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Filing date: **08/17/2015**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Edge Games Inc		
Entity	Corporation	Citizenship	California
Address	530 S Lake Avenue 171 Pasadena, CA 91101 UNITED STATES		

Correspondence information	Dr Tim Langdell CEO Edge Games Inc 530 S Lake Avenue 171 Pasadena, CA 91101 UNITED STATES uspto@edgegames.com, tim@edgegames.com Phone:6264494334
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Registration Subject to Cancellation

Registration No	3713604	Registration date	01/26/1999
International Registration No.	NONE	International Registration Date	NONE
Registrant	FUTURE PUBLISHING LTD. BEAUFORD COURT BATH BA1 2BW, UNITED KINGDOM		

Goods/Services Subject to Cancellation

Class 016. First Use: 1984/05/00 First Use In Commerce: 1984/05/00 All goods and services in the class are cancelled, namely: printed matter and publications, namely, magazines, newspapers, journals and columns and sections within such magazines, newspapers and journals, all in the fields of business, entertainment, and education relating to computers, computer software, computer games, video games, hand-held games, interactive media
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Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Related Proceedings	Opposition No 91214673
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2219837	Application Date	08/03/1994
Registration Date	01/26/1999	Foreign Priority Date	02/11/1994
Word Mark	EDGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1984/05/00 First Use In Commerce: 1984/05/00 printed matter and publications, namely, magazines, newspapers, journals, and columns and sections within such magazines, newspapers, and journals, and pamphlets and booklets, all in the fields of business, entertainment, and education, relating to toys, games, board games, television, interactive music, and video; stationery; posters; exterior packaging for software, namely, cardboard cartons; printed paperboard inserts for plastic packaging of software; paper bags; plasticbubble packs for packaging; envelopes; and paper pouches for packaging		

U.S. Registration No.	3105816	Application Date	01/29/2003
Registration Date	06/20/2006	Foreign Priority Date	NONE
Word Mark	EDGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1985/01/06 First Use In Commerce: 1985/01/06 printed matter, namely, comic books, comic book reference guide books, books featuring stories in illustrated forms, graphic novels, comic strips, picture postcards, comic postcards, printed postcards, novelty stickers, decals, bumper stickers, note cards, note paper, stationeryfolders, computer magazines, video gamemagazines, magazines and posters about interactive entertainment; writing instruments, namely, pencils, ball point pens, ink pens		

U.S. Registration No.	3585463	Application Date	12/14/2007
Registration Date	03/10/2009	Foreign Priority Date	NONE
Word Mark	EDGEGAMERS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2006/07/01 First Use In Commerce: 2006/07/01 Providing organizations for online game administrators, namely, entertainment services in the nature of an online computer gaming club; providing public forums for online game administrators, namely, entertainment services in the nature of an online computer gaming club

U.S. Registration No.	3559342	Application Date	03/22/1996
Registration Date	01/13/2009	Foreign Priority Date	NONE

Word Mark	THE EDGE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1984/06/04 First Use In Commerce: 1984/06/04 Video game peripherals, namely, video game controllers; computers; computer accessories, namely, keyboards, mice; game controllers for computer games; memory cards; headphones; augmented reality headsets for use with computers; virtual reality headsets for use with computers; storage disc cases, namely, compact disc cases and DVD cases; video display and capture cards; audio cards; audio speakers; web-cameras; backpacks, carrying cases and bags all designed for carrying portable computers, computer accessories, and computer peripherals; video game machines for use with televisions and accessories therefore, namely, video game controllers; video game software; computer game software, computer game software for use in location based entertainment centers</p> <p>Class 016. First use: First Use: 1993/04/14 First Use In Commerce: 1993/04/14 Magazines, namely, magazines in the fields of business, entertainment, popular culture and education; Magazines, namely, in the fields of computer games, videogames, board games, hand-held games, interactive media, television, music, video, movie, clothing, fashion, leisure activities and lifestyle; computer and video game magazines, comic books, posters, note paper, note cards, bumper stickers, stickers, pencils, ball point pens, ink pens, stationery; folders</p> <p>Class 021. First use: First Use: 1995/08/12 First Use In Commerce: 1995/08/12 Mugs and cups</p> <p>Class 025. First use: First Use: 1995/08/12 First Use In Commerce: 1995/08/12 T-shirts, sweatshirts, jackets</p> <p>Class 028. First use: First Use: 1995/08/12 First Use In Commerce: 1995/08/12 Toys and playthings, namely, battery operated action toys, bendable toys, collectable toy figures, electronic action toys, electronically operated toy vehicles, fantasy character toys, mechanical action toys, modeled plastic toy figurines, model toy figures, plastic character toys, plush toys, positionable toy figures, toy action figures, toy boxes, toy figures; hand held units for playing games and accessories therefore, namely, carrying cases designed for hand-held units for playing electronic games; stand alone video game machines and accessories therefore, namely, carrying cases and covers designed for stand-alone video game machines</p>
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U.S. Application No.	85891791	Application Date	04/01/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	EDGE PC
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1998/01/07 First Use In Commerce: 1998/01/07 Computer hardware; Computer hardware and peripheral devices; Computers and computer hardware; Desktop computers; Entertainment system comprising a computer, multiple image display screen, multiple input devices and a printer; Handheld computers; Handheld personal computers; Laptop computers; Net-book computers; Notebook computers; Personal computers; Personal digital assistant computers; Tablet computer

U.S. Application No.	85891810	Application Date	04/01/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	EDGE GAMING PC
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1998/01/07 First Use In Commerce: 1998/01/07 Computer hardware; Computer hardware and computer peripherals; Computers and computer hardware; Desktop computers; Entertainment system comprising a computer, multiple image display screen, multiple input devices and a printer; Handheld computers; Handheld personal computers; Laptop computers; Net-book computers; Notebook computers; Personal computers; Personal digital assistant computers; Tablet computer

U.S. Application No.	85147499	Application Date	10/07/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EDGE GAMES		

Design Mark	EDGE GAMES
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2003/12/31 First Use In Commerce: 2003/12/31 Computer game programs; Computer game software; Computer game software downloadable from a global computer network; Computer game software for use on mobile and cellular phones

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	EDGE		
Goods/Services	Electronic game magazines; online game magazines; computer and video game software; mobile games.		

Attachments	77352656#TMSN.png(bytes) 85891791#TMSN.png(bytes) 85891810#TMSN.png(bytes) 85147499#TMSN.png(bytes) Petition to cancel Future Class16 Reg.pdf(3464513 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Tim Langdell/
Name	Dr Tim Langdell
Date	08/17/2015

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

In the Matter of Registration No. 3,713,604
For the Trademark EDGE
Issued January 26, 1999

EDGE GAMES, INC.)	
a California Corporation,)	Cancellation No.
)	
Petitioner)	
)	
v.)	
)	
FUTURE PUBLISHING LTD.)	
a UK Corporation,)	
)	
Registrant)	
_____)	

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

PETITION FOR CANCELATION

Edge Games, Inc., a California Corporation having its principal business at 530 South Lake Avenue, 171, Pasadena, CA 91101 (“Petitioner”), believes it is being and/or will be damaged by the continued registration of Registration No. 3,713,604 for the mark EDGE in Class 16 (herein the “Subject Registration”), in the United States Patent and Trademark Office (“USPTO”) by Future Publishing Ltd, a U.K. corporation (“Registrant”) and hereby petition to cancel same under Section 14 of the Trademark Act of 1946, 15 U.S.C. § 1064.

As grounds for this Petition, Petitioner alleges the following:

FACTUAL BACKGROUND

The mark in question is a “child” registration created by dividing the original registration (No. 2,219,837) that was first owned solely by Petitioner, then jointly owned by Petitioner and Registrant.

1. The original registration for the mark EDGE was No. 2,219,837 which was originally owned solely by Petitioner and then, in 2004, became jointly owned by Petitioner and Registrant. In 2004 Petitioner agreed to assign the part of the original registration relating to printed game magazines to Registrant on the strict condition that Registrant make actual, genuine, use of the mark in U.S. commerce by commencing publication of a United States version of their magazine to be sold in U.S. dollars throughout the entire United States. However, while Registrant took ownership of that part of the original mark (which it divided out into a new child registration without Petitioner’s authorization or permission in August 2009), Registrant failed to adhere to its agreement and failed to make actual *genuine* use of the mark in U.S. commerce for a U.S. published version of their magazine, sold in U.S. stores in U.S. dollars. Indeed, by its own admission, since 2004 Registrant has failed to set up any system in its company to even track sales or marketing activity within the U.S. market.

In documents filed by Registrant in a related opposition proceeding, Registrant admitted it cannot prove any U.S. sales in Class 16 relating to the mark EDGE, and thus Registrant has admitted it has abandoned its mark.

2. In related proceedings before the Board (Opposition No. 91214673 in regard to Applications Serial Nos. 85/153,981 and 85/153,958), Registrant admitted on the record that it does not track sales or marketing activity in the United States separate from its worldwide sales and marketing related to the mark “EDGE.” By thus doing, Registrant confirmed that it is unable to confirm any sales or marketing activity at all, and unable to produce any documents to prove any such activity, for the U.S. market in relation to

Registrant's use of the mark "EDGE" for printed matter such as games magazines, and so forth.

3. Consequently, Registrant's statements and admissions in that other action prove beyond all reasonable doubt that Registrant has abandoned its use of the mark EDGE for the goods and services stated in the instant registration, if, indeed, it ever made any use of the mark in U.S. commerce (which is now in doubt, given Registrant's on-the-record admissions and statements in the related opposition proceedings).

In related proceedings Registrant abandoned its U.S. applications to register the mark EDGE for use in regard to directly related goods and services.

4. In the related opposition proceedings (No. 91214673), Registrant voluntarily *abandoned* its two applications for the same mark (EDGE) for directly related goods and services as the instant registered EDGE mark:

IC 009. US 021 023 026 036 038. G & S: Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; downloadable publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware

IC 035. US 100 101 102. G & S: computerised electronic on-line retail store services featuring computer games software and computer hardware

IC 038. US 100 101 104. G & S: Providing on-line chat rooms, electronic bulletin boards and discussion groups for transmission of messages among computer users concerning computer game software and computer hardware

IC 041. US 100 101 107. G & S: Providing on-line non-downloadable electronic publications in the nature of magazines in the field of on-computer, on-console and online gaming, computer games software, computer hardware and related accessories; publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary,

news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software

5. While Registrant did not clarify on the official record why it abandoned its two EDGE applications in this related Opposition proceeding, it is clear from the documents filed and served on Petitioner (who acted as Opposer in that action) that Registrant was unable to show any proof of use of the mark EDGE in U.S. commerce (See **Exhibit A** to Langdell decl. hereto). Indeed, Petitioner notes for the record that whereas the instant registration claimed to be based on actual use, Registrant's two applications for the mark EDGE filed in October 2010 (subject of the related opposition) were both filed on an intent to use basis (See **Exhibit B** to Langdell decl.).
6. By abandoning its two applications for goods and services directly related to its Class 16 printed matter rights in the mark EDGE for a computer magazine, Registrant was effectively admitting that it had either never made such use of the mark EDGE for such a magazine in U.S. commerce, or at least that it had now abandoned such use in U.S. commerce.

Petitioner is being harmed by the instant registration being cited against it, preventing Petitioner's own EDGE mark applications from being published.

7. Petitioner has around 30 years continuous, genuine, use of the mark EDGE in U.S. commerce for computer games and a variety of game software and game hardware products and services. Petitioner's rights arise from its own use in U.S. commerce, as well as the use by its predecessors in rights and by licensees of Petitioner and Petitioner's predecessors in rights.
8. Not only is the instant registration preventing Petitioner from gaining registration of its own mark EDGE (and EDGE formative marks) for computer game related goods and services, but there is a high likelihood of confusion between Registrant's use of the mark EDGE and Petitioner's use of the mark EDGE, which harms Petitioner since Petitioner has

substantial priority of use of the mark over any use by Registrant in U.S. commerce.

Registrant committed fraud on the USPTO when it renewed the registration in 2009 since it was not making any genuine use of the mark at the time of renewal and knowingly submitted its UK product specimens as proof of U.S. use.

9. On July 13, 2009 Registrant filed with the USPTO renewal of the mark under Sections 8 and 9 (see **Exhibit C** attached to Langdell decl. hereto). However, as can be seen from the attached copy of Registrant's filing, Registrant submitted images of the cover of its United Kingdom version of its printed magazine. This can clearly be confirmed by the fact that on the first two samples the price of the magazine in the upper right corner is in British Pounds Sterling ("£4.50"), and the third sample also has the same British price on a *British* bar code that Petitioner believes is not used in U.S. commerce, only in UK commerce.
10. Petitioner notes that the Section 8 and 9 statement carefully states that the specimens are evidence of "*the mark as used in commerce on or in connection with the goods, consisting of a photocopy of registrant's goods displaying the mark.*" The Board should note that the person crafting this filing on behalf of Registrant was careful not to state that these samples were examples of the mark as used in U.S. commerce—since it must be certain that the write knew them to be specimens of use in commerce outside of the United States. Such proof is not proof of use in U.S. commerce as is required under Section 8 and 9, and Registrant's statement and declaration do not claim that such use was in U.S. commerce (presumably because the person making the statement wished to avoid any accusation of perjury). However, this does amount to a knowingly false statement, and thus intentional fraud on the USPTO.
11. In the related Opposition proceedings referenced above, Registrant clearly stated that it had no record of any sales of its magazine in United States

commerce in the 5 years immediately prior to its October 2010 application to register the other two EDGE marks (that it has just abandoned due to being unable to show use or even intent to use). For this reason, since Registrant is on record at the USPTO as stating it does not track sales or marketing in the U.S., the Section 8 and 9 filing of 2009 must have been knowingly false and hence fraud on the USPTO.

FIRST CLAIM FOR RELIEF

Priority of Rights

- 12.** Petitioner repeats and re-alleges each and every allegation set forth in paragraphs 1 through 11 as if fully set forth herein.
- 13.** It is a fact well established between the parties that Petitioner has substantial priority of rights in the mark EDGE in relation to video and computer game related products and services. Petitioner's use in worldwide commerce, including first use in the United States, commenced in the mid-1980s, whereas Registrant's first ever use of the mark commenced in late 1993 in the United Kingdom when it launched a game magazine titled "EDGE" and its use in the U.S., per Registrant itself, may *never* have commenced.
- 14.** Petitioner sued Registrant in the British High Court in 1994 for passing off and trademark infringement relating to Petitioner's then over a decade of use of the mark EDGE in world commerce and Petitioner's US and UK trademark registrations for the marks EDGE and/or THE EDGE.
- 15.** Petitioner and Registrant settled their dispute in 1996 entirely in Petitioner's favor, thus demonstrating clearly that Registrant affirmed Petitioner's priority of rights in the mark EDGE. The 1996 settlement had Registrant being deemed to have used the mark EDGE, since its first use in 1993, solely under license from Petitioner, with all right, title, interest and goodwill arising from Registrant's use in the UK vesting in Petitioner

(no goodwill vesting in Registrant). This 1996 settlement and license agreement specifically barred Registrant from selling or marketing its “EDGE” magazine in United States commerce (see Langdell decl.).

16. Thus up to and including October 14, 2004, Registrant was barred from selling any product in the United States using the mark “EDGE” and all use that Registrant did make of the mark EDGE worldwide outside of the U.S. (including any incidental copies of their magazine that were sold in to the U.S. market) had its goodwill arising therefrom vest in Petitioner, not in Registrant.
17. On October 15, 2004 the parties entered into a modified new agreement wherein Registrant were assigned ownership of the Class 16 rights from Petitioner specifically for printed game magazines (all use of the mark EDGE for electronic or online magazines remaining under license from Petitioner, with Registrant’s use for such goods and services having its goodwill continue to vest in Petitioner). The intention of the parties in October 2004 was that in assigning the Class 16 magazine rights to Registrant, and in permitting Registrant to now be active in the U.S. market with the EDGE mark, Petitioner was assured that Registrant would publish a dedicated U.S. version of its “EDGE” game magazine, which would be actively marketed and sold in U.S. commerce from early 2005 onwards, independently from any UK or other market version of their EDGE magazine.
18. However, no such U.S. version of Registrant’s EDGE magazine was ever launched, and despite the intention of the parties that lead Petitioner to permit the sale of part of its Class 16 rights, Registrant never actually made genuine use of the mark EDGE in U.S commerce as was anticipated by the 2004 revised agreement. Petitioner made clear in 2004 that given Petitioner’s priority of rights in the mark EDGE in U.S. commerce, should Registrant not commence active publication of a U.S. version of their

printed magazine, then the class 16 rights sold to Registrant in 2004 should revert to Petitioner rather than risk the mark being deemed abandoned through non-use. Despite that understanding, Registrant failed to make any such genuine use in the U.S. market, and thus Petitioner's claim to priority of rights is clear and not reasonably subject to challenge.

SECOND CLAIM FOR RELIEF

Dilution (including Section 43(c))

- 19.** Petitioner repeats and re-alleges each and every allegation set forth in paragraphs 1 through 18 as if fully set forth herein.
- 20.** Petitioner's extensive genuine use of its mark "EDGE" for a variety of video and computer game products is well established and indeed was ruled upon as valid by the District Court of Virginia in December 2008 (See Langdell decl.). Indeed, it was to avoid dilution in the U.S. market that Petitioner first ensured that all use by Registrant worldwide of the mark EDGE had goodwill arising therefrom vest in Petitioner; and then after the assignment of the Class 16 magazine rights to Registrant in 2004, the parties were careful to ensure all other use in U.S. commerce (such as electronic publication and online use) was still under license from Petitioner with goodwill not vesting in Registrant. Further, in regard to Registrant's use of the mark "EDGE" for printed magazines in the U.S., Registrant was to trade so as to ensure any dilution of the mark was minimized by openly making clear that that Petitioner and Registrant are both supporting the same "EDGE" brand (not two different EDGE brands: see Langdell decl which cites the paragraph of the 2004 interparties agreement that makes this intention of the parties clear, with a clear intent of avoiding dilution).
- 21.** The 2004 interparties agreement was terminated in August 2010, and at that termination the agreement to avoid dilution was dissolved, exposing Petitioner to dilution that it had tried very hard to avoid at all costs in the

prior 20 years, and specifically the prior 17 years of dispute with the Registrant. Despite the termination of the agreement, Petitioner still has a lawful right to protection from dilution in the U.S. market.

22. Since Registrant failed to make genuine use of the mark EDGE following assignment of the mark to it by Petitioner in 2004, Registrant's continued ownership of a trademark registration it is not using causing dilution, or the threat thereof, of the mark which can only be cured by cancellation of Registrant's mark.
23. Moreover, Petitioner's mark is *so* well known in the U.S. game industry through it, its predecessors' and its licensees' use that it has arguably become a famous mark. Hence Petitioner also argues for dilution under Section 43(c), too.

THIRD CLAIM FOR RELIEF

Likelihood of Confusion

24. Petitioner repeats and re-alleges each and every allegation set forth in paragraphs 1 through 23 as if fully set forth herein.
25. It is abundantly clear from the above summaries that Petitioner and its licensees have extensive use of the mark EDGE for computer games and computer game related goods stretching back at the very least to 1984.
26. There is no reasonable counter to an argument of likelihood of confusion, since the mark is identical, and the use is for related goods and services. While at one point Registrant purchased the mark from Petitioner, there was no accrued goodwill in the mark in the U.S. territory since Registrant alleges there was no use in U.S. commerce of the mark "EDGE" for its printed computer game magazine prior to 2004 (the period from 1993-2004 being the time frame Registrant was barred from such use). Thus by its own argument Registrant had no accumulated goodwill that it acquired from Petitioner in 2004 relating to use in U.S. commerce, and since it

made no genuine use of the mark in U.S. commerce since 2004, Registrant cannot reasonably lay claim to any rights or goodwill in the mark based on use prior to October 2004. The likelihood of confusion is thus extremely high, such as to be certain, given the fact the goods and mark are identical to that used by Petitioner, who has now over 30 years of continuous genuine use of the mark.

27. Clearly, then, there is a near certain likelihood of confusion.

FOURTH CLAIM FOR RELIEF

Bad Faith

28. Petitioner repeats and re-alleges each and every allegation set forth in paragraphs 1 through 27 as if fully set forth herein.
29. When Registrant purchased the mark from Petitioner in 2008, and indicated its clear intention to start immediate genuine use of the mark in the U.S. by launching a dedicated U.S. version of its EDGE magazine, to be sold in U.S. dollars, Registrant was clearly in bad faith since it obviously had no real intention of ever making genuine use of the mark it had purchased. Petitioner would never have sold the mark to Registrant had Registrant not been in bad faith and had Registrant been honest about its true intentions for use of the mark.
30. Petitioner is and will continue to be harmed by the continued registration of the mark shown in the Subject Registration.

FIFTH CLAIM FOR RELIEF

Fraud

31. When Registrant renewed its mark under Sections 8 and 9 in 2009 it knowingly supplied the USPTO with specimens of use that were three copies of its UK magazine, not copies of any U.S. magazine or any product that Registrant actively makes genuine use of in the U.S. market.

While Registrant tried to cleverly avoid perjury by stating that the specimens were of “use in commerce” (that is, use in *general*, not use in U.S. commerce specifically), this act only served to reveal that Registrant knowingly and wittingly deceived the USPTO into believing that it was supplying genuine U.S. specimens of use in commerce. This is the very definition of fraud on the USPTO.

WHEREFORE, Petitioner prays that Registration No. 3,713,604 be cancelled and that this Petition for Cancellation be sustained in Petitioner’s favor.

Date: August 17, 2015
Respectfully submitted,
EDGE GAMES, INC.
In *Pro Se*

By: /s/ Tim Langdell
Dr. Tim Langdell, CEO
Edge Games, Inc.
530 South Lake Avenue, 171
Pasadena, CA 91101
Tel: 626 449 4EDGE (449 4334)
Fax: 626 844 4EDGE (844 4334)
Email: tim@edgegames.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing EDGE GAMES INC'S PETITION FOR CANCELATION OF REGISTRATION NO. 3,713,604 AND ATTACHED DECLARATION BY DR. TIM LANGDELL was served on Registrant Future Publishing Ltd's representative of record via First Class U.S. Mail, postage prepaid on August 17, 2015:

Robert N Phillips
Reed Smith LLP
101 Second Street
Suite 1800
San Francisco
CA 94105

/s/Cheri Langdell _____
Cheri Langdell

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

In the Matter of Registration No. 3,713,604
For the Trademark EDGE
Issued January 26, 1999

EDGE GAMES, INC.)	
a California Corporation,)	Cancellation No.
)	
Petitioner)	
)	
v.)	
)	
FUTURE PUBLISHING LTD.)	
a UK Corporation)	
)	
Registrant)	
_____)	

**DECLARATION OF DR. TIM LANGDELL IN SUPPORT OF
PETITIONER'S PETITION FOR CANCELLATION**

1. I am the CEO of the Petitioner corporation, Edge Games, Inc. ("Petitioner"), which is in *pro se* in these proceedings. The matters set forth in this declaration are based on my personal knowledge, except where otherwise indicated, and if called as a witness I could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of Registrant's filing in the related Opposition proceedings: APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES.

3. Attached hereto as **Exhibit B** is a true and correct copy of Registrant's applications in the related opposition proceeding showing the applications were made on an *Intent to Use* basis.

4. Attached hereto as **Exhibit C** is a true and correct copy of Registrant's 2009 filing to renew the registration under Sections 8 and 9.

5. I confirm that in Registrant's response to interrogatories in the related opposition proceedings (See **Exhibit A**), Registrant made clear that it has no proof of using the mark EDGE in United States commerce. Further, as can be seen, Registrant goes so far as to state that it does not even track U.S. marketing and sales activity separate from its other sales and marketing activity worldwide.
6. I confirm that the specimens that Registrant submitted to the USPTO in support of its 2009 filing under Sections 8 and 9 are known to me to be copies of the UK magazine covers published by Registrant. To the best of my knowledge, such magazines, clearly stated to be for sale in British Pounds Sterling, are not actively sold in United States commerce either through any major U.S. stores or through any other major channel of inter-state trade. In regard to the third specimen exhibited by Registrant, I believe the bar code in the upper right corner to be a type used in UK commerce but *not* in U.S. commerce.
7. I confirm that in 2008 Edge Games Inc entered into a dispute with a company called Velocity Micro Inc in the Federal District Court in Virginia. The result of that action was a Final Order in favor of Petitioner dated December 2008, against Velocity, which final order determined that Petitioner has genuine and sustaining rights in the mark EDGE for video and computer game related products for the U.S., that Petitioner had acquired those rights validly (no fraud on the USPTO) and had not at any time abandoned its use of the mark EDGE through non-use at any time from 1984 to that date. This December 2008 court order confirmed that Petitioner has a valid claim to priority of rights in the mark EDGE for all video and computer game related goods and services in the U.S. market.
8. I confirm that in the 1996 Settlement and License executed by Registrant and Petitioner, said agreement barred Registrant from using the mark EDGE in U.S. commerce. I further confirm that under that

1996 settlement and license, all permitted worldwide use that Registrant made of the mark EDGE for computer game magazines or related goods and services, had all good will arising from such use by Registrant inuring to and vesting in Petitioner (not Registrant).

9. I further confirm that on October 15, 2004 Petitioner agreed to assign to Registrant a limited part of its class 16 printed matter rights in the mark EDGE, solely for printed game magazines. I also confirm that it was Petitioner's clear understanding that since the 2004 agreement now permitted Registrant to make first ever use of the mark EDGE in U.S. commerce, that Registrant would use the assigned mark to launch a U.S. version of their "EDGE" brand game magazine, specifically for the U.S. market and to be sold in U.S. dollars. And that it was Petitioner's understanding that if having acquired the class 16 rights Registrant then failed to make genuine use of the mark in U.S. commerce, that said rights would revert to Petitioner.
10. I also confirm that to the best of my knowledge, despite the assurances given to Petitioner when it agreed to assign the class 16 rights to Registrant, in fact Registrant never did make even first use of the acquired class 16 rights by publishing a dedicated U.S. version of its "EDGE" magazine, sold in U.S. dollars.
11. I further confirm that dilution was a key concern of Petitioner when it entered into both the 1996 and 2004 agreements with Registrant. In the first agreement dilution was addressed by all right, title, interest and good will arising from Registrant's use of the EDGE mark vesting solely in Petitioner worldwide. In the 2004 agreement, even though Petitioner agreed to assign a small portion of its class 16 rights in the mark EDGE to Registrant, it did so on the strict understanding that the parties would minimize any potential dilution or confusion by referring to the parties both marketing the same "EDGE" brand – not two separate EDGE brands. This was specifically stated as an inter-party

goal in the 2004 agreement, yet despite this fact, Registrant persistently failed to adhere to the agreement and either failed to make the promised use of the mark (as in the case of the U.S. market) or elsewhere in the world steadfastly refused to associate its use of the mark EDGE with Petitioner's mark EDGE (even going so far as to deliberately falsely allege no connection between Future and Edge Games).

12. Because Petitioner had made actual use of the mark EDGE in class 16 prior to the 2004 assignment in which part of the class 16 rights were transferred to Registrant, for this reason Registrant acquired a registration that was based on use rather than one based on intent to use. But this was an artificial state of affairs, since any actual genuine use of the EDGE mark prior to October 15, 2004 had been by Petitioner, with no good will arising from the U.S. market being assigned to Registrant in regard to the assigned goods and thus it was incumbent on Registrant to make actual use of the EDGE mark itself in U.S. commerce, and not merely rest on the laurels, as it were, of Petitioner's historic ownership of the Class 16 rights in EDGE. Thus there can be no doubt that Registrant abandoned the instant mark due to a failure to actively made genuine use of it between acquiring it in 2004 and the current day, or by ceasing use for at least 3 (or 5, as may be called for by statute or trademark law) continuous years in the past 11 years since Registrant first acquired the mark.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of August 2015.

By: /s/ Tim Langdell

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

EXHIBIT A

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

EDGE GAMES, INC.,	:	
	:	
Opposer,	:	Opposition No. 91214673
	:	
vs.	:	
	:	
	:	Application Serial Nos. 85153958 and
	:	85153981
FUTURE PUBLISHING LTD.,	:	
	:	
	:	
Applicant.	:	

**APPLICANT’S RESPONSES TO
OPPOSER’S AMENDED FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the U.S. Trademark Rules of Practice, Applicant, Future Publishing Ltd. (“Future”), hereby responds to Opposer, Edge Games Inc.’s (“Opposer”), First Set of Interrogatories.

PRELIMINARY STATEMENT

Future’s objections and responses are based upon information now known and available to it that it believes to be relevant to the subject matter covered by the interrogatories. At a later time, Future may acquire additional information, or discover information currently in its possession, bearing upon the interrogatories and Future’s objections and responses thereto.

Without in any way obligating itself to do so, Future reserves the rights: (a) to revise, supplement or amend these objections and responses based upon any information, evidence, documents, facts and things which hereafter may be discovered, or the relevance of which hereafter may be discovered; and (b) to produce, introduce or rely upon additional or subsequently acquired or discovered writings, evidence and information at any future hearing, trial, deposition and/or other proceeding in this TTAB action.

OBJECTIONS APPLICABLE TO EACH INTERROGATORY

1. Future objects to each interrogatory to the extent that it calls for the production of information that is protected by the attorney-client privilege, work product doctrine, or other applicable privilege or protection. Such privileged information will not be provided and any inadvertent disclosure thereof shall not be deemed a waiver of any privilege or immunity.

2. Future objects to each interrogatory to the extent that it calls for the production of information that is the subject of a third party confidentiality agreement, protective order in another action, or similar restriction. (Future is prepared to work in good faith to address any such restrictions as and when appropriate.)

3. Future objects to each interrogatory to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4. Future objects to each interrogatory to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Federal Rules of Civil Procedure or the U.S. Trademark Rules of Practice.

5. Future objects to each interrogatory to the extent that it is overbroad, unduly burdensome, harassing or oppressive.

6. Future objects to each interrogatory to the extent that it is vague and ambiguous.

7. Future objects to each interrogatory to the extent that it seeks information that is a matter of public record or is as easily accessible to Opposer as it is to Future.

8. Future objects to each interrogatory to the extent that it seeks information that is already within Opposer's possession, custody or control.

9. Future objects to each interrogatory to the extent that it seeks to impose on Future the obligation to produce information that is not within Future's possession, custody or control.

10. Future objects to each interrogatory to the extent that it requires the production of backup data, raw data or other pure and un-interpreted data to the extent that such requests are overbroad, costly, unduly burdensome and/or seek information that is not relevant to any claim or defense asserted in this matter.

11. Future objects to each interrogatory to the extent that it is compound.

12. Future objects to each interrogatory to the extent that it is repetitive and duplicative.

13. Future objects to each interrogatory to the extent that it calls for information in which current or former employees of Future and/or third parties may have legitimate expectations or rights to privacy under applicable law.

14. Future objects to each interrogatory to the extent that it purports to require Future to produce confidential and proprietary information prior to the entry of a protective order in this proceeding.

15. Future objects to each interrogatory on the grounds and to the extent that Opposer has exceeded the limits imposed by the U.S. Trademark Rules of Practice and/or Federal Rules of Civil Procedure on the number of interrogatories that may be served.

16. Future objects to each interrogatory to the extent it is duplicative of other discovery requests.

17. Future objects to all introductory instructions and definitions to Opposer's Amended First Set of Interrogatories to the extent the instructions and definitions purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific interrogatory on the ground that such enlargement, expansion, or alteration renders said interrogatory vague, ambiguous, unintelligible, unduly broad, and/or uncertain.

18. Future's specific objections to each interrogatory shall not be construed to be a waiver of any of the general objections interposed herein, and shall not be deemed a waiver of any of Future's rights and remedies in connection with each interrogatory.

19. Each and every one of these General Objections is incorporated by this reference into each and every one of the Responses set forth below.

RESERVATION OF RIGHTS

All responses to the following interrogatories are made without in any way waiving any rights but, on the contrary, intending to reserve and reserving:

(a) All questions as to competency, relevancy, materiality, privilege and admissibility for any purpose in any subsequent proceeding or the trial of this or any proceeding or action;

(b) The right to object on any grounds to the use of any of the information produced, or the subject matter thereof, in any subsequent proceeding or the trial of this or any other proceeding;

(c) The right to object on any grounds at any time to a demand for further responses to these or any other requests or other discovery proceedings involving or relating to the subject matter of the requests herein answered; and

(d) The right at any time to revise, correct, supplement, clarify and/or amend the responses and objections set forth herein.

OBJECTIONS TO DEFINITIONS

1. Future objects to the definition of “Documents,” on the grounds and to the extent that it is overbroad, vague, ambiguous, unduly burdensome and purports to impose on Future a duty to respond greater than that imposed by the Federal Rules of Civil Procedure and/or U.S. Trademark Rules of Practice.

2. Future objects to the definition of “Identify” and “State the identify of,” on the grounds and to the extent that it is overbroad, vague, ambiguous, unduly burdensome and purports to impose on Future a duty to respond greater than that imposed by the Federal Rules of Civil Procedure and/or U.S. Trademark Rules of Practice.

3. Future objects to the definition of the “EDGE Mark” as vague, ambiguous and uncertain on the grounds and to the extent it includes the phrase “includes any and all marks comprising EDGE alone or in combination, or any similar mark.”

AMENDED FIRST SET OF INTERROGATORIES 1-24

INTERROGATORY NO. 1

Identify the officer of Applicant instructing Applicant’s attorneys, giving the officer’s name, address, title and duties with respect to Applicant. If the person instructing Applicant’s attorneys is not an officer of Applicant, then state who that person is, including their name, position, firm or company, address, and duties in regard to this matter.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the

attorney client and/or work product privileges. Subject to and without waiver of the foregoing objections and its General Objections, Future identifies the following individual in response to Interrogatory No. 1:

Matthew Burton
Group Financial Controller,
Future Publishing Limited,
Quay House, The Ambury,
Bath, BA1 1UA, UK.

INTERROGATORY NO. 2

Identify each product and/or service using or incorporating the mark “EDGE” sold or provided by Applicant in the United States prior to October 15, 2010.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it includes an overly broad time period of “prior to October 15, 2010” and thus does not specify a reasonable time period for which responsive information is requested. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future identifies the following product and/or services in response to Interrogatory No. 2: (a) print magazine ‘Edge;’ (b) initial website at www.next-gen.biz, featuring content from the print title; and (c) subsequent website for ‘Edge’ magazine www.edge-online.com. “Edge-online” is now incorporated within the website, www.gamesradar.com.

INTERROGATORY NO. 3

Identify the dates during which each product and/or service identified by you in response to the above Interrogatory No. 2 above was sold or provided.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it includes an overly broad time period of “prior to October 15, 2010” and thus does not specify a reasonable time period for which responsive information is requested. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future launched ‘Edge’ magazine in the UK in October 1993 and the first print issue of ‘Edge’ magazine to be exported to the United States had an on-sale date of approximately February 17, 2005. The print version of ‘Edge’ magazine has been sold in the United States continuously since that date. In June 2005, Future launched its website www.next-gen.biz, featuring the contents of ‘Edge’ magazine. Subsequently, in July 2008, Future moved the magazine’s website to the domain www.edge-online.com. In 2015, “Edge-online” was incorporated within the website, www.gamesradar.com.

INTERROGATORY NO. 4

Identify the annual sales for each year prior to October 2010 each product and/or service identified by you in response to the above Interrogatory No. 2 was sold or provided.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production

of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future objects to this interrogatory to the extent that it requires the production of backup data, raw data or other pure and un-interpreted data to the extent that such request is overbroad, costly, unduly burdensome and/or seeks information that is not relevant to any claim or defense asserted in this matter. Future further objects to this interrogatory on the grounds and to the extent that it includes an overly broad time period of “prior to October 2010” and thus does not specify a reasonable time period for which responsive information is requested. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future does not specifically track ‘Edge’ magazine’s U.S. sales and revenue. By way of further response to Interrogatory No. 4, Future’s worldwide total revenue for its ‘Edge’ brand in fiscal years 2001-2010 were as follows:

Year	Total Revenue
2001	£1,629,634
2002	£1,679,134
2003	£1,594,824
2004	£1,481,576
2005	£1,601,194
2006	£1,722,549
2007	£2,164,265
2008	£2,239,515
2009	£2,034,485
2010	£1,996,659

INTERROGATORY NO. 5

Identify the amount spent annually for each year prior to October 2010 on advertising each product and/or service identified by you in response to the above Interrogatory No. 2.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it includes an overly broad time period of “prior to October 2010” and thus does not specify a reasonable time period for which responsive information is requested. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future does not specifically track its promotional and advertising spend for ‘Edge’ magazine in the United States. By way of further response to Interrogatory No. 5, Future’s total worldwide promotional spend for its ‘Edge’ brand in fiscal years 2001-2010 were as follows:

Year	Total Promotional Spend
2001	£10,749
2002	£49,059
2003	£31,788
2004	£29,207
2005	£44,857
2006	£61,995
2007	£85,634
2008	£90,083
2009	£70,837
2010	£86,945

INTERROGATORY NO. 6

State the exact date(s) on which Applicant will rely as to when its use of the mark “EDGE” commenced in connection with the sale or distribution in the United States of each product and/or service specified in answer to above Interrogatory No. 2, and indicate the geographic location associated with each alleged first use of the mark “EDGE” in US commerce.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Future also objects to this interrogatory to the extent that it is compound and/or to the extent that it is repetitive and duplicative. Subject to and without waiver of the foregoing objections and its General Objections, Future incorporates herein by reference its response to Interrogatory No. 3.

INTERROGATORY NO. 7

Identify all documents, purchase orders, invoices, labels, flyers, brochures, other advertising or any writing whatsoever which Applicant will rely upon to establish the date(s) specified in answer to above Interrogatory No. 6.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer.

INTERROGATORY NO. 8

With respect to the first use(s) of EDGE in connection with the sale of each product and/or provision of service identified in above Interrogatory No. 6, state whether Applicant sold or provided said product or service itself, or whether it used a licensee or intermediary. If the latter, then indicate the name of said intermediary or licensee, together with the name of Applicant's main contact at that entity, and their address.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future used Source Interlink Distribution located at 27500 Riverview Center Blvd., Bonita Springs, Florida 34134 and its associated company, Retail Vision Inc., as an intermediary to distribute the print version of 'Edge' magazine in the U.S. marketplace.

INTERROGATORY NO. 9

With respect to the first use(s) of EDGE in connection with the sale of each product and/or provision of service identified in above Interrogatory No. 6, state whether sale of goods or provision of service has been continuous in the United States since the date(s) provided by you for first use.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not

likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Future objects to this interrogatory to the extent that it is repetitive and duplicative. Subject to and without waiver of the foregoing objections and its General Objections, Future states that since on or around February 2005, the print version of 'Edge' magazine has been continuously sold in the United States marketplace. The online version of 'Edge' magazine has been continuously accessible in the U.S. through the Internet since July 2008. By way of further response, Future incorporates herein by reference its response to Interrogatory No. 3.

INTERROGATORY NO. 10

If the answer to Interrogatory No. 9 is in the negative, state the periods of time during which the mark EDGE was not used by Applicant in connection with the sale of each product and/or service identified by you in response to Interrogatory No. 2.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Subject to and without waiver of the foregoing objections and its General Objections, no response is required from Future and Future incorporates herein by reference its response to Interrogatory No. 9.

INTERROGATORY NO. 11

State why Applicant selected the term EDGE as a trademark in the United States for each product and/or service specified in Classes 9, 35, 38, and 41 of Applications Nos. 85153958 and 85153981 and explain in detail how each the mark was decided upon before use including the name of the person who made that decision on behalf of Applicant.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future objects to this interrogatory to the extent that it purports to require Future to produce confidential and proprietary information. Subject to and without waiver of the foregoing objections and its General Objections, Future states that it has been using the mark EDGE in connection with print magazines since 1993 and in the US since 2005. In 2010, in response to developments in digital publishing technology, Future made the business decision to expand its then-existing titles and publications, including but not limited to, the ‘Edge’ magazine into a digital format. Commensurate with its plans to launch ‘Edge’ and other magazines and publications into a digital format, Future applied for trademark registrations for the mark EDGE in the United States Patent and Trademark Office to protect its digital expansion and branding of ‘Edge’ magazine.

INTERROGATORY NO. 12

Identify the person employed by Applicant who was primarily responsible for selecting the mark EDGE as a product and/or service mark for the U.S. market.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production

of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future objects to this interrogatory to the extent that it calls for information in which current or former employees of Future and/or third parties may have legitimate expectations or rights to privacy under applicable law. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Subject to and without waiver of the foregoing objections and its General Objections, Future is not aware of any non-privileged information that is responsive to this interrogatory.

INTERROGATORY NO. 13

Identify all documents in the possession, custody or control of Applicant 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, 35, 38, and 41 of Applications Nos. 85153958 and 85153981 where such documents may be reasonably assumed by Applicant to be relevant to the instant proceedings.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future objects to this interrogatory to the extent that it calls for information in which current or former employees of Future and/or third parties may have legitimate expectations or rights to privacy

under applicable law. Future objects to this interrogatory to the extent that it purports to require Future to produce confidential and proprietary information. Future objects to this interrogatory to the extent that it is repetitive and duplicative. Subject to and without waiver of the foregoing objections and its General Objections, Future states that it has been using the mark EDGE in connection with print magazines since 1993. Future's business decision in 2010 to expand its then existing titles and publications, including but not limited to, the 'Edge' magazine into a digital format was made on the basis of strategic discussions at Future, and in particular recommendations by Future's internal digital strategy committee, referred to as the Digital Action Group. Future also incorporates herein by reference its response to Interrogatory No. 11. By way of further response and pursuant to Fed. R. Civ. P. 33(d), Future will produce non-privileged documents relating to the Digital Action Group, to the extent any such documents relate specifically to Future's decision to expand 'Edge' magazine beyond a print format.

INTERROGATORY NO. 14

Identify and describe the channels of trade in the United States of each product and/or service specified in 9, 35, 38, and 41 of Applications Nos. 85153958 and 85153981 marketed under the designation EDGE.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, the non-downloadable contents of 'Edge' magazine is accessible in the U.S. through Future's current website,

www.gamesradar.com. The downloadable version (*i.e.* digital version of the print edition) of ‘Edge’ magazine is currently sold through digital platform retailers, namely Apple, Google, Amazon, Barnes and Nobles and Zinio, amongst others.

INTERROGATORY NO. 15

Identify all purchasers by class (e.g., retailers, general public) of each product and/or service specified in Classes 9, 35, 38, and 41 of Applications Nos. 85153958 and 85153981 marketed under the designation EDGE.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future identifies the following classes of purchasers for ‘Edge’ magazine:

- Digital platform retailers: Apple, Google, Amazon, Barnes and Nobles and Zinio; and
- The general public.

INTERROGATORY NO. 16

Identify all advertisers or media that Applicant employed to market any product or service in the US market prior to October 2010.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not

likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Future objects to this interrogatory to the extent that it is repetitive and duplicative. Subject to and without waiver of the foregoing objections and its General Objections, Future advertised the digital version of 'Edge' magazine through the websites identified in response to Interrogatory No. 3, which is incorporated herein by reference. The print version of 'Edge' magazine was advertised in print media and by in-store retailer promotions.

INTERROGATORY NO. 17

Identify any contract or agreement executed by or on behalf of Applicant that gave Applicant a perpetual irrevocable license to sell goods or provide services specified in Classes 9, 35, 38, and 41 of Applications Nos. 85153958 and 85153981 in respect to the United States territory. Include in your response the nature of that document and when it was executed.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future objects to this interrogatory to the extent that it purports to require Future to produce confidential and proprietary information. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to

Opposer. Subject to and without waiver of the foregoing objections and its General Objections, the only agreements that Future has entered into that refers to licenses for the EDGE mark were the two agreements that Future entered into with Opposer and that Opposer is aware of, and that have been terminated.

INTERROGATORY NO. 18

Identify any study, research, focus group, testing or similar validation procedure employed by Applicant or any person or entity at Applicant's request or on behalf of Applicant relating to the mark EDGE and use of such mark in US commerce.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future objects to this interrogatory to the extent that it purports to require Future to produce confidential and proprietary information. Subject to and without waiver of the foregoing objections and its General Objections, Future is not aware of any non-privileged information that is responsive to Interrogatory No. 18.

INTERROGATORY NO. 19

Describe in detail all instances of actual confusion known to Applicant between the source of Opposer's products and/or services and each product and/or service specified in Classes 9, 35, 38, and 41 of Applications Nos. 85153958 and 85153981, identifying all documents in the possession, custody or control of Applicant relating to each such instances of reported confusion.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production

of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future is not aware of any instances of actual confusion where a consumer believed that Future's products or services specified in Classes 9, 35, 38, and 41 of Applications Nos. 85153958 and 85153981 emanate from Opposer.

INTERROGATORY NO. 20

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.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future objects to this interrogatory to the extent that it purports to require Future to produce confidential and proprietary information. Subject to and without waiver of the foregoing objections and its

General Objections, Future is not aware of any non-privileged information that is responsive to Interrogatory No. 20.

INTERROGATORY NO. 21

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 Applicant's lawyers or their representatives).

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future objects to this interrogatory to the extent that it purports to require Future to produce confidential and proprietary information. Subject to and without waiver of the foregoing objections and its General Objections, Future identifies the following individuals:

- Sarah Hill, Commercial Solicitor (Interrogatory Nos. 1-24)
- Andy Williams, Business Intelligence Team (Interrogatory Nos. 3, 6, 8 and 9)
- Adam Snell, Business Intelligence Team (Interrogatory No. 3 and 9)
- Robert Wittmaack, Finances (Interrogatory Nos. 4 and 5)

INTERROGATORY NO. 22

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

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, uncertain, overbroad, unduly burdensome and oppressive, and calls for the

production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future objects to this interrogatory to the extent that it is repetitive and duplicative. Future objects to this interrogatory to the extent that it calls for information in which current or former employees of Future and/or third parties may have legitimate expectations or rights to privacy under applicable law.

INTERROGATORY NO. 23

Identify any third party with which Applicant has discussed these proceedings and which Applicant reasonably expects to introduce either a witness statement from or other evidence or testimony from of any kind at trial in this matter, indicating with specificity the identity of the person at that third party entity with whom Applicant has had contact, along with the entity's name and address.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future further objects to this interrogatory on the grounds and to the extent that it calls for the production of information protected by the attorney client and/or work product privileges. Future further objects to as overbroad and premature to the extent it seeks information that will be the subject of expert testimony. Subject to and without waiver of the foregoing objections and its General Objections, Future has not yet identified any third party witnesses. Future will identify

those witnesses pursuant to the Board's schedule for such disclosures and submissions and/or an agreement by the parties to a schedule for the mutual exchange of such information.

INTERROGATORY NO. 24

Identify the extent of Applicant's awareness of Opposer's use (or any use by any licensee of Opposer) of the mark EDGE in U.S. commerce prior to October 15, 2010. In each case identify everything that Applicant was aware of regarding such use as it may reasonably be deemed to pertain to these proceedings.

RESPONSE: Future objects to this interrogatory on the grounds and to the extent that it is vague, ambiguous, overbroad, unduly burdensome and oppressive, and calls for the production of information that is not relevant to any claim or defense asserted in this proceeding, and is not likely to lead to the discovery of admissible evidence. Future further objects to this interrogatory on the grounds and to the extent that it purports to impose upon Future a duty to respond greater than that imposed by the Trademark Rules of Practice and the Federal Rules of Civil Procedure. Future objects to this interrogatory to the extent that it is repetitive and duplicative. Future further objects to this interrogatory on the grounds that it seeks information that is publicly available or may be obtained from sources equally available to Opposer. Subject to and without waiver of the foregoing objections and its General Objections, Future is aware of Opposer through its prior dealings with Opposer, but Future does not believe that Opposer has made bona fide use of the EDGE mark in U.S. commerce.

REED SMITH LIP

Dated: April 6, 2015

By: /s/ Robert N. Phillips /
Robert N. Phillips
Reed Smith LLP
101 Second Street
San Francisco, CA 94105
Tel: (415) 543-8700
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Email: rphillips@reedsmith.com
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Email: jcullis@reedsmith.com

Attorneys for Applicant
Future Publishing Limited

EXHIBIT B

Trademark/Service Mark Application, Principal Register

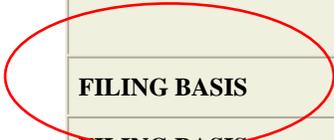
Serial Number: 85153981

Filing Date: 10/15/2010

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85153981
MARK INFORMATION	
*MARK	EDGE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EDGE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Future Publishing Limited
*STREET	Beauford Court, 30 Monmouth Street, Bath
*CITY	Avon
*COUNTRY	United Kingdom
*ZIP/POSTAL CODE (Required for U.S. applicants only)	BA12BW
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
	Downloadable electronic publications in the nature of magazines relating to computer

*IDENTIFICATION	game software and computer hardware; printed publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; electronic publications in the nature of magazines relating to computer game software and computer hardware.
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	2552147
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	07/05/2010
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	035
*IDENTIFICATION	Advertising, promotional and marketing services for others; computerised electronic on-line retail store services featuring computer games software and computer hardware.
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	2552147
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	07/05/2010
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	038
*IDENTIFICATION	Providing on-line chat rooms, electronic bulletin boards and discussion groups for transmission of messages among computer users concerning computer game software



	and computer hardware.
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	2552147
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	07/05/2010
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	041
*IDENTIFICATION	Providing on-line electronic publications (non-downloadable); publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software.
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	2552147
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	07/05/2010
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
ATTORNEY INFORMATION	
NAME	James R. Cady
FIRM NAME	Howrey LLP
STREET	1950 University Avenue, 4th Floor

CITY	East Palo Alto
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94303
PHONE	(650) 798-3500
FAX	(650) 798-3600
EMAIL ADDRESS	IPDOCKETING@HOWREY.COM
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOMESTIC REPRESENTATIVE INFORMATION	
NAME	James R. Cady
FIRM NAME	Howrey LLP
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CITY	East Palo Alto
STATE	California
COUNTRY	United States
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PHONE	(650) 798-3500
FAX	(650) 798-3600
EMAIL ADDRESS	IPDOCKETING@HOWREY.COM
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	James R. Cady
FIRM NAME	Howrey LLP
STREET	1950 University Avenue, 4th Floor
CITY	East Palo Alto
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94303
PHONE	(650) 798-3500
FAX	(650) 798-3600

EMAIL ADDRESS	IPDOCKETING@HOWREY.COM
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	4
FEE PER CLASS	325
*TOTAL FEE DUE	1300
*TOTAL FEE PAID	1300
SIGNATURE INFORMATION	
SIGNATURE	NOT PROVIDED
SIGNATORY'S NAME	NOT PROVIDED
SIGNATORY'S POSITION	NOT PROVIDED
DATE SIGNED	NOT PROVIDED

Trademark/Service Mark Application, Principal Register

Serial Number: 85153981

Filing Date: 10/15/2010

To the Commissioner for Trademarks:

MARK: EDGE (Standard Characters, see [mark](#))

The literal element of the mark consists of EDGE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Future Publishing Limited, a limited liability company legally organized under the laws of United Kingdom, having an address of

Beauford Court, 30 Monmouth Street, Bath

Avon BA12BW

United Kingdom

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Downloadable electronic publications in the nature of magazines relating to computer game software and computer hardware; printed publications in electronically readable form, namely, magazines relating to computer game software and computer hardware; electronic publications in the nature of magazines relating to computer game software and computer hardware.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on United Kingdom application number 2552147, filed 07/05/2010. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

International Class 035: Advertising, promotional and marketing services for others; computerised electronic on-line retail store services featuring computer games software and computer hardware.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on United Kingdom application number 2552147, filed 07/05/2010. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

International Class 038: Providing on-line chat rooms, electronic bulletin boards and discussion groups for transmission of messages among computer users concerning computer game software and computer hardware.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on United Kingdom application number 2552147, filed 07/05/2010. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

International Class 041: Providing on-line electronic publications (non-downloadable); publication of magazines, books and journals on-line; publication of magazines; publication of printed matter relating to computer games software and computer hardware; on-line journals, namely, blogs featuring commentary, news and information relating to computer game software and computer hardware; providing information on-line relating to computer game software.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on United Kingdom application number 2552147, filed 07/05/2010. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

The applicant's current Attorney Information:

James R. Cady of Howrey LLP
1950 University Avenue, 4th Floor
East Palo Alto, California 94303
United States

The applicant hereby appoints James R. Cady of Howrey LLP
1950 University Avenue, 4th Floor
East Palo Alto California 94303
United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be

served.

The applicant's current Correspondence Information:

James R. Cady

Howrey LLP

1950 University Avenue, 4th Floor

East Palo Alto, California 94303

(650) 798-3500(phone)

(650) 798-3600(fax)

IPDOCKETING@HOWREY.COM (authorized)

A fee payment in the amount of \$1300 has been submitted with the application, representing payment for 4 class(es).

