interrogatory No. 14

For each such search or investigation identified in response to Interrogatory No. 13, state:

- (a) The date on which it was made;
- (b) The name and address of the person who requested it; and
- (c) Whether any report or other communication or document was made concerning such search or investigation, and if so, set out verbatim the

contents thereof or attach to the answer to this interrogatory a copy of each such report, communication or document.

OBJECTION: See objection to No. 13 above.

Interrogatory No. 15.

State the factual basis for Petitioner's claim in paragraph 30 of the Petition to Cancel that Registrant's EDGE mark has caused dilution.

OBJECTION: See objection to No. 1

ANSWER: Petitioner has a history of over 30 years of use of the mark EDGE in United States commerce, both for computer game software and for computer game hardware. No other entity has registered or legitimate claim to the mark EDGE for game such game related goods and services except under agreement with Petitioner or except where Petitioner is formally opposing or objecting to any use by such an entity using the mark other than under agreement with Petitioner. Petitioner has used its best efforts to police the US market over the past 30 years to ensure a lack of dilution and a lack of likelihood of confusion in the minds of US consumers. This is not a comprehensive list of factual bases for the claim, and Petitioner reserves the right to add or amend same at any time.

Interrogatory No. 16

State the factual basis for Petitioner's claim in paragraph 31 of the Petition to Cancel that Petitioner's alleged EDGE mark is famous.

OBJECTION: See objection to No. 1

ANSWER: See Petitioner's answer to No. 15 above.

Interrogatory No. 17

State all facts and identify all documents on which Petitioner will rely to support the contention in the Petition to Cancel that there is a likelihood of confusion between Registrant's EDGE mark and any of Petitioner's alleged EDGE marks or dilution of any of Petitioner's alleged EDGE marks.

OBJECTION: See objection to No. 1

ANSWER: See answer to No. 15 above.

Interrogatory No. 18

Identify the officers of Petitioner, specifying the dates such offices were held.

ANSWER: Dr T im L angdell; held since formation of the corporation.

Interrogatory No. 19

Identify Petitioner's predecessors-in-interest, specifying the dates when there was an associated change of ownership of each of Petitioner's marks incorporating the term EDGE.

OBJECTION: See objection to No. 1

ANSWER: Softek International L td. (in or about 1990); T he E dge Interactive Media, Inc. (in or about 2008).

Interrogatory No. 20

Identify all of Petitioner's subsidiaries and affiliated companies, and the officers thereof.

OBJECTION: See objection to No. 1

ANSWER: T he E dge Interactive Media, Inc.; Dr T im L angdell

Interrogatory No. 21

As to each of the above interrogatories, identify:

- (a) T he person within Petitioner who has the greatest knowledge as to the information requested; and
- (b) A ll persons who participated in preparing each response.

OBJECTION: See objection to No. 1

ANSWER: (a) Dr T im L angdell; (b) Dr T im L angdell

Respectfully submitted,

By: /s/ Tim Langdell-----

CEO, Petitioner Edge Games Inc  
530 South Lake Avenue, 171  
Pasadena, CA 91101  
Phone: 626 449 4334  
Fax: 626 844 4334  
E mail: tim@edgegames.com

Date: October 5, 2015

# EXHIBIT 9



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

EDGE GAMES, INC.	}	
	}	
Petitioner,	}	Cancellation No. 92058543
	}	
v.	}	Mark: EDGE
	}	
RAZER (ASIA-PACIFIC) PTE LTD	}	Registration No. 4,394,393
	}	
Registrant	}	
	}	
-----	}	

PETITIONER'S FURTHER AMENDED RESPONSES TO  
APPLICANT'S FIRST SET OF INTERROGATORIES

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rules of Practice í 2.120, Petitioner Edge Games, Inc. ("Petitioner") by its undersigned pro per representative hereby responds to Registrant's First Set of Interrogatories.

RESERVATION OF RIGHTS

Petitioner's responses are based solely on information currently available to Petitioner based upon reasonable investigation. Investigation and discovery are ongoing. Petitioner reserves all rights to supplement, revise and/or amend these responses should additional information become available through the discovery process or other means. Petitioner also reserves the right to produce or use any information or documents that are discovered after service of these responses in support of or in opposition to any motion, in depositions, or in hearings. In responding to Registrant's requests, Petitioner does not waive any objection on the grounds of privilege,

competency, relevance, materiality, authenticity, or admissibility of the information contained in these responses.

### GENERAL OBJECTIONS

1. Petitioner objects to the definitions, instructions, and requests to the extent that they seek information or documents protected by the attorney-client privilege or by the work product doctrine, prepared in connection with settlement discussions, prepared in anticipation of litigation or for trial, or subject to any other applicable privilege, protection, immunity or restriction from discovery. Inadvertent disclosure of any privileged or protected information or documents in response to these requests shall not be deemed a waiver of the applicable privilege or protection, or any other basis for objecting to discovery, or of the right of Petitioner to object to the use, and see the return, of any such inadvertently disclosed information.

2. Petitioner objects to the requests to the extent that they seek information subject to confidentiality restrictions of a third party.

3. Petitioner objects to the requests to the extent that they are duplicative (if this objection is viewed as non-merit based, otherwise this objection is withdrawn).

4. A statement by Petitioner of its willingness to produce responsive documents that are not protected from discovery does not mean that such documents exist.

5. Petitioner incorporates by reference the General Objections set forth above into each of its responses, whether or not repeated therein, as well as any specific stated objections. Petitioner may repeat a general objection for emphasis or some other reason, but the failure to repeat any general objection does not waive any general objection to the requests. Petitioner does not waive its right to amend its objections. Petitioner's willingness to provide the requested

responses or information is not an admission that such responses or information are relevant or admissible.

6. Petitioner reserves the right to include additional objections to any future discovery requests.

### SPECIFIC OBJECTIONS AND RESPONSES

Subject to the foregoing General Objections and reservation of rights, as well as the specific objections set forth below, Petitioner responds as follows:

#### PETITIONER'S RESPONSES TO REGISTRANT'S FIRST REQUEST SET OF INTERROGATORIES

##### Interrogatory No. 1

State each product or service offered by Petitioner (defined above as including its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, and for each product or service state:

- (a) The mark used;
- (b) The date of first use of the mark in each state of the United States;
- (c) Whether use of each mark for each product or service in each state identified above has continued every year thereafter, and if not state the periods of time during which the mark was not used in connection with each product or service;
- (d) The classes of consumers to whom each product or service is or was sold or distributed;

- (e) The retail establishments and other channels of trade where each product or service is or was sold or distributed;
- (f) The amount spent each year on advertising;
- (g) The amount of sales each year in volume and dollar amount; and
- (h) The manner in which the mark EDGE or any variant has been used, e.g. by affixing it to the product, packaging, advertising, or use in promotional materials, and the name and address of the person(s) or organization(s) which printed any such labels, packaging, advertising, or other materials.

OBJECTION: See general objections as pertinent

ANSWER:

- (a) The mark used;

"EDGE" in the form EDGE (game software, game hardware), THE EDGE (game software, game hardware), EDGE PC (game hardware), EDGE GAMING PC (game hardware), EDGE GAMERS (gamer software and online services for gaming), EDGE OF EXTINCTION (game software), CUTTING EDGE (game software), EDGE 3D (game software, game hardware), EDGE OF TWILIGHT (game software) and GAMER'S EDGE (game software, game hardware). See attached list of which goods and services have been used with which EDGE mark.

- (b) The date of first use of the mark in each state of the United States;

On or about June 1, 1984 for EDGE and THE EDGE for all computers games and game hardware; since 1995 for game PCs; since at least 2000 for EDGE for computer game magazines online and in electronic format; since or about 2010 for EDGE OF EXTINCTION; since or about 1988 for CUTTING EDGE for games; since or about 1996 for EDGE 3D for game software and hardware; since or about 2010 for EDGE OF TWILIGHT; since or about 1988 for GAMER'S EDGE for game software and since or about 1998 for game computers (see response for (c) below, too).

- (c) Whether use of each mark for each product or service in each state identified above has continued every year thereafter, and if not state the periods of time during which the mark was not used in connection with each product or service;

EDGE and THE EDGE on all game software products, continuous; EDGE for computer game magazines in electronic or online format continuous since or about 2000; GAMER'S EDGE continuous from or about 1988 for software, and from or about 1998 for hardware. Still awaiting details from licensee(s) as to whether GAMER'S EDGE was not used for any given period since 1998 for hardware. EDGE PC and EDGE GAMING PC from or about 1995. EDGE GAMERS believed to be since or about 2006, and continuous since that time. EDGE OF EXTINCTION believed to be from or about March 2000. CUTTING EDGE believed to be from or about April 1995 to April 2013 for printed comics; continuous to current day for game software related use. EDGE 3D believed to be from or about 1995 to 1998. EDGE OF TWILIGHT from or about 2009 and believed to be until the current day.

(d) The classes of consumers to whom each product or service is or was sold or distributed;

In all cases, for all goods and services, general consumers within the United States who usually buy computer or video game software and hardware via any of the channels used by EDGE or its licensees, Affiliates or Predecessors in Rights. Other consumers are probable (e.g. education, corporate purchases and other non regular US consumer purchases), but Petitioner is awaiting data from licensees to be able to answer more fully.

(e) The retail establishments and other channels of trade where each product or service is or was sold or distributed;

For all goods and services: via Internet ("on line" direct to consumer and via resellers such as Amazon.com and NewEgg.com) for all goods since or about 1995, via smaller retainers and mass market distributors since or about 1984, and via major retail outlets such as Toys R Us, Woolworth, Best Buy, and Fry's, for all computer game and computer hardware goods since 1984. For electronically published magazines, via online distribution (websites) and via other standard electronic distribution methods through hand held mobile devices, cell phones and tablet computers.

(f) The amount spent each year on advertising;

For the individual computer games listed in the attachment, Edge either no longer has such data for the period 1984 to-date, or has not recorded such data separate from overall operating costs; as an operating standard, though, Edge has always spent at least 10% of the revenue of each individual game on marketing and promoting that game; For computer games and game hardware, and other products, all sold by licensees, Edge is still awaiting data from licensee(s) with the exception of the data provided by Velocity Micro which was produced on November 17, 2015 and marked as trade secret; As to marketing of the electronically published EDGE magazine by Future, Edge is informed that Future does not track such data for the U.S. market.

(g) The amount of sales each year in volume and dollar amount;

For the individual computer games listed in the attachment, E dge either no longer has such data for the period 1984 to around 2003, or has not recorded such data separate from overall operating costs, but data where available for the period since 2003 was produced on November 17, 2015 and marked as trade secret; For computer games and game hardware, and other products, all sold by licensees, E dge is still awaiting data from licensee(s) with the exception of the data provided by V elocity Micro which was produced on November 17, 2015 and marked as trade secret; As to sales revenue from the electronically published E DGE magazine by F uture, E dge is informed that F uture does not track such data for the U.S. market.

- (h) T he manner in which the mark E DGE or any variant has been used, e.g. by affixing it to the product, packaging, advertising, or use in promotional materials, and the name and address of the person(s) or organization(s) which printed any such labels, packaging, advertising, or other materials.

For all products sold by E dge or any of its licensees: affixed to products, on product packaging, used on website to promote products, used on advertising materials to promote products. See produced evidence from V elocity Micro for specific examples of this and for specific examples of how E dge Games has done this.

#### Interrogatory No. 2

For each product or service identified in answer to interrogatory No. 1, identify:

- (a) T he name and address of any of Petitioner's trademark licensees who sold or distributed the product or service;
- (b) T he name and address of the actual producer of the product or provider of the service;
- (c) T he person employed by Petitioner or any licensee who is most knowledgeable about the marketing and sales in the United States of such product or service.

OBJECTION: See general objects as pertinent.

ANSWER:

- (a) The name and address of any of Petitioner's trademark licensees who sold or distributed the product or service;

In the United States: For the EDGE game computers listed in the attached, Velocity Micro Inc., 835 Grove Road, Midlothian, VA 23114; For electronically published game magazines, Future Publishing Ltd., Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; For the EDGE 3D hardware product, Diamond Multimedia, 20740 Plummer St., Chatsworth CA 91311; For the EDGE OF EXTINCTION game, Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108; FOR THE EDGE OF TWILIGHT GAME, FuzzyEyes Studio Pty Ltd, 3/53 Brandl St., Eight Mile Plains, Q4113, Australia; For the EDGE game controller, Datel Design and Development Inc, 33 North Garden Avenue, Suite 900, Clearwater FL 33755

- (b) The name and address of the actual producer of the product or provider of the service;

In the United States: Edge Games Inc, 530 South Lake Avenue, 171, Pasadena, CA 91101; Velocity Micro Inc., 835 Grove Road, Midlothian, VA 23114; Future Publishing Ltd., Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; Diamond Multimedia, 20740 Plummer St., Chatsworth CA 91311; Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108; FuzzyEyes Studio Pty Ltd, 3/53 Brandl St., Eight Mile Plains, Q4113, Australia; Datel Design and Development Inc, 33 North Garden Avenue, Suite 900, Clearwater FL 33755; Edg gamers, 555 E. Pacific Coast Highway, #218, Long Beach, CA 90806 (all as believed to be the case to the best of knowledge and belief).

- (c) The person employed by Petitioner or any licensee who is most knowledgeable about the marketing and sales in the United States of such product or service.

Dr Tim Langdell, CEO of Petitioner; Randall Copeland of Velocity Micro Inc.; Wei-Yao Lu of FuzzyEyes; Ken Tarolla of Datel Design; John Coates and Mark Charles Zerbe of Edg gamers. As to others, contact believed to be the senior executive or designated officer at any given time.

### Interrogatory No. 3

For each product or service identified in answer to Interrogatory No. 1:

- (a) Identify the name and address of each media source (including but not limited to newspapers, trade journals, electronic publications, radio or TV stations) used for advertising such product or service.

(b) Identify the primary person at each such media source who had rendered services to Petitioner or any licensee in connection with the promotion of such product or service; and

(c) State the dates such advertising occurred.

OBJECTION: See general objections as pertinent

ANSWER:

(a) Identify the name and address of each media source (including but not limited to newspapers, trade journals, electronic publications, radio or TV stations) used for advertising such product or service.

For Edge's own products advertising was done since 1984 in various computer game magazines and other publications, but record of precisely which and when has not been recorded or filed. As to products and services by licensee(s) Edge is still awaiting feedback from licensees to be able to answer this, other than such information provided in the produced Velocity micro documents.

(b) Identify the primary person at each such media source who had rendered services to Petitioner or any licensee in connection with the promotion of such product or service;

For Edge's own products advertising was done since 1984 record of precisely who has not been recorded or filed. As to for products and services by licensee(s) Edge is still awaiting feedback from licensees to be able to answer this, other than such information provided in the produced Velocity micro documents.  
and

(c) State the dates such advertising occurred.

For Edge's own products, Edge has not retained this information but it should be noted that since or about 2005 promotion of computer games has transitioned from traditional media such as magazines to word of mouth promotion by giving away free versions of a game which Edge has done via such channels as the cell phone companies (AT & T, Sprint, Verizon) and via the iTunes store run by Apple for iOS devices. As to licensees: still awaiting data from licensee(s) to be able to answer this, other than such information provided in the produced Velocity micro documents.

Interrogatory No. 4

For each licensee identified in response to Interrogatory No. 2 above, state:

- (a) The name and address of the licensee;
- (b) The effective date such license began and ended;
- (c) The marks covered by the license;
- (d) The products and services covered by the license.
- (e) The quality control procedures, in detail, for each product or service sold under each mark covered by the license that are or have ever been in place and the dates such controls were in place;
- (f) The annual expenses incurred by Petitioner for enforcing the quality control requirements in the license; and
- (g) The royalty fee or other licensing payment received by Petitioner each year pursuant to the license or any other benefit received by Petitioner under the license.

OBJECTION: See general objections as pertinent. The Velocity Micro license is covered by a condition that its contents may only be revealed to a third party once a court has ordered it done.

ANSWER:

- (a) The name and address of the licensee;

For the United States market: (1) Velocity Micro Inc., 835 Grove Road, Midlothian, VA 23114; (1) Future Publishing Ltd., Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; (3) Diamond Multimedia, 20740 Plummer St., Chatsworth CA 91311; (4) Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108; (5) FuzzyEyes Studio Pty Ltd, 3/53 Brandl St., Eight Mile Plains, Q4113, Australia; (6) Datel Design and Development Inc, 33 North Garden Avenue, Suite 900, Clearwater FL 33755

- (b) The effective date such license began and ended;

(1) began 1998 and has not ended; (2) began 1993 and has not ended; (3) Believed to have begun 1995 and believed to have ended circa 1998; (4) Began circa 2000 and believed to be

still on-going; (5) Began in or about 2009 and believed to be still on-going; (6) Began in or about January 29, 2009 until or about January 29, 2012.

(c) The marks covered by the license;

(1) EDGE and GAMER'S EDGE; (2) EDGE; (3) EDGE in the form EDGE 3D; (4) EDGE in the form EDGE OF EXTINCTION; (5) EDGE in the form EDGE OF TWILIGHT; (6) THE EDGE.

(d) The products and services covered by the license.

(1) Game hardware such as game computers; (2) Computer and video game publications and magazines published electronically; (3) EDGE 3D PC game hardware such as a plug in circuit board enabling a PC to play SEGA Saturn games; (4) Computer game; (5) Computer game; (6) Game hardware such as a controller for Nintendo consoles.

(e) The quality control procedures, in detail, for each product or service sold under each mark covered by the license that are or have ever been in place

and the dates such controls were in place;

(1) Edge has at all times during the license had the adequate ability to monitor the quality of the licensed goods or services, by a variety of methods such as receiving samples on a regular basis from licensee, inspecting samples of product in stores, reading consumer reviews of said products, and periodically making test purchases of the products sold under the license; (2) Edge has at all times been able to monitor the quality of the electronically published magazines by viewing them online and doing so periodically to check quality, and where appropriate by having subscriptions to same, along with receiving hard copies of the printed magazine by subscription on a regular monthly basis since or about 1996 to date; (3) Edge has at all times during the license had the adequate ability to monitor the quality of the licensed goods or services, by a variety of methods such as receiving samples on a regular basis from licensee, inspecting samples of product in stores, reading consumer reviews of said products, and periodically making test purchases of the products sold under the license; (4) Edge has at all times during the license had the adequate ability to monitor the quality of the licensed goods or services, by a variety of methods such as receiving samples on a regular basis from licensee, inspecting samples of product in stores, reading consumer reviews of said products, and periodically making test purchases of the products sold under the license; (5) Edge has at all times during the license had the adequate ability to monitor the quality of the licensed goods or services, by a variety of methods such as receiving samples on a regular basis from licensee, inspecting samples of product in stores, reading consumer reviews of said products, and periodically making test purchases of the products sold under the license; (6) Edge has at all times during the license had the adequate ability to monitor the quality of the licensed goods or services, by a variety of methods such as receiving samples on a regular basis from licensee, inspecting samples of product in stores, reading consumer reviews of said products, and periodically making test purchases of the products sold under the license.

- (f) The annual expenses incurred by Petitioner for enforcing the quality control requirements in the license;

Petitioner has not tracked this expenditure separate from its general operating costs. However, such costs have been minimal since enforcing quality control requirements involved minimal cost beyond occasional test purchases of licensed goods.

and

- (g) The royalty fee or other licensing payment received by Petitioner each year pursuant to the license or any other benefit received by Petitioner under the license.

For all licensees the licensor paid Petitioner a lump sum in cash or kind. (1) Contents of the license are subject to being revealed only by court order which Registrant is welcome to apply for and upon such court order being made Petitioner will provide this information; (2) \$250,000 was paid to acquire certain print media trademark rights and to prepay in perpetuity for the ongoing license right to publish the electronic versions of the magazine; (3) Edge does not have the data on this to hand at this time, but the sum is recalled to be around \$25,000 to purchased the license for an initial 5 year period and right to renew thereafter; (4), (5), (6), details not retained by Edge

#### Interrogatory No. 5

For each licensee identified in response to Interrogatory No. 2 above, describe in detail:

- (a) How Petitioner creates, maintains, and enforces the quality control provisions for each product or service covered by the license; and
- (b) Any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.

OBJECTION: See general objections as pertinent. The Velocity Micro license is covered by a condition that its contents may only be revealed to a third party once a court has ordered it done.

ANSWER:

(a) How Petitioner creates, maintains, and enforces the quality control provisions for each product or service covered by the license;

See 4(e) above

and

(b) Any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.

None ever found.

Interrogatory No. 6

For each licensee identified in response to Interrogatory No. 2 above, identify by name and address the primary person of the licensee with whom Petitioner communicated for the purpose of enforcing the quality control provisions in the license, providing the position(s) such individual has held with the licensee and the dates such individual held the position(s) with the licensee.

OBJECTION: See general objections as pertinent.

ANSWER: Same person in each case as listed as the main contact for each license. See above. In each case it was the CEO, President or the designated contact.

Interrogatory No. 7

Describe any correspondence with any licensee regarding the notice that Petitioner's U.S. trademark registration nos. 2,219,837; 2,251,584; 3,105,816; 3,559,342; and 3,381,826 had been ordered cancelled, as ordered by the court in Exhibit 1 hereto, including all subsequent correspondence with each licensee regarding the status of the license.

OBJECTION: See general objections as pertinent.

ANSWER: Notices were sent to licensees in accord with the Court's Order; there was no subsequent correspondence with any licensee regarding the status of the license(s). Petitioner notes that the court order referenced was one that Petitioner itself requested the

court to make, not a court order arising from a court considering the facts, evidence or merits of Petitioner's trademark registrations, right to own same, or similar.

#### Interrogatory No. 8

List all of Petitioner's marks incorporating the term EDGE that were assigned at any time to Petitioner or any of its predecessor, affiliates, or subsidiaries, and state for each mark:

- (a) The effective date of the assignment;
- (b) The products or services associated with the assigned mark;
- (c) The name and address of the assignor;
- (d) The name and address of Petitioner's primary contact person at the assignor regarding the assignment;
- (e) The purchase price or other consideration given to the assignor for the assignment of each mark;
- (f) The circumstances of the assignment, including whether the assignment was made to resolve any disputes regarding use of the mark; and
- (g) The steps taken to ensure that the entire goodwill of the assignor's business as it relates to the mark was assigned.

OBJECTION: See general objections as pertinent. The Velocity Micro license is covered by a condition that its contents may only be revealed to a third party once a court has ordered it done.

#### ANSWER:

- (a) The effective date of the assignment;

(1) EDGE GAMERS on or about January 13, 2009; (2) EDGE believed to be in or about 1996 and 2014; (3) CUTTING EDGE (Marvel Comics) in or about September 1995; (4) EDGE OF EXTINCTION on or about September 29, 2009.

- (b) The products or services associated with the assigned mark;

(1) online gaming services; (2) game magazines published electronically; (3) comic books; (4) game software

(c) The name and address of the assignor;

(1) John Coates, Edgegamers, 555 E. Pacific Coast Highway, #218, Long Beach, CA 90806 (last known address); (2) Future Publishing Ltd Beauford Court, 30 Monmouth Street, Bath, Avon, BA1 2BW, United Kingdom; (3) Marvel Entertainment Group, Inc. CORPORATION DELAWARE 387 Park Avenue South New York NEW YORK 10016; (4) Cybernet Systems, 727 Airport Blvd, Ann Arbor Michigan, 48108.

(d) The name and address of Petitioner's primary contact person at the assignor regarding the assignment;

See responses above.

(e) The purchase price or other consideration given to the assignor for the assignment of each mark;

See above in license responses

(f) The circumstances of the assignment, including whether the assignment was made to resolve any disputes regarding use of the mark;

In all instances, the assignment arose as part of an amicable settlement between the parties following a dispute over trademark rights which, in each case, resulted in the other party accepting Edge's priority of rights in the mark EDGE.

and

(g) The steps taken to ensure that the entire goodwill of the assignor's business as it relates to the mark was assigned.

In all instances, the entire goodwill was assigned and assured to be assigned by wording in the agreement between the parties that specified that it was being assigned.

Interrogatory No. 9

If Petitioner has requested, received or has knowledge of any legal opinions regarding the right of anyone (including Petitioner) to use the mark EDGE or any variant thereof, identify:

(a) Each such opinion;

(b) The person or persons requesting each such opinion; and

(c) The person rendering each such opinion.

OBJECTION: See general objections. No legal opinions requested or received. Petitioner has researched trademark law extensively and has read many legal opinions that pertain to its trademark disputes in one way or another, but has not retained a record of same.

Interrogatory No. 10

List all past and current users known by Petitioner, other than Petitioner and Registrant, of any marks incorporating the term EDGE in the United States, including the owner of such mark and the goods and/or services associated with such use.

OBJECTION: See objection to No. 1. While Petitioner is not permitted to object on the basis of relevance, scope, or other merit-based grounds, Petitioner nonetheless wishes to note for the record that this request is exceptionally burdensome since as written it pertains to all uses of the EDGE mark for any products and services, not just those relating to these proceedings. Petitioner makes a reasonable effort to respond based on its knowledge or belief at the time of responding without undertaking any special research into same.

ANSWER: In addition to those users who assigned any EDGE mark to Petitioner (referenced above), Petitioner knows of: EDGE for shaving cream believed to be owned by Edgeware Personal Care Brands; EDGE for automobiles believed to be owned by Ford Motor Company.

Interrogatory No. 11

Describe all instances Petitioner is aware of in which a person has been confused as to the source of Petitioner's or Registrant's products or services bearing any mark incorporating the term EDGE, or as to any affiliation or connection between Petitioner and Registrant. In your description:

- (a) State with particularity the nature of the confusion involved in each such instance;
  - (b) Identify each person with knowledge of each instance of such confusion;
- and

(c) Identify each document and/or oral communication concerning such confusion.

OBJECTION: See general objections

ANSWER:

(a) State with particularity the nature of the confusion involved in each such instance;

Petitioner is still gathering data on this.

(b) Identify each person with knowledge of each instance of such confusion;

Petitioner is still gathering data on this.

and

(c) Identify each document and/or oral communication concerning such confusion.

Petitioner is still gathering data on this.

Interrogatory No. 12

If Petitioner or any of its predecessors, affiliates, subsidiaries, or directors, or officers, or shareholders, representatives, or agents thereof, has ever been a party to a lawsuit or trademark opposition or cancellation proceeding, or sent or received a cease and desist letter or otherwise communicated with a third party, involving a claim or action relating to the use of, application for, or registration of the mark EDGE or any variant thereof:

(a) State the name and address of each such third party;

(b) State the case docket number and filing date and identify the tribunal, if any;

- (c) Describe the nature of the claim or action, including the trademarks and products/services involved;
- (d) Describe the outcome of any such claim or action, including the details of any settlement agreement;
- (e) Identify all documents referring or relating to such litigation, proceeding, or dispute and ensuing negotiations, if any;
- (f) Identify all documents regarding any sanctions or findings of fact against Petitioner or any of its predecessors, subsidiaries, affiliates, or directors, or officers, directors, employees, agents and representatives thereof related to the falsification of any documents or submission of any false statements of fact or other falsehoods to any tribunal; and
- (g) The name(s), address(es), and telephone number(s) of all counsel representing any adverse party in such claim or action.

OBJECTION: Please see general objections.

ANSWER:

- (a) State the name and address of each such third party;

Petitioner believes: (1) New World Computing, Inc. CORPORATION CALIFORNIA 20301 Ventura Boulevard, Suite 200 Woodland Hills CALIFORNIA 91364; (2) Marvel Entertainment Group, Inc. CORPORATION DELAWARE 387 Park Avenue South New York NEW YORK 10016; (3) ELECTRONIC ARTS INC, 209 REDWOOD SHORES PARKWAY , REDWOOD CITY , CA 94065 (4) Kabushiki Kaisha Sony Computer Entertainment (a/t/a Sony Computer Entertainment Inc.) 2-6-21, Minami-aoyama, Minato-ku Tokyo 107-0062 Japan; (5) John Coates (Edg gamers-see above for address); (6) Velocity Micro, 7510 Whitepine Rd, North Chesterfield, VA 23237; (7) Mobigame, 85 boulevard Pasteur F-75015 PARIS FRANCE

- (b) State the case docket number and filing date and identify the tribunal, if any;

(1) Opposition No. 92021684; (2) Opposition No. 91104280; (3) Opposition No. 92051465 and Federal Court Case 10-CV-2614-WHA; (4) Opposition No. 91189164; (5) Opposition

No. 77352656; (6) Opposition No. 92049162 and Federal Court Case 03:08CV 135-J RS; (7) Opposition No. 91212834

- (c) Describe the nature of the claim or action, including the trademarks and products/services involved;

Trademark infringement and/or likelihood of confusion; see above for details of marks and products/services

- (d) Describe the outcome of any such claim or action, including the details of any settlement agreement;

All settled or resolved amicably, most entirely in Petitioner's favor and one in the mutual favor of both parties; documents pertaining that are discoverable will be supplied insofar as there are no valid objections to such production; see general objections.

- (e) Identify all documents referring or relating to such litigation, proceeding, or dispute and ensuing negotiations, if any;

See general objections; all discoverable documents will be produced that are not subject to valid objections.

- (f) Identify all documents regarding any sanctions or findings of fact against Petitioner or any of its predecessors, subsidiaries, affiliates, or directors, or officers, directors, employees, agents and representatives thereof related to the falsification of any documents or submission of any false statements of fact or other falsehoods to any tribunal;

To the best of Petitioner's belief, none in any U.S. action or tribunal. Petitioner also believes none in any overseas tribunal, but will produce any documents necessary which are not covered by the general objections and which may clarify Petitioner's response.

and

- (g) The name(s), address(es), and telephone number(s) of all counsel representing any adverse party in such claim or action.

Petitioner has not retained record in its files, but this is all generally in the public record easily accessed by Registrant.

Interrogatory No. 13,

For each of Petitioner's marks incorporating EDGE, state whether Petitioner conducted or caused anyone else to conduct any trademark search or investigation with respect to selection, adoption, or the filing of any application for registration of such mark.

OBJECTION: See general objections.

ANSWER: None conducted or caused to be conducted

Interrogatory No. 14

For each such search or investigation identified in response to Interrogatory No. 13, state:

- (a) The date on which it was made;
- (b) The name and address of the person who requested it; and
- (c) Whether any report or other communication or document was made concerning such search or investigation, and if so, set out verbatim the contents thereof or attach to the answer to this interrogatory a copy of each such report, communication or document.

OBJECTION: See objection to No. 13 above.

ANSWER: See answer to No 13 above

Interrogatory No. 15.

State the factual basis for Petitioner's claim in paragraph 30 of the Petition to Cancel that Registrant's EDGE mark has caused dilution.

OBJECTION: See general objections

ANSWER: Petitioner has a history of over 30 years of use of the mark EDGE in United States commerce, both for computer game software and for computer game hardware. No other entity has registered or legitimate claim to the mark EDGE for game such game related goods and services except under agreement with Petitioner or except where Petitioner is formally opposing or objecting to any use by such an entity using the mark other than under agreement with Petitioner. Petitioner has used its best efforts to police the

U.S. market over the past 30 years to ensure a lack of dilution and a lack of likelihood of confusion in the minds of US consumers. This is not a comprehensive list of factual bases for the claim, and Petitioner reserves the right to add or amend same at any time as is reasonable giving this is the discovery phase, not the legal argument phase.

Interrogatory No. 16

State the factual basis for Petitioner's claim in paragraph 31 of the Petition to Cancel that Petitioner's alleged EDGE mark is famous.

OBJECTION: See general objections

ANSWER: See Petitioner's answer to No. 15 above.

Interrogatory No. 17

State all facts and identify all documents on which Petitioner will rely to support the contention in the Petition to Cancel that there is a likelihood of confusion between Registrant's EDGE mark and any of Petitioner's alleged EDGE marks or dilution of any of Petitioner's alleged EDGE marks.

OBJECTION: See general objections

ANSWER: See answer to No. 15 above.

Interrogatory No. 18

Identify the officers of Petitioner, specifying the dates such offices were held.

ANSWER: Dr Tim Langdell; held since formation of the corporation.

Interrogatory No. 19

Identify Petitioner's predecessors-in-interest, specifying the dates when there was an associated change of ownership of each of Petitioner's marks incorporating the term EDGE.

OBJECTION: See general objections

ANSWER: Softek International Ltd. (in or about 1990); The Edge Interactive Media, Inc. (in or about 2008).

Interrogatory No. 20

Identify all of Petitioner's subsidiaries and affiliated companies, and the officers thereof.

OBJECTION: See general objections

ANSWER: The Edge Interactive Media, Inc.; Dr Tim Langdell

Interrogatory No. 21

As to each of the above interrogatories, identify:

(a) The person within Petitioner who has the greatest knowledge as to the information requested; and

(b) All persons who participated in preparing each response.

OBJECTION: See general objections

ANSWER: (a) Dr Tim Langdell; (b) Dr Tim Langdell

Respectfully submitted,

By:     /s/ Tim Langdell    

CEO, Petitioner Edge Games Inc  
530 South Lake Avenue, 171  
Pasadena, CA 91101  
Phone: 626 449 4334  
Fax: 626 844 4334  
Email: tim@edgegames.com

Date: October 5, 2015  
(further amended 12/5/15)

ATTACHMENT TO PETITIONER'S FURTHER AMENDED RESPONSES TO  
REGISTRANTS FIRST SET OF INTERROGATORIES

LIST OF GOODS SOLD BY PETITIONER AND VELOCITY MICRO AS  
REFERENCED IN THE FURTHER AMENDED RESPONSES

EDGE branded computer games sold 1984 to 2015 (this is a best efforts list given the sizable number of products Petitioner has produced over the 30-plus year period in question):

All of these individual titles were published on all, or most of, the following computer formats: C64, Amstrad, ST, Amiga, PC, Spectrum, CDTV and in a variety of languages such as English, Spanish, Italian, French and German. For the U.S. market the English and Spanish versions of the following were published and marketed (in some cases Spanish versions were not produced).

FAIRLIGHT  
FAIRLIGHT 2  
BOBBY BEARING  
BRIAN BLOODAXE  
MONSTERS  
JOUST  
FIREBIRDS  
MONSTERS IN HELL  
ALMAZZ  
FIREQUEST  
ICE GIANT  
GALAXIANS  
REPULSAR  
THE EYE OF ZOLTON  
FIVE STONES OF ANADON  
UGH!  
REVELATION  
BUG SQUAD  
JEEPERS CREEPERS  
XECUTOR  
MICRO BOT  
MINDSTONE  
RAFFLES  
INSIDE OUTING  
GARFIELD: BIG FAT HAIRY DEAL  
GARFIELD: A WINTER'S TAIL  
SNOOPY: THE CASE OF THE MISSING BLANKET  
MYTHORA (PC ONLY)  
BOBBY BEARING (FOR JAVA ENABLED PHONES)

BOBBY BERING (FOR VERIZON PHONES)  
PENGU  
BATTLEPODS  
RACERS (AKA EDGE RACERS, AKA SPACE RACERS) (PC ONLY)  
BOBBY BEARING 2: BOBBY REROLLED (iOS DEVICES)  
FAIRLIGHT (ZX SPECTRUM 2015 RELAUNCH; PC, iOS and Android)  
BOBBY BEARING (ZX SPECTRUM 2015 RELAUNCH; PC, iOS and Android)  
BRIAN BLOODAXE (ZX SPECTRUM 2015 RELAUNCH; PC, iOS and Android)

Velocity Micro "EDGE" branded game computers:

Please see the documents produced on November 17, 2015 for a list of Velocity Micro "EDGE" game computers which may be found in the each of the sections on product labels, face sheets, and in the list of sales data (designated as confidential and trade secret). Where referenced, certain versions of the Velocity Micro EDGE computers were made for a specific retail outlet (such as BEST BUY) and the responses in the Interrogatories may be read accordingly for those editions of the computers.

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

EDGE GAMES, INC.	}	
	}	
Petitioner,	}	Cancellation No. 92058543
	}	
v.	}	Mark: EDGE
	}	
RAZER (ASIA-PACIFIC) PTE LTD	}	Registration No. 4,394,393
	}	
Registrant	}	
	}	
-----	}	

CERTIFICATE OF SERVICE

It is hereby certified that on December 5, 2015 a true copy of the foregoing PETITIONER'S FURTHER AMENDED RESPONSES TO REGISTRANT'S FIRST SET OF INTERROGATORIES was deposited in the U.S. mail, certified, postage prepaid, addressed to:

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

Signature:   /s/ Cheri Langdell  -----

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

EDGE GAMES, INC.	}	
	}	
Petitioner,	}	Cancellation No. 92058543
	}	
v.	}	Mark: EDGE
	}	
RAZER (ASIA-PACIFIC) PTE LTD	}	Registration No. 4,394,393
	}	
Registrant	}	
	}	
-----	}	

PETITIONER'S FURTHER AMENDED RESPONSES TO  
APPLICANT'S FIRST SET OF REQUESTS FOR DOCUMENTS  
AND ELECTRONICALLY STORED INFORMATION

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rules of Practice í 2.120, Petitioner Edge Games, Inc. ("Petitioner") by its undersigned pro per representative hereby responds to Registrant's First Set of Interrogatories.

RESERVATION OF RIGHTS

Petitioner's responses are based solely on information currently available to Petitioner based upon reasonable investigation. Investigation and discovery are ongoing. Petitioner reserves all rights to supplement, revise and/or amend these responses should additional information become available through the discovery process or other means. Petitioner also reserves the right to produce or use any information or documents that are discovered after service of these responses in support of or in opposition to any motion, in depositions, or in hearings. In responding to Registrant's requests, Petitioner does not waive any objection on the grounds of privilege,

competency, relevance, materiality, authenticity, or admissibility of the information contained in these responses.

## GENERAL OBJECTIONS

1. Petitioner objects to the definitions, instructions, and requests to the extent that they seek information or documents protected by the attorney-client privilege or by the work product doctrine, prepared in connection with settlement discussions, prepared in anticipation of litigation or for trial, or subject to any other applicable privilege, protection, immunity or restriction from discovery. Inadvertent disclosure of any privileged or protected information or documents in response to these requests shall not be deemed a waiver of the applicable privilege or protection, or any other basis for objecting to discovery, or of the right of Petitioner to object to the use, and see the return, of any such inadvertently disclosed information.

2. Petitioner objects to the requests to the extent that they seek information subject to confidentiality restrictions of a third party.

3. Petitioner objects to the requests to the extent that they are duplicative, so long as this objection is deemed to be not merit-based (otherwise it is withdrawn).

4. A statement by Petitioner of its willingness to produce responsive documents that are not protected from discovery does not mean that such documents exist.

5. Petitioner incorporates by reference the General Objections set forth above into each of its responses, whether or not repeated therein, as well as any specific stated objections. Petitioner may repeat a general objection for emphasis or some other reason, but the failure to repeat any general objection does not waive any general objection to the requests. Petitioner does not waive its right to amend its objections. Petitioner's willingness to provide the requested

responses or information is not an admission that such responses or information are relevant or admissible.

6. Petitioner reserves the right to include additional objections to any future discovery requests.

### SPECIFIC OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS

Subject to the foregoing General Objections and reservation of rights, as well as the specific objections set forth below, Petitioner responds as follows:

#### PETITIONER'S RESPONSES TO REGISTRANT'S FIRST REQUEST FOR DOCUMENTS AND ELECTRONICALLY STORED INFORMATION

Request No. 1

For each product or service offered by Petitioner (defined above as including its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, produce documents sufficient to substantiate for each product or service:

- (a) The mark used;
- (b) The date of first use of the mark in each state of the United States;
- (c) Whether use of each mark for each product or service in each state identified above has continued every year thereafter;
- (d) The classes of consumers to whom each product or service is or was sold or distributed;
- (e) The retail establishments and other channels of trade where each product or service is or was sold or distributed;

- (f) The amount spent each year for advertising;
- (g) The amount of sales each year in volume and dollar amount; and
- (h) The manner in which the mark EDGE or any variant has been used for every month since use of the mark began, e.g. by affixing it to the product, packaging, advertising, or use in promotional materials, and the name and address of the person(s) or organization(s) which printed any such labels, packaging, advertising, or other materials.

OBJECTION: See the general objections above. In addition, this request does not limit scope to the facts or evidence that might be considered relevant to these proceedings (Petitioner and/or its predecessors in rights have been in business in the United States since at least about 1982 but the question does not even limit scope to just the United States). However, the Board has ruled that Petitioner may not object on such grounds of merit, and thus Petitioner merely makes this observation for the record as to scope and burden, but does not object on the basis of same.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 2

For each product or service identified in answer to interrogatory No. 1, identify:

- (a) The name and address of any of Petitioner's trademark licensees who sold or distributed the product or service;
- (b) The name and address of the actual producer of the product or provider of the service;
- (c) The person employed by Petitioner or any licensee who is most knowledgeable about the marketing and sales in the United States of such product or service.

OBJECTION: Petitioner repeats its objection for No. 1.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 3

For each product or service offered by Petitioner or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, identified in answer to Interrogatory No. 1 above, produce documents sufficient to:

- (a) Identify the name and address of each media source (including but not limited to newspapers, trade journals, electronic publications, radio or TV stations) used for advertising such product or service.
- (b) Identify the primary person at each such media source who had rendered services to Petitioner or any licensee in connection with the promotion of such product or service; and
- (c) State the dates such advertising occurred.

OBJECTION: See objection to No 1 and No 2 above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 4

For each licensee identified in response to Interrogatory No. 2 or Document Request No. 2 above, produce:

- (a) All documents regarding the license, including documents sufficient to identify the name and address of the licensee, the marks involved, the products and services involved, and the date such license began and ended;

- (b) All documents regarding the quality control procedures for each product or service sold under each mark covered by each license that are or have ever been in place;
- (c) All documents regarding the enforcement of any quality control procedures in place under any license;
- (d) Documents sufficient to substantiate the annual expenses incurred by Petitioner for enforcing the quality control requirements in the license; and
- (e) Documents sufficient to substantiate the royalty fee or other licensing payment received by Petitioner each year pursuant to any license or any other benefit received by Petitioner under the license.

OBJECTION: See objections to No.1 and No. 2 above. In addition, the Velocity Micro license contains a clause stating its contents cannot be revealed except by order of a court.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the objections above.

Request No. 5

For each licensee identified in response to Interrogatory No. 2 or Document Request No, 2 above, produce:

- (a) All documents regarding Petitioner's creation, maintenance, and enforcement of the license; and
- (b) All documents regarding any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.

OBJECTION: See objections to No.1 and No. 2 above. In addition, the Velocity Micro license contains a clause stating its contents cannot be revealed except by order of a court.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the objections above.

Request No. 6

For each licensee identified in response to Interrogatory No. 2 or Document Request No. 2 above, produce documents sufficient to identify by name and address the primary person of the licensee with whom Petitioner communicated for the purpose of enforcing the quality control provisions in the license, the position(s) such individual has held with the licensee, and the dates such individual held the position(s) with the licensee.

OBJECTION: See objections to No.1 and No. 2 above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 7

Produce all any (sic) correspondence with any licensee regarding the notice that Petitioner's U.S. trademark registration nos. 2,219,837; 2,251,584; 3,105,816; 3,559,342; and 3,381,826 had been ordered cancelled, as ordered by the court in Exhibit 1 hereto, including all subsequent correspondence with each licensee regarding the status of the license.

OBJECTION: See Petitioner's General Objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 8

For all marks that were assigned to Petitioner, produce:

- (a) All documents regarding the assignment, including documents sufficient to identify the name and address of the assignor, the marks involved, the

products and services involved, and the date such assignment became effective;

(d) (sic - there is no b or c) Documents sufficient to identify the name and address of Petitioner's primary contact person at the assignor regarding the assignment;

(e) All documents regarding the purchase price or other consideration given to the assignor for the assignment of the mark;

(f) All documents regarding the circumstances of the assignment, including whether the assignment was made to resolve any disputes regarding use of the mark; and

(g) All documents substantiating the steps taken to ensure that the entire goodwill of the assignor's business as it relates to the mark was assigned.

OBJECTION: See general objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 9

If Petitioner has requested, received or has knowledge of any legal opinions regarding the right of anyone (including Petitioner) to use the mark EDGE or any variant thereof, produce each such opinion.

OBJECTION: See general objections above. This also does not appear to be a request for document production but rather perhaps an Interrogatory. But, that said, Petitioner is aware per the Board's September 25, 2015 Order that it cannot object on such merit-based grounds no matter how valid such grounds might be.

ANSWER: If petitioner correctly understands what the request was meant to be, then the response is no documents that is not covered by attorney-client privilege or work product doctrine, or similar valid and acceptable basis for objection.

Request No. 10

Produce all documents regarding all past and current users known by Petitioner other than Petitioner and Registrant, of any marks incorporating the term EDGE in the United States.

OBJECTION: See general objections above and objections to No. 1.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 11

Produce all documents regarding all instances Petitioner is aware of in which a person has been confused as to the source of Petitioner's or Registrant's products or services bearing any mark incorporating the term EDGE, or as to any affiliation or connection between Petitioner and Registrant.

OBJECTION: See general objections above and objections to No. 1.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 12

Produce all documents regarding any lawsuit, trademark opposition or cancellation proceeding, or other dispute with a third party involving Petitioner (defined above to include its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) involving a claim or action relating to the use of, application for, or registration of the mark EDGE or any variant, including but not limited to:

- (a) All documents pertaining to any such claim or action;

- (b) Documents sufficient to identify the name and address of each such third party, the case docket number and the filing date and tribunal, if any, and the nature of the claim or action, including the trademarks and products/services involved;
- (c) All documents regarding the outcome any such claim or action, including any negotiations, settlement agreements, licenses, and assignments
- (d) All documents regarding any sanctions or findings of fact against Petitioner or any of its predecessors, subsidiaries, affiliates, or directors, or officers, directors, employees, agents and representatives thereof related to the falsification of any documents or submission of any false statements of fact or other falsehoods to any tribunal; and
- (e) Documents sufficient to identify the name(s), address(es), and telephone number(s) of all counsel representing any adverse party in such claim or action.

OBJECTION: See general objections above and objections to No. 1. Petitioner further notes that this request is not limited to either the United States territory or to claims or actions or tribunals involving Petitioner. Thus, as stated, this request, as worded, asks Petitioner to produce documents in respect to all claims, actions or tribunals worldwide, for every country in the world, pertaining in any way to the mark EDGE. While this is clearly far outside the scope of these proceedings as worded, Petitioner will respectfully note that all such documents that are in the public domain around the world can be obtained directly by Registrant, and it is not reasonable to request Petitioner obtain and produce such public documents. Petitioner thus responds in good faith as reasonably as it can. Petitioner notes that it is not permitted to make any merit-based objections, and thus does not do so, and merely states the foregoing for the record.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 13

For each of Petitioner's marks incorporating EDGE, produce all documents regarding any trademark search or investigation with respect to the selection, adoption, or the filing of an application for registration for such mark.

OBJECTION: See objection to No. 1 above and General Objections.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 14

For each such search or investigation identified in response to Interrogatory 13 and Document Request No. 13 above, produce all correspondence concerning such search or investigation.

OBJECTION: See objection to No. 13 above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 15

All documents that substantiate Petitioner's claim in paragraph 30 of the Petition to Cancel that Registrant's EDGE mark has caused dilution.

OBJECTION: See general objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 16.

All documents that substantiate Petitioner's claim in paragraph 31 of the Petition to Cancel that Petitioner's alleged EDGE mark is famous.

OBJECTION: See general objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 17

All documents on which Petitioner will rely to support the contention in the Petition to Cancel that there is a likelihood of confusion between Registrant's EDGE mark and any of Petitioner's alleged EDGE marks or dilution of any of Petitioner's alleged EDGE marks.

OBJECTION: See general objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 18

Documents sufficient to identify the officers of Petitioner and dates such offices were held.

OBJECTION: See general objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 19

Documents sufficient to identify Petitioner's predecessors-in-interest and the dates when there was an associated change of ownership of each of Petitioner's marks incorporating the term EDGE.

OBJECTION: See general objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Request No. 20

Documents sufficient to identify Petitioner's subsidiaries and affiliated companies, and the officers thereof.

OBJECTION: See general objections above.

ANSWER: Petitioner will produce such documents in its possession, custody or control, which are responsive to this request and as it is reasonably able to do and which are not covered by valid non-merit-based objections in the general objections above.

Respectfully submitted,

By: /s/ Tim Langdell-----

CEO, Petitioner Edge Games Inc  
530 South Lake Avenue, 171  
Pasadena, CA 91101  
Phone: 626 449 4334  
Fax: 626 844 4334  
E mail: tim@edgegames.com

Date: October 5, 2015  
(Further Amended 12/5/15)

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

EDGE GAMES, INC.	}	
	}	
Petitioner,	}	Cancellation No. 92058543
	}	
v.	}	Mark: EDGE
	}	
RAZER (ASIA-PACIFIC) PTE LTD	}	Registration No. 4,394,393
	}	
Registrant	}	
	}	
-----	}	

CERTIFICATE OF SERVICE

It is hereby certified that on December 5, 2015 a true copy of the foregoing PETITIONER'S FURTHER AMENDED RESPONSES TO REGISTRANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS was deposited in the U.S. mail, certified, postage prepaid, addressed to:

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

Signature:   /s/ Cheri Langdell

# EXHIBIT 10

# EXHIBIT 11

1 THE LANIER LAW FIRM, P.C.  
Christopher D. Banyas (230038)  
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Daniel M. Shafer (244839)  
3 *dms@lanierlawfirm.com*  
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Telephone: 650.322.9100  
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6 Attorneys for EDGE GAMES, INC. and  
THE EDGE INTERACTIVE MEDIA, INC.

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*alan.nemes@huschblackwell.com*  
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St. Louis, Missouri 63105  
15 Telephone: 314.345.6461  
Facsimile: 314.480.1505

16 Attorneys for ELECTRONIC ARTS INC.  
17 and EA DIGITAL ILLUSIONS CE AB

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

20 EDGE GAMES, INC., a California  
21 corporation,

22 Plaintiff,

23 v.

24 ELECTRONIC ARTS INC., a Delaware  
25 corporation,

26 Defendant.

Case No. 10-CV-2614-WHA

**STIPULATION REGARDING  
DISPOSITION OF CLAIMS AND  
[PROPOSED] ORDER**

Hon. William Alsup

Complaint Filed: June 15, 2010

27 AND RELATED COUNTERCLAIMS AND  
28 COUNTER-COUNTERCLAIMS

1 WHEREAS, Plaintiff, Counterdefendant, and Counter-Counterclaimant Edge Games, Inc.  
2 (“Edge Games”) filed its First Amended Complaint on July 2, 2010;

3 WHEREAS, Edge Games filed a Motion for Preliminary Injunction on August 20, 2010;

4 WHEREAS, Defendant and Counterclaimant Electronic Arts Inc. (“EA”) filed its Answer  
5 to the First Amended Complaint on August 29, 2010;

6 WHEREAS, EA and Counterclaimant and Counter-Counterdefendant EA Digital Illusions  
7 CE AB (“DICE”) filed their Counterclaim against Edge Games and Counterdefendant The Edge  
8 Interactive Media, Inc. (“EIM”) on August 29, 2010;

9 WHEREAS, Edge Games filed its Counter-Counterclaims against DICE on September 23,  
10 2010;

11 WHEREAS, the Court entered an Order Denying Motion for Preliminary Injunction on  
12 October 10, 2010;

13 WHEREAS, Edge Games, EIM, EA, and DICE have negotiated and entered into a binding  
14 settlement agreement (the “Settlement”);

15 WHEREAS, no party admits any wrongdoing nor stipulates to any finding of wrongdoing;

16 WHEREAS, the parties agree that each party shall bear its own costs and attorneys’ fees in  
17 this matter; and

18 WHEREAS, the parties desire to have a final judgment entered in this matter in the form  
19 attached hereto as Exhibit A;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties as  
21 follows:

22 Claims for Relief in First Amended Complaint

23 1. With respect to Edge Games’ First Claim for Relief in the First Amended  
24 Complaint (Infringement of Federally Registered Trademarks), judgment will be entered in favor  
25 of EA and against Edge Games.

26 2. With respect to Edge Games’ Second Claim for Relief in the First Amended  
27 Complaint (False Designation of Origin), judgment will be entered in favor of EA and against  
28 Edge Games.





1 21. With respect to Edge Games' Eighth Claim for Relief in the Counter-Counterclaim  
2 (Cancellation of Registration No. 3,806,032), judgment will be entered in favor of DICE and  
3 against Edge Games.

4 22. With respect to Edge Games' Ninth Claim for Relief in the Counter-Counterclaim  
5 (Cancellation of Registration No. 3,806,033), judgment will be entered in favor of DICE and  
6 against Edge Games.

7 23. Neither this Stipulation nor the Settlement, nor any act performed or executed  
8 pursuant to or in furtherance of the Stipulation or the Settlement, is intended as or shall constitute  
9 a concession or an admission of, or evidence of, any fault or wrongdoing by any party.

10 24. ~~Each party shall bear its own costs and attorneys' fees in this matter.~~

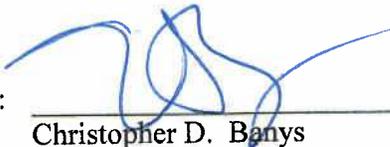
11 **IT IS SO AGREED.**

12 Dated: October 6, 2010

THE LANIER LAW FIRM, P.C.

13

14

By: 

Christopher D. Banyas  
Attorneys for EDGE GAMES, INC. and THE  
EDGE INTERACTIVE MEDIA, INC.

15

16

17 Dated: October 6, 2010

KENDALL BRILL & KLIEGER LLP

18

19

By: 

Robert N. Klieger  
Attorneys for ELECTRONIC ARTS INC. and  
EA DIGITAL ILLUSIONS CE AB

20

21

22

23 The stipulation is hereby **APPROVED.**

24 **IT IS SO ORDERED.**

25

26

Dated: \_\_\_\_\_

Hon. William Alsup  
United States District Judge

27

28