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

Proceeding	91222357
Party	Defendant Samsung Electronics Co., Ltd.
Correspondence Address	DIANE J MASON LECLAIRRYAN 44 MONTGOMERY ST FL 31 SAN FRANCISCO, CA 94104-4705 UNITED STATES trademarksf@leclairryan.com
Submission	Opposition/Response to Motion
Filer's Name	Diane J. Mason
Filer's e-mail	diane.mason@leclairryan.com
Signature	/djm/
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Attachments	Opposition to Opposer's Motion to Compel (Apr 4, 2016).pdf(290017 bytes ) Declaration in Support of Opposition to Opposer's Motion to Compel (Apr 4, 2016).pdf(55155 bytes ) Exhibit_A.pdf(155609 bytes ) Exhibit_B.pdf(212968 bytes ) Exhibit_C.pdf(551737 bytes ) Exhibit_D.pdf(601077 bytes ) Exhibit_E.pdf(31557 bytes ) Exhibit_F.pdf(134064 bytes ) Exhibit_G.pdf(143857 bytes ) Exhibit_H.pdf(24029 bytes ) Exhibit_I.pdf(171295 bytes ) Exhibit_J.pdf(18821 bytes ) Exhibit_K.pdf(22053 bytes )

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

In the matter of Application No. 86/527451  
Mark: S6 EDGE

<b>EDGE Games Inc.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	<b>Opposition No. 91222357 (Parent)</b>
<b>v.</b>	)	
	)	
<b>Samsung Electronics Co., Ltd,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

In the matter of Application No. 86/675374  
Mark: S6 EDGE+

<b>EDGE Games Inc.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	<b>Opposition No. 91224787</b>
<b>v.</b>	)	
	)	
<b>Samsung Electronics Co., Ltd,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

**SAMSUNG'S OPPOSITION TO OPPOSER'S**  
**MOTION TO COMPEL**

SAMSUNG ELECTRONICS CO., LTD. ("SAMSUNG" or "Applicant") submits this Memorandum of Law in opposition to the motion to compel discovery served March 14, 2016 (the "Motion to Compel") by opposer EDGE Games Inc. ("EGI" or "Opposer"). Opposer misrepresents its attempts to engage in reasonable discovery in this matter. In fact, Opposer failed to engage in any meaningful meet and confer discussions and ignored SAMSUNG's offer

to supplement many of the discovery responses at issue on this motion, even though that offer was made in writing before this motion was filed. As a result this motion is premature. Further, for those few discovery requests where the parties have reached a true impasse, Opposer provides no basis for its entitlement to the information requested and fails to address, in any way, SAMSUNG's valid objections to Opposer's overly broad and irrelevant discovery requests.

### **STATEMENT OF FACTS**

#### **A. EGI's Discovery Requests**

On October 3, 2015, Opposer served its first set of Interrogatories and Requests for Production (collectively, "EGI's Discovery Requests") on SAMSUNG. April 4, 2016 Declaration of Diane J. Mason (the "Mason Decl."), Exhibits A and B, respectively. EGI's Discovery Requests included a number of objectionable requests seeking materials irrelevant to this Opposition, and in particular, included numerous requests for information related to: (1) SAMSUNG's awareness or suspicion of an intent to use certain marks by Apple, Inc. ("Apple"); (2) instances of confusion between the S6 EDGE mark and Apple's use of the mark 6S; and (3) unrelated litigations involving unrelated marks. *See id.* at Interrogatories 16-20, 26-27 and 31 and Document Requests 19-23, 28-29 and 33.

#### **SAMSUNG's Objections and Responses and EGI's Failure to Meet and Confer**

On November 5, 2015, SAMSUNG served its Responses to Opposer's First Set of Interrogatories and Responses to Opposer's First Set of Document Requests (collectively, "SAMSUNG's Responses"). Mason Decl., Exhibits C and D, respectively. SAMSUNG's Responses set forth a number of specific and well-supported objections to EGI's Discovery Requests. *See id.*

On November 30, 2015, EGI first requested a meet and confer telephone conference to discuss SAMNSUNG's Responses to EGI's Discovery Requests. Mason Decl., Exhibit E. Subsequently, SAMSUNG made numerous attempts to have a telephone conference to discuss the discovery requests, as evidenced by the correspondence between the parties. Mason Decl., Exhibit F. EGI repeatedly cancelled or missed the scheduled calls. *Id.* Finally, on December 21, 2015, EGI mailed a letter to SAMSUNG outlining alleged deficiencies in SAMSUNG's Responses. Mason Decl., Exhibit G.

