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Filing date: **09/09/2014**

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	Motion to Compel Discovery
Filer's Name	Rev Dr Tim Langdell
Filer's e-mail	tim@edgegames.com
Signature	/Tim Langdell/
Date	09/09/2014
Attachments	MotionToCompelDiscovery09Sept14.pdf(263796 bytes)

Per 37 CFR §2.120(h), Petitioner requests that the Board test the sufficiency of Registrant's response to Petitioner's request for admissions and rule that having failed to respond in a timely manner that Registrant has not met the test, and is thus compelled to respond within 15 days of this motion (or such other deadline as the Board shall deem appropriate).

For its failure to participate in Discovery, including its refusal to take part in a Discovery Conference and to properly respond to Initial Disclosures, Petitioner also requests that Registrant be barred from objecting to any of Petitioner's requests or interrogatories, and barred from making any discovery requests on Petitioner, or requests for admissions, and that therefore Registrant be bound to accept without challenge any and all evidence submissions, witness statements, statements of fact relating to the case, and etc, that Petitioner may subsequently seek to rely on in these proceedings, without Registrant being permitted to object to any of same.

Respectfully submitted this day September 9, 2014,

A handwritten signature in black ink, appearing to read 'Tim Langdell', written in a cursive style.

Rev Dr Tim Langdell, CEO Petitioner in Pro Per/Se
Edge Games, Inc.

530 South Lake Avenue, 171

Pasadena, CA 91101

Tel: 626 449 4334; Fax: 626 844 4334; Email: tim@edgegames.com

EXHIBIT A

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

EDGE GAMES, INC.)	
)	
Petitioner,)	
)	
vs.)	Cancellation No.: 92058543
)	
)	Reg. No.: 4,394,393
RAZER (Asia-Pacific) Pte Ltd.)	
)	
Registrant.)	

PETITIONER’S FIRST REQUESTS FOR ADMISSION

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120), Trademark Trial and Appeal Board Manual of Procedure § 410, and Federal Rule of Civil Procedure 36, Petitioner EDGE requests that Registrant RAZER admit the truth of the Requests for Admissions set forth below within thirty (30) days after service of this Request.

For the purpose of this Request, the following definitions and instructions shall apply.

DEFINITIONS

1. The terms “RAZER,” “you,” and “your” refer to Registrant and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
2. The term “EDGE” refers to Petitioner and includes any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, behalf of that entity, including but not limited to all officers, directors, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
3. The term “Razer Mark” means the US trademark application 79,117,898 for the mark EDGE with an effective filing date of April 17, 2012;
4. The term Razer Singapore Mark means trademark EDGE registered in Singapore upon which RAZER’s U.S. application relies.
5. The use of the singular form of any word also includes the plural and vice versa.

6. The use of a present tense shall include past tenses.
7. The terms “all” and “each” shall each be construed to include the other.

INSTRUCTIONS

1. Your written response to this request must comply with Rule 36 of the Federal Rule of Civil Procedure, in that if you do not admit each matter, you must separately respond under oath to each request within thirty (30) days of the service of this request by:

(a) Admitting so much of the matter involved in the request as is true, either as expressed in the request itself or as reasonably and clearly qualified by you;

(b) By denying so much of the matter involved in the request as is untrue; and

(c) Specifying so much of the matter involved in the request as to the truth of which the responding party lacks sufficient information or knowledge.

2. If your response to a particular request is that you lack information or knowledge as a reason for failure to admit all or part of a request for admission, then you shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable you to admit that matter.

3. If your response is that only part of a request for admission is objectionable, the remainder of the request shall be answered.

4. If an objection is made to a request or to a part of a request, the specific ground for the objection shall be set forth clearly in the response.

5. These requests for admission are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that you had constructive knowledge of EDGE's use of the mark EDGE and/or claims to ownership of the mark EDGE prior to applying for the Razer Mark.

REQUEST FOR ADMISSION NO. 2:

Admit that you had constructive knowledge of EDGE's use of the mark EDGE and/or claims to ownership of the mark EDGE prior to applying for the Razer Singapore Mark.

REQUEST FOR ADMISSION NO. 3:

Admit that you had constructive knowledge of Velocity Micro Inc.'s use of the mark EDGE prior to applying for the Razer Mark.

REQUEST FOR ADMISSION NO. 4:

Admit that you had constructive knowledge of Velocity Micro Inc.'s use of the mark EDGE prior to applying for the Razer Singapore Mark.

REQUEST FOR ADMISSION NO. 5:

Admit that you had constructive knowledge of EDGE's use of the mark EDGE and/or claims to ownership interest in the mark EDGE prior to first use of the Razer Mark in U.S. commerce.

REQUEST FOR ADMISSION NO. 6:

Admit that you had constructive knowledge of Velocity Micro Inc.'s use of the mark EDGE prior to first use of the Razer Mark in U.S. commerce.

REQUEST FOR ADMISSION NO. 7:

Admit that use by RAZER of the mark EDGE for the goods and services mentioned in RAZER's Reg. no. 4,394,393 would have a likelihood of being confused with EDGE's use of the same mark for game computers or computer games, or use by one of EDGE's licensees for computer game hardware or related goods and services, such that consumers may be unclear as to the true source.

REQUEST FOR ADMISSION NO. 8:

Admit that filing an application for registration of a trademark does not constitute a right to use that trademark.

REQUEST FOR ADMISSION NO. 9:

Admit that you had actual knowledge of EDGE's application no. 85/147,499 for the mark EDGE GAMES at the time you filed the Razer Mark application.

REQUEST FOR ADMISSION NO. 10:

Admit that you had actual knowledge of EDGE's application no. 85/147,499 for the mark EDGE GAMES at the time you commenced first use of the Razer Mark.

REQUEST FOR ADMISSION NO. 11:

Admit that you have actual knowledge of EDGE's application no. 85/891,810 for the mark EDGE GAMING PC and/or are aware that registration of the Razer Mark is an obstacle to EDGE gaining registration of this mark.

REQUEST FOR ADMISSION NO. 12:

Admit that you have actual knowledge of EDGE's application no. 85/891,810 for the mark EDGE PC and/or are aware that registration of the Razer Mark is an obstacle to EDGE gaining registration of this mark..

REQUEST FOR ADMISSION NO. 13:

Admit that the Razer Mark registration and the mark "EDGE" used by EDGE and are identical marks.

REQUEST FOR ADMISSION NO. 14:

Admit that the Razer Mark registration and the mark "EDGE" used by EDGE's various trademark licensees and are identical marks.

REQUEST FOR ADMISSION NO. 15:

Admit that the Razer Mark registration and the mark “EDGE” used by Velocity Micro Inc. and are identical marks.

REQUEST FOR ADMISSION NO. 16:

Admit that the Razer Mark registration and the mark “GAMER’S EDGE” used by EDGE and Velocity Micro Inc and are essentially the same marks given that “GAMER’S” is merely descriptive of the target audience of RAZER, EDGE and Velocity Micro Inc.

REQUEST FOR ADMISSION NO. 17:

Admit that you have received communications, intended for EDGE or Velocity Micro Inc or one of EDGE’s other licensees about the Razer Edge products.

REQUEST FOR ADMISSION NO. 18:

Admit that you have received e-mails, intended EDGE or Velocity Micro Inc or one of EDGE’s other licensees about the Razer Edge products.

REQUEST FOR ADMISSION NO. 19:

Admit that Razer Mark products and the EDGE brand products sold by EDGE and EDGE’s licensees are related fields and the design of all those products are related fields.

REQUEST FOR ADMISSION NO. 20:

Admit that the manufacturing of Razer Mark brand products on the one hand, and the engineering of EDGE’s and EDGE’s licensee’s products—such as those by Velocity Micro Inc— on the other hand, are related fields.

REQUEST FOR ADMISSION NO. 21:

Admit that the Razer Mark products produced by RAZER are targeted at computer game playing consumers.

REQUEST FOR ADMISSION NO. 22:

Admit that the EDGE’s “EDGE” brand products are targeted at computer game playing consumers.

REQUEST FOR ADMISSION NO. 23:

Admit that the Velocity Micro Inc’s EDGE brand products are targeted at computer game playing consumers.

REQUEST FOR ADMISSION NO. 24:

Admit that RAZER owns the U.S. Trademark Reg. No. 4,330,124 “FOR GAMERS, BY GAMERS”

REQUEST FOR ADMISSION NO. 25:

Admit that RAZER received a request from EDGE for RAZER to cease and desist from use of the Razer Mark and that RAZER failed to act on that request.

REQUEST FOR ADMISSION NO. 26:

Admit that Chin-Gee Ong who styled himself as working for “Razer|Fox (Asia-Pacific)” and as being a “Senior IP Executive” for said company wrote to EDGE’s CEO Dr Langdell on or about April 11th 2011 responding to EDGE’s cease and desist demand stating that RAZER’s “intention is to be cooperative” in dealing with EDGE’s protest of RAZER’s use of the Razer Mark.

REQUEST FOR ADMISSION NO. 27:

Admit that “Razer|Fox” that Chin-Gee Ong stated he worked for in April 2011 is RAZER.

REQUEST FOR ADMISSION NO. 28:

Admit that employees and representatives of RAZER were warned of the consequences of using the mark EDGE on RAZER products when this mark has been well known in U.S. commerce in relation to similar and identical products sold by EDGE and/or its affiliates and/or its licensees.

REQUEST FOR ADMISSION NO. 29:

Admit that game tablets are game computers in portable form.

REQUEST FOR ADMISSION NO. 30:

Admit that Velocity Micro Inc is well known for producing game computers and tablet computers.

REQUEST FOR ADMISSION NO. 31:

Admit that Velocity Micro Inc is well known for producing game computers sold using the brand name “EDGE.”

REQUEST FOR ADMISSION NO. 32:

Admit that Velocity Micro Inc sells game computers and other related products through the same, or essentially, the same channels as RAZER sells its Razer Mark products.

REQUEST FOR ADMISSION NO. 33:

Admit that The Lanham Act gives a court discretionary power to increase damages up to treble damages were RAZER to be found to have knowingly used, or continued to use, the Razer Mark after gaining knowledge of the earlier acquired rights in the same mark, for the same or closely related goods and services, owned by EDGE.

Dated: August 8, 2014

Respectfully submitted,



A handwritten signature in black ink, appearing to read 'Dr. Langdell', is written over a horizontal line.

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

EDGE GAMES, INC.)	
)	
Petitioner,)	
)	
vs.)	Cancellation No.: 92058543
)	
)	Reg. No.: 4,394,393
RAZER (Asia-Pacific) Pte Ltd.)	
)	
Registrant.)	

FIRST SET OF DOCUMENT REQUESTS

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120). Trademark Trial and Appeal Board Manual of Procedure § 408, and Federal Rule of Civil Procedure 34, Petitioner EDGE requests that Registrant RAZER produce the following documents and things forthwith.

For the purpose of this Request, the following definitions and instructions shall apply.

DEFINITIONS

1. The terms “RAZER,” “you,” and “your” refer to Registrant and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
2. The term “EDGE” refers to Petitioner and includes any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
3. The term EDGE means any word, name, symbol or device or other designation of origin incorporating the letter string EDGE or its phonetic equivalent, in which you claim rights, including any trademark, service mark, or Internet domain name, or any trademark or service mark application or registration.
4. The term “Razer’s Mark” means, specifically, trademark Registration Number 4,394,393 for the mark EDGE with an effective filing date in the United States of April 17, 2012.

5. The term “Edge’s Marks” means any and all trademark registrations or common law rights in the mark EDGE, or EDGE formative marks, owned by EDGE either as a result of its own use of the mark EDGE in U.S. commerce, or use by any of EDGE’s licensees.

6. The term “person” means any natural person or any business, legal or governmental entity, or association.

7. The term “document” as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any “writings and recordings” and “photographs” as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible thing in, upon or from which information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, correspondence, contracts, minutes of meetings, memoranda, notes or desk calendars and appointment books, intra-office communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes, video tapes, studies, electronic mail, information stored in computer readable form, on a compact disc, or any other type of data storage device or medium, computer printouts, microfilm, microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and all other writings or drafts thereof), as well as all other tangible things subject to production under Federal Rule of Civil Procedure 34.

8. The term “identify,” when referring to:

a. a natural person, means to give his or her full name, present or last known address and telephone number, last known place of employment and job title;

b. a public or private corporation, partnership, association, agency or other entity, means to give its present or last known address and telephone number, and state of incorporation, if applicable;

c. a document, means to state its general character, title, date, addressee or recipient, author or signatory, present location, and who has possession, custody or control of the document;

d. a product, means to provide a description of the item which is offered for sale, and the intended customer groups, channels of trade, approximate price, and market for the product;

e. a service, means to describe the service and the intended customer groups, channels of trade, approximate price, and market for the service.

9. The term “communication” is defined as any transmission or exchange of information between two (2) or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile, electronic, digital or other media.

10. The terms “relating to” and “related to” mean concerning, containing,

evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

11. The connectives “and” and “or” and the term “and/or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all documents that might otherwise be construed to be outside its scope.

12. The use of a present tense shall include past tenses.

13. The use of the singular form of any word also includes the plural and vice versa.

14. The terms “all” and “each” shall each be construed to include the other.

INSTRUCTIONS

1. You are requested to produce for inspection and copying all responsive documents and things in your possession, custody or control, including all documents and things in the custody of your attorneys, consultants, agents, other representatives, and other persons or entities subject to your control.

2. You are to produce the documents and things as they are kept in the ordinary course of business, with appropriate markings or designations so that it may be determined to which request they are responsive.

3. You are to produce the original and all non-identical copies of each requested document or thing, including all copies which bear any additional file stamps, marginal notes or other additional markings or writings that do not appear on the original. The production shall include the file, envelope, folder, binder, or other container in which the responsive documents and things are kept. If, for any reason, the container cannot be produced, you are to produce copies of all labels or other identifying markings.

4. Documents that exist in digital format and constitute or comprise databases or other tabulations or collections of data or information should be produced in a machine-readable format to be mutually agreed upon by the parties. Documents that exist in digital format and constitute or comprise written communications between natural persons (e.g., e-mail messages, internal memos, letters, etc.) should be produced both in a machine-readable format to be mutually agreed upon by the parties and in hard-copy form.

5. If you cannot fully respond to any request after a diligent attempt, respond to the request to the extent possible and specify the portion of the request to which you are unable to respond.

6. If you claim that any request, definition or instruction is ambiguous, state the language you claim is ambiguous and the interpretation you have used to respond to the request.

7. If you contend that any document or thing has been lost or destroyed, set forth the contents of the document or thing, the location of any copies, the date of loss or destruction, the name of the person who ordered or authorized the destruction, if any, and the authority and reasons for such destruction.

8. If you decline to produce any information, document, or thing on this basis of the attorney-client, work product, or other privilege, respond to so much of the discovery request as is not subject to the claimed objection, and for each document or thing, provide the following information:

- a. the type and title of the document or thing;
- b. the general subject matter of the document or description of the thing;
- c. the date of its creation;
- d. the identity of the document's author(s), addressee(s) and recipient(s);
- e. the nature of the privilege being claimed; and
- f. in detail, all facts upon which you base your claim of privilege.

9. With respect to any document stored on a machine-readable medium, please make available both a hard copy printout of the document and a copy of the computer or electronic tape, disc or other electronic medium on which the document is stored.

10. Complete production is to be made on the date and at the time indicated above.

11. You have a duty to supplement your responses from now until the time of hearing or trial, as provided by Federal Rule of Procedure 26(e).

DOCUMENTS AND THINGS REQUESTED

DOCUMENT REQUEST NO. 1:

All documents relating in any way to your use of the mark EDGE, Petitioner's use of the mark EDGE or any other party's use of the mark EDGE.

DOCUMENT REQUEST NO. 2:

All documents relating to communications between you and any party discussing your use of the mark EDGE or Petitioner's use of the mark EDGE or any other party's use of the mark EDGE.

DOCUMENT REQUEST NO. 3:

All documents relating to communications with third parties, other than your counsel, concerning your decision to use the mark EDGE.

DOCUMENT REQUEST NO. 4:

All documents relating to actual confusion between you or any of your products and services, and EDGE or Velocity Micro Inc or any of their products or services.

DOCUMENT REQUEST NO. 5:

All documents relating to any incident or proceeding in which anyone has challenged your use or registration of, or the rights you claim, in the Razer Mark including but not limited to any demand to cease and desist.

DOCUMENT REQUEST NO. 6:

All documents relating to any incident or proceeding in which a third party has challenged your use or registration of, or the rights you claim in the Razer Mark, including but not limited to any demand to cease and desist.

DOCUMENT REQUEST NO. 7:

All documents relating to any incident or proceeding in which you have challenged the rights of a third party based on the rights you claim to the Razer Mark, including but not limited to any demand to cease and desist.

DOCUMENT REQUEST NO. 8:

All documents relating to your selection and/or adoption of the mark EDGE or any mark including the word EDGE in it.

DOCUMENT REQUEST NO. 9:

All documents relating to your decision to file the 79,117,898 application or to your decision to file any foreign application for the same mark.

DOCUMENT REQUEST NO. 10:

All documents relating to any trademark applications you have filed for the Razer Mark including but not limited to any correspondence between you or your counsel, on the one hand, and the U.S. Patent and Trademark Office on the other, or any communications in any foreign territory relating to foreign applications for the mark EDGE or foreign registrations thereof.

DOCUMENT REQUEST NO. 11:

All documents relating to any communications between you or your counsel, on the one hand, and the U.S. Patent and Trademark Office, on the other hand, concerning trademark applications incorporating the EDGE led by anyone other than you.

DOCUMENT REQUEST NO. 12:

All documents relating to any investigation, trademark search, and/or other inquiry conducted by you, and/or on your behalf, in connection with assessing the availability, registrability, or use of the Razer Mark

DOCUMENT REQUEST NO. 13:

All documents relating to studies and/or surveys in connection with the use of the Razer Mark.

DOCUMENT REQUEST NO. 14:

All documents relating to studies, tests, ratings, and/or surveys in connection with your products and services.

DOCUMENT REQUEST NO. 15:

All documents relating to your selection, adoption and registration of any Internet domain names incorporating the word EDGE.

DOCUMENT REQUEST NO. 16:

Document sufficient to identify every product and service on or in connection with which you have used or are using the Razer Mark or any mark incorporating the word EDGE.

DOCUMENT REQUEST NO. 17:

All documents relating to the dates of the first use, on or in connection with each of your products and services, of the Razer Mark.

DOCUMENT REQUEST NO. 18:

All documents relating to the dates of first use in commerce, on or in connection with each of your products and services, of the Razer Mark.

DOCUMENT REQUEST NO. 19:

All documents relating to your past and present efforts to promote or expand public awareness of the Razer Mark.

DOCUMENT REQUEST NO. 20:

All documents relating to any license agreements, or consents to use, that you have granted to third parties for Razer Mark.

DOCUMENT REQUEST 21:

All documents relating to your plans for future use of, or plans to license others in the future to use, the Razer Mark.

DOCUMENT REQUEST NO. 22:

All documents relating to your use of the Razer Mark on any Product or any mark including the word EDGE on any product.

DOCUMENT REQUEST NO. 23:

All documents relating to your plans to use, or plans to license others to use, the Razer Mark on tablet computers, computers handheld devices, or any accessories or peripherals thereto.

DOCUMENT REQUEST NO. 24:

All documents relating to your use of the Razer Mark in connection with any product or service not covered in Req 23.

DOCUMENT REQUEST NO. 25:

All documents relating to your plans to use, or plans to license others to use, the Razer Mark or any mark containing the word EDGE in connection with any products or services that you do not currently offer or sell.

DOCUMENT REQUEST NO. 26:

Documents sufficient to show your annual expenditures on domestic advertising and marketing of any products or services bearing or relating to the Razer Mark since first use in the United States.

DOCUMENT REQUEST NO. 27:

Documents sufficient to show your annual expenditures on domestic advertising and marketing of any products or services bearing or relating to the Razer Mark since first use in the Singapore or any other foreign territory where use by RAZER will be relied on in these proceedings.

DOCUMENT REQUEST NO. 28:

Documents sufficient to show the geographic scope of your business and promotional activities using the Razer Mark including all channels of trade used to sell and promote any goods or services using the Razer Mark or any variation thereon that include the word EDGE.

DOCUMENT REQUEST NO. 29:

One copy of each advertising, marketing, and promotional material showing use of the Razer Mark on any goods or services, including but not limited to web pages, catalogs, circulars, leaflets, direct mail pieces, brochures, point of sale pieces, press releases, web-based advertisements (including but not limited to banner ads), newspaper and magazine advertisements and articles, transcripts and audio tapes for radio advertisements, and transcripts and video tapes of television advertisements.

DOCUMENT REQUEST NO. 30:

All documents relating to your policies regarding retention, storage, filing and destruction of electronic mail, documents and things.

DOCUMENT REQUEST NO. 31:

All documents relating to the target markets to which you have offered, or intended to offer, products or services identified by the Razer Mark.

DOCUMENT REQUEST NO. 32:

All documents sufficient to identify trade shows or conferences that you have attended in the United States or Singapore since April 17, 2012

DOCUMENT REQUEST NO. 33:

All documents relating to the channels of trade through which you have sold or offered for sale products or services identified with the Razer Mark, identifying by name (with contact details) all RAZER's customers, resellers, and distributors.

DOCUMENT REQUEST NO. 34:

All documents relating to any sales of any product or service bearing the Razer Mark or sold in association with the Razer Mark (or any other mark containing the word "EDGE") in United States commerce, producing all evidence of sales broken down by channel of trade and by entity (e.g. store or reseller) within any given channel of trade, with all sales through each channel and entity further broken down on a quarterly basis since such sales of any product or service first commenced in the United States. Including, too, all documents sufficient to show the cost to your customers of all products or services you offer in connection with the Razer Mark and any other documents that permit the calculation of the net profit RAZER has gained from sales of any products or services associated with the Razer Mark.

DOCUMENT REQUEST NO. 35:

All documents sufficient to identify the persons involved in design, sales, marketing, communications, business strategy, or business planning for Razer Mark

DOCUMENT REQUEST NO. 36:

Documents sufficient to show RAZER's legal status and date founded, including all documents related to the incorporation of RAZER (this must include all details of RAZER's U.S. and Singapore companies together with any other entities that fit the definition of RAZER above).

DOCUMENT REQUEST NO. 37:

Documents sufficient to show RAZER's legal status and date founded, including all documents related to the incorporation of RAZER both as a Singapore corporation and as a U.S. corporation (Razer Inc or otherwise).

DOCUMENT REQUEST NO. 38:

Documents sufficient to show the legal relationship between Razor (Asia-Pacific) Pte Ltd and Razer Inc. or any other U.S. corporation or entity that RAZER either owns or has an affiliation of any kind with.

DOCUMENT REQUEST NO. 39:

Documents sufficient to identify all officers, directors and owners of all predecessors, subsidiaries, parent companies, affiliated companies, and joint venturers (collectively, "Affiliates of RAZER")

DOCUMENT REQUEST NO. 40:

Documents sufficient to show the legal relationship between Razer (Asia-Pacific) Pte Ltd and any Affiliates of RAZER.

DOCUMENT REQUEST NO. 41:

All documents sufficient to identify all advertising agencies or consultants engaged by you for advertising and promoting products or services on or in connection with which the Razer Mark are or have been used.

DOCUMENT REQUEST NO. 42:

All documents sufficient to identify all advertising agency employees or consultants that have the most knowledge of the advertisement and promotion of products or services offered under Razer Mark.

DOCUMENT REQUEST NO. 43:

All documents related to e-mail communications directed to, addressed to, or intended for, RAZER or any other party in any way connected with this matter, received by you that relate in any way to the mark EDGE.

DOCUMENT REQUEST NO. 44:

All documents related to communications, other than e-mail, directed to, addressed to, or intended for a party other than RAZER but received by you.

DOCUMENT REQUEST NO. 45:

A copy of each print or online publication in which reference to you has appeared or reference to any product or service by you that involve the mark EDGE in U.S. or Singapore commerce.

DOCUMENT REQUEST NO. 46:

A copy of any device, computer tablet, accessory, peripheral bearing the mark EDGE, or sold or marketed in connection with the mark EDGE, sold or marketed by RAZER (or any company in any way related to RAZER) in the United States since April 17, 2012.

DOCUMENT REQUEST NO. 47:

All documents related to your knowledge of Petitioner or its EDGE marks, or any dispute that Petitioner was involved in concerning the EDGE marks, or in the time period preceding your filing of an application for the Razer Mark including but not limited to all documents relating to your knowledge of any disputes involving Electronic Arts Inc., Future Publishing Inc., or Mobigame.

DOCUMENT REQUEST NO. 48:

All documents related to your knowledge prior to your first use of the Razer Mark of Velocity Micro Inc., or its products and services, including any knowledge or awareness of the "EDGE" and "GAMER'S EDGE" branded game computers sold by Velocity Micro Inc.

DOCUMENT REQUEST NO. 49:

All documents requested to be identified or referred to in Petitioner's First Set of Interrogatories that are not already included in the document requests 1 through 48 above.

Dated: August 8, 2014.

Respectfully submitted,



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

EDGE GAMES, INC.)	
)	
Petitioner,)	
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vs.)	Cancellation No.: 92058543
)	
)	Reg. No.: 4,394,393
RAZER (Asia-Pacific) Pte Ltd.)	
)	
Registrant.)	

PETITIONER’S FIRST SET OF INTERROGATORIES TO REGISTRANT

In accordance with Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Petitioner Edge Games, Inc. (“EDGE”) requests that Razer (Asia-Pacific) Pte Ltd (“RAZER”) answer the following interrogatories under oath, subject to the following definitions.

DEFINITIONS

As used herein, the term “Petitioner” includes EDGE, its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

As used herein, the term “Registrant” includes RAZER, its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

As used herein, the term “Documents” includes, but is not limited to, all writings, notes, notations, correspondence, invoices, contracts, purchase orders, memoranda, books, pamphlets, publications, studies, reports, labels, packaging, artwork, tear sheets, flyers, brochures, proofs, displays, photographs, videotapes, models, films, drawings, sketches, illustrative materials, magnetic recording tapes, microfilms, and other storage means by which information is retained in retrievable form, and all other materials, whether printed, typewritten, handwritten, recorded or reproduced by any mechanical, electronic or magnetic process.

The following interrogatories shall be deemed to seek answers as of the date hereof, but shall be deemed to be continuing so that any additional information relating in any way to these interrogatories which Registrant acquires or which becomes known to Registrant up to and including the time of trial shall be furnished to Petitioner immediately after such information is first acquired or becomes known.

As used herein, the terms “identify” and “state the identity of” shall mean a complete

identification to the full extent known or ascertainable by Registrant, whether or not in the possession of Registrant and whether or not alleged to be privileged, including the following information:

1. The present depository or depositories and the name(s) and address(es) of the person(s) having custody of any item to be identified, unless the item is a public document or person;
2. Where the item to be identified is a person, his/her full name, address, job title and present employer;
3. Where the item to be identified is a document or paper, its character, title, date, addressee or recipient, and author, signatory, or sender; and
4. Where the item to be identified is printed material, its title, author, publication date, volume and the relevant page numbers. The term "person" shall mean and include any natural person, business organization or entity such as corporation, partnership or the like.

In the following interrogatories, if a privilege is alleged as to information or materials or if an interrogatory is otherwise not answered in full, state the specific grounds for not answering in full and answer said interrogatory to the extent to which it is not objected, including the identification of all information or materials for which privilege is claimed and the specific nature of any such privilege.

As used herein, "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all documents which might otherwise be construed to be outside its scope.

As used herein, the singular shall include the plural, and the present tense shall include the past tense.

As used herein, the EDGE mark includes any and all marks comprising EDGE alone or in combination, or any similar mark.

INTERROGATORIES

1. Identify each officer and managing agent of Registrant, giving each officer's and managing agent's name, address, title and duties with respect to Registrant. In particular, identify all such persons in Registrant's Singapore company, in its United States subsidiary(ies) along with all other persons responsive to this interrogatory.

2. Identify each product and/or service provided by Registrant prior to April 17, 2012 and list the mark under which each product and/or service was provided, the dates during which each product and/or service was provided, annual sales for each year each product and/or service was provided, the amount spent annually on advertising each product and/or service, and the geographic area in which each product and/or service was advertised, provided and/or sold.

3. Identify and describe each product and/or service sold and/or distributed by Registrant under the designation EDGE.

4. State the exact date(s) on which Registrant will rely as to when its use of the term EDGE commenced in connection with the sale or distribution of each product and/or service specified in answer to above Interrogatory No. 3.

5. Identify all documents, purchase orders, invoices, labels, flyers, brochures, other advertising or any writing whatsoever which Registrant will rely upon to establish the date(s) specified in answer to above Interrogatory No. 4.

6. With respect to the first use(s) of EDGE in connection with the sale of each product and/or service identified in above Interrogatory No. 3, state:

(a) Each manner in which the term EDGE was used, e.g. by affixing to containers, labels, or in newspaper advertising or fliers;

(b) If the designation EDGE was printed on containers for the product or on labels, the name and address of the person(s) or organization(s) which printed them;

(c) If the designation EDGE was used in brochures or fliers, the name and address of the person(s) or organization(s) which printed them;

(d) If the designation was used in media advertising, the name and address of the person(s) or organization(s) which advertised them;

(e) Whether the product and/or service was sold;

(f) Whether the product and/or service was offered free of charge;

(g) The name and address of each and every person(s) or organization(s) to whom/which the product and/or service was sold;

(h) Whether Registrant itself manufactured each of the product(s) sold and/or distributed under the designation EDGE.

(i) Whether Registrant itself provided the service(s) sold under the designation EDGE.

(j) Whether the sale of each product or service under the designation EDGE has been continuous from each date specified in above Interrogatory No. 4 to the present;

(k) If the answer to Interrogatory 6, including any portion thereof, is in the affirmative, state whether the circumstances that are described in answer to Interrogatory 6 prevailed throughout the period beginning on the date identified in above Interrogatory 4;

(l) If the circumstances described in the answer to Interrogatory 6, including any portion thereof, did not prevail throughout the period(s) beginning on the date identified in above Interrogatory 4, state in detail how they changed, providing specific dates and names wherever requested; and

(m) If the answer to Interrogatory 6(j) is in the negative, state the periods of time during which the term EDGE was not used by Registrant in connection with the sale of each product and/or service.

7. State why Registrant selected the term EDGE as a trademark for each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 and explain in detail how this mark was decided upon before use.

8. Identify each person who was primarily responsible for selecting the term EDGE as a product and/or service mark.

9. Identify each person involved in the decision to use the mark EDGE for the products and/or services identified in Classes 9 and 28 of Reg. No.4,394,393.

10. Identify all documents in the possession, custody or control of Registrant including but not limited to search reports, market surveys, interoffice memoranda, etc., referring or relating to the adoption of the term EDGE as a mark for each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393.

11. Identify and describe the channels of trade in the United States of each product and/or service specified in Classes 9 and 28 of Reg. No.4,394,393 marketed under the designation EDGE.

12. Identify all purchasers by class (e.g., retailers, general public) of each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 marketed under the designation EDGE, whether sold or distributed directly, through licensees, or by any other sales or distribution arrangement.

13. Identify each item of sales literature, including brochures and fliers produced by or for Registrant for distribution in the United States to advertise each product and/or service specified in Classes 9 and 28 of Reg. No.4,394,393 marketed under the designation EDGE.

14. List all geographical areas (by city, state and country) in which Registrant sells each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE.

15. List all newspapers in the United States in which Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE and the dates thereof.

16. List all trade journals and magazines (printed or electronic) in the United States in which Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 and the dates thereof.

17. List all radio and/or TV stations in the United States where Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE and the dates hereof.

18. List all other media, not already identified in above Interrogatories 15, 16, and 17 where Registrant has advertised each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393 under the designation EDGE and the dates thereof.

19. For each calendar year since commencement of use of the designation EDGE in connection with the marketing of each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393, state the amount expended by Registrant in the United States in the advertisement of each product and/or service.

20. For each calendar year since commencement of use of the designation EDGE in connection with the sale of each product and/or service specified in Classes 9 and 28 of Reg. No. 4,394,393, state the amount of sales by Registrant in the United States of each product and/or service.

21. Describe in detail all instances of actual confusion known to Registrant between the source of Petitioner's products and/or services and each product and/or service specified in Classes 9 and 28 of Reg. No.4,394,393 and identify all documents in the possession, custody or control of Registrant relating to each such instances of confusion.

22. Identify by name and address all person(s) or organization(s) who have been responsible for advertising each service specified in Classes 9 and 28 of Reg. No. 4,394,393, under the designation EDGE.

23. Has Registrant requested or received or does Registrant have knowledge of any opinions, legal or otherwise, of any type regarding the right to use the mark EDGE or in relation to whether Petitioner has a right to the mark EDGE? If the answer to this interrogatory is other than a categorical unqualified negative, identify the person or persons requesting each such opinion; identify each such opinion; and identify the person rendering each such opinion.

24. Has Registrant or any of its officers or managing agents identified in the answer to above Interrogatory No. 1 ever considered or attempted to initiate or ever been party to a lawsuit, Trademark Office opposition or cancellation proceeding (other than the present proceeding) in the United States involving or relating to the use or registration of the mark EDGE?

25. If the answer to above Interrogatory 24 is yes, set forth the following concerning each such litigation or proceeding: identify each actual or potential adversary and the trademarks involved; state its case docket number and filing date and identify the tribunal involved; state its outcome; identify all documents referring or relating to such litigation or proceeding and ensuing negotiations, if any; and state the name(s) and address(es) and telephone number(s) of all counsel representing any adverse party in such litigation or proceeding.

26. Identify the Registrant's predecessors-in-interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

27. Identify any and all documents responsive to the foregoing interrogatories which are lost or unavailable and identify the date(s) the loss or unavailability was first discovered, the person(s) who first discovered the loss or unavailability and the person(s) most knowledgeable about the contents of such lost or unavailable documents.

28. Identify all persons who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically, with reference to interrogatory numbers, the area of participation of each such person (excluding only Registrant's lawyers or their representatives).

29. Identify the person within Registrant who has the greatest knowledge as to the information requested, as to each of the above interrogatories.

30. Identify any study, research, focus group, testing or similar validation procedure employed by Registrant or any person or entity at Registrant's request or on behalf of Registrant to determine the presence and/or absence of any confusion between Petitioner's product and/or services and the products and/or services specified in Classes 9 and 28 of Reg. No. 4,394,393.

31. Identify any person with whom Registrant has discussed its use in U.S. commerce of the mark EDGE, or has discussed Petitioner's use or right to use the mark EDGE, or has discussed Petitioner's licensee agreements or arrangements relating to the mark EDGE, including any person associated with Petitioner's licensees or any license arrangement Petitioner may have for the mark EDGE. In each case give the person's full name, contact details, and full itemized details of each and every communication whether oral or written and the nature of each.

32. Was Registrant aware of Petitioner's use (or any use by any licensee of Petitioner and/or use by Velocity Micro Inc.) of the mark EDGE in U.S. commerce prior to (a) April 17, 2012, (b) Registrant's first use of the mark EDGE anywhere worldwide, (c) Registrant's first use of the mark EDGE in Singapore, (d) Registrant's first use of the mark EDGE in U.S. commerce? Unless the response to this interrogatory is a definitive "no" to any and all parts of it, then in each case identify everything that Registrant was aware of, what documents or events Registrant was aware of, with whom Registrant discussed such use, and any other pertinent fact relating to such use by Petitioner or Velocity Micro Inc or otherwise.

33. Identify in all ways how Registrant intends to rely on any foreign registration or foreign use of the mark EDGE, giving full details of how Registrant so intends, including all persons and documents relating thereto it intends to rely on.

DATE: August 8, 2014



By: Rev. Dr. Tim Langdell, CEO.
Petitioner in *Pro Se*

CERTIFICATE OF SERVICE

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copies of PETITIONER'S FIRST REQUEST FOR ADMISSION, PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT, and PETITIONER'S FIRST SET OF DOCUMENT REQUESTS were served on the following party(ies) of record, by depositing same in the U.S. Mail, first class and international airmail postage prepaid, this 10th day of August 2014:

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

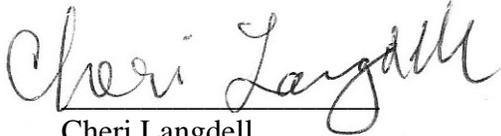

Cheri Langdell

EXHIBIT B

Tim Langdell

From: "Tim Langdell" <tim@edgegames.com>
To: "Keith Barritt" <barritt@fr.com>
Cc: <tim@edgegames.com>
Sent: Sunday, August 10, 2014 6:37 PM
Attach: PetitionersFirstRequestForAdmissionsRegistrant.pdf; PetitionersFirstSetInterrogatoriesRegistrant.pdf; PetitionersFirstReqProductionDocsRegistrant.pdf; ATT00014.htm
Subject: Re: USPTO Cancellation Petition No. 920584/543

Dear Mr Barritt,

We are very disappointed that despite our best efforts to get Razer to work with us on timely discovery, we have been unable to get any response from you. We have received no documents from your client or any response to our efforts to expedite and complete discovery.

We thus attach Petitioner's First Set of Interrogatories, First Request for Admissions, and First Request for Production of Documents.

Hopefully, you or your client will respond to these documents in a timely manner. Printed service copies will also be sent to you.

Sincerely,

Rev Dr Tim Langdell

CEO, Edge Games Inc.

530 South Lake Avenue, 171

Pasadena, CA 91101

www.edgegames.com

www.velocitymicro.com

Direct line: 626 824 0097

Petitioner in Pro Se

Tim Langdell

From: "Keith Barritt" <barritt@fr.com>
To: "Tim Langdell" <tim@edgegames.com>
Sent: Monday, August 11, 2014 4:31 AM
Attach: ATT00020.txt
Subject: Read: Re: USPTO Cancellation Petition No. 920584/543

Your message was read on Monday, August 11, 2014 11:31:00 AM UTC.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO COMPEL DISCOVERY AND MOTION TO TEST SUFFICIENCY OF RESPONSE TO ADMISSION REQUESTS in respect to Cancellation proceeding No. 92058543 was served on Registrant via first class mail, postage prepaid, this day September 9, 2014:

Keith A Barritt
Fish & Richardson PC
PO Box 1022
Minneapolis
MN 55440-1022


Cheri Langdell