RAM Sale Number: 3071

RAM Accounting Date: 10/18/2010

Serial Number: 85153981

Internet Transmission Date: Fri Oct 15 16:40:41 EDT 2010

TEAS Stamp: USPTO/BAS-12.94.77.70-201010151640410437

03-85153981-470a03290930135cd1c765332ff5

e1b188-DA-3071-20101015163148767638

EDGE

EXHIBIT C

July 13, 2009

DIRECT DIAL 650.798.3617
E-MAIL: CADYJ@HOWREY.COM
FILE 11321.0009.TMUS00

BY POST

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

Re: Combined Declaration of Use and Application for Renewal
Mark: EDGE
Registration No.: 2219837
Applicant: Future Publishing Ltd

Dear Sir or Madam:

Enclosed please find the following:

1. This transmittal letter (in duplicate);
2. Combined Declaration of Use and Application for Renewal Under Section 8 & 9;
3. Specimen showing the mark as used in commerce on or in connection with the goods; and
4. A self-addressed stamped postcard to evidence receipt of the Combined Declaration of Use and Application for Renewal Under Section 8 & 9 and evidence.

Please charge all necessary government fees or credit any overpayment to Deposit Account No. 08-3038, reference 11321.0009.TMUS00/J. Cady.

Please return the enclosed postcard to evidence receipt of the above-referenced documents.

Very truly yours,


James R. Cady



07-16-2009

/rfr
Enclosures

U.S. Patent & TMO/™ Mail Rept. Dt. #72

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on the date below:

July 13, 2009

Date

Ro RENOJO

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

Registrant: Future Publishing Ltd.

Post-Registration Division

Reg. No.: 2219837

Registered: January 26, 1999

Atty. Docket No.: 11321.0009.TMUS00

Mark: EDGE

Class: 16

COMBINED DECLARATION OF USE AND APPLICATION FOR RENEWAL
UNDER SECTIONS 8 & 9

Future Publishing Ltd., residing at Beauford Court, 30 Monmouth Street, Bath BA1 2BW, United Kingdom ("Future" or "Registrant") is the partial owner of United States Trademark Registration No. 2219837 for the mark EDGE in Class 16. By virtue of the partial assignment of this mark to Future, as correctly recorded on 28 October 2005 at Reel/Frame No. 3183/0862, Future's ownership in this registration extends to the following goods: "printed matter and publications, namely magazines, newspapers, journals and columns and sections within such magazines, newspapers and journals, all in the fields of business, entertainment, and education relating to computers, computer software, computer games, video games, hand-held games and other interactive media."

Future or its related company or licensee is using the mark in commerce or in connection with the following goods listed in the portion of the registration that it owns:

International Class 16: Printed matter and publications, namely magazines, newspapers, journals and columns and sections within such magazines, newspapers and journals, all in the fields of business, entertainment, and education relating to computers, computer software, computer games, video games, hand-held games and other interactive media.

Future is submitting one specimen showing the mark as used in commerce on or in connection with the goods, consisting of a photocopy of registrant's goods displaying the mark.

Future requests that its portion of the registration be renewed for the goods identified above.

The United States Patent & Trademark Office is hereby authorized to withdraw \$700 from Deposit Order Account No. 08-3038 as payment for the application for renewal and declaration of continued use. Please reference Attorney Docket No.: 11321.0009.TMUS00.

Please direct correspondence regarding the renewal of Future's portion of Registration No. 2219837 to the following attorney and address;

James R. Cady
Howrey LLP
1950 University Avenue, 4th Floor
East Palo Alto, CA 94303

DECLARATION

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature:  Date: 2/26/09

Signatory's Name: G. MARBING

Signatory's Title: FINANCE DIRECTOR

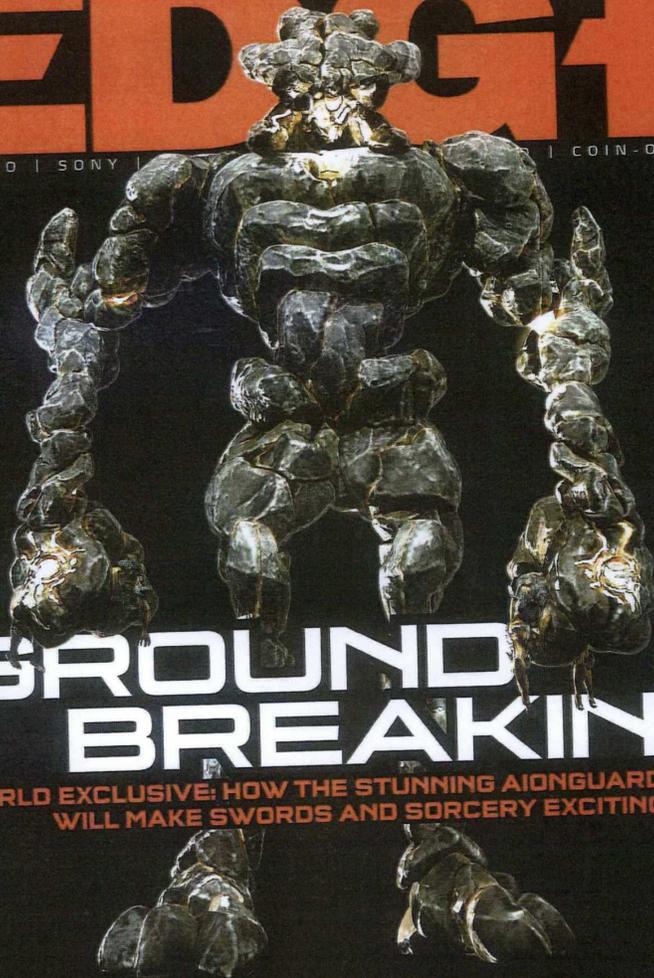
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21 REVIEWS INCLUDING

RESISTANCE 2, MIRROR'S EDGE,
TOMB RAIDER: UNDERWORLD,
CALL OF DUTY: WORLD AT WAR,
GEARS OF WAR 2, ENDWAR,
LEFT 4 DEAD, FALLOUT 3,
GUITAR HERO: WORLD TOUR
& BANJO-KAZOOIE: NUTS & BOLTS



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The best of 2008
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 hail the games,
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 of the year

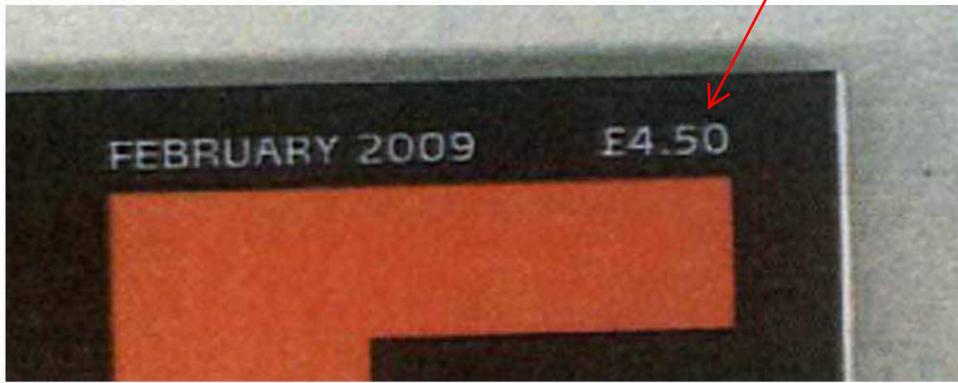
Uncharted 2

The return of PS3's coolest action hero

PS3's Home truths
 Examining the foundations of Sony's ambitious virtual world

Platform perfection
 How Jordan Mechner made '80s classic Prince Of Persia

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 PATAPON 2 CRASH COMMANDO YOU'RE IN THE MOVIES SONIC UNLEASHED GTI CLUB ASTRO TRIPPER
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