On January 4, 2016, EGI made a settlement offer to Samsung, which Samsung ultimately declined. Despite EGI's assertion that Opposer made additional attempts to obtain responses to its December 21 letter, SAMSUNG is not aware of any such attempts and EGI fails to submit any documentary evidence supporting that assertion. In fact, EGI first requested additional follow-up regarding the December 21 letter via an e-mail dated February 29, 2016. Mason Decl., Exhibit H. EGI also asserts that on March 2, 2016, it sent a letter to SAMSUNG indicating that Opposer would be filing a motion to compel. *See* EGI's Motion to Compel at Exhibit H. However, SAMSUNG never received that letter until the submission of this motion and has not to date received the purported amended discovery responses referenced in that letter.

**B. SAMSUNG's Response and Proposal to Supplement**

On March 11, 2016, SAMSUNG e-mailed a letter responding to EGI's December 21 letter. Mason Decl., Exhibit I. In particular, SAMSUNG agreed to supplement certain responses and provided additional details regarding its prior objections. *Id.* SAMSUNG further offered once again to meet and confer regarding the purported deficiencies. *Id.* On that same date, EGI responded requesting SAMSUNG'S availability to meet and confer. Mason Decl., Exhibit J. SAMSUNG promptly offered to be available the next week to discuss. Mason Decl., Exhibit K.

However, EGI ignored this offer to meet and confer and instead proceeded to file the present Motion to Compel without any meet and confer<sup>1</sup>. Indeed, EGI totally ignores SAMSUNG's March 11 letter in the Motion to Compel.

### **ARGUMENT**

**I. For The Vast Majority Of SAMSUNG's Responses, EGI's Motion to Compel Should be Denied as Premature for Failure to Meet and Confer**

EGI's Motion to Compel seeks to compel SAMSUNG to serve supplemental responses to EGI's Discovery Requests, including Interrogatories 1-3, 8, 10, 12, 14, 16-29, 31, and 33-35 and Document Requests 11, 13, 14, 15, 17, 19-22, 28, 29, 33, 35, and 37. First, for all but a few of these requests, EGI's motion is premature because SAMSUNG has either supplemented, or agreed to supplement its responses. Second, the parties have never held a meet and confer to resolve this discovery dispute. Third, EGI's motion seeks supplementation of requests that are irrelevant or overly burdensome. Accordingly, EGI's Motion to Compel should be denied in its entirety.

"Each party has a duty to make a good faith effort to satisfy the reasonable and appropriate discovery needs of its adversary." *See Panda Travel Inc., v Resort Option Enterprises, Inc.*, 94 USPQ2d 1789, 1791 (TTAB 2009). Despite numerous attempts to engage EGI in a telephone conference to attempt to narrow the litany of issues EGI has raised regarding SAMSUNG's Responses, no such conference has taken place because EGI either cancelled or missed each date SAMSUNG tried to arrange for a meet and confer. *See* Mason Decl., Exhibit F. Therefore, EGI's assertions that it diligently attempted to obtain additional responses from

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<sup>1</sup> SAMSUNG filed a motion to compel discovery from EGI on March 11, 2016. Docket Entry # 9. SAMSUNG's good faith effort to resolve the issues subject to its motion to compel, and EGI's failure to comply, are discussed at length in the motion and will not be repeated here.

SAMSUNG is baseless. Instead, the record demonstrates that EGI has been unresponsive and evasive. Accordingly, EGI's Motion to Compel should be denied. *See Varian Associates v. Fairfield-Noble Corp.*, 188 USPQ 581, 584 (TTAB 1975) (applicant's motion to compel denied due to lack of good faith effort to resolve dispute).

Further, EGI's Motion to Compel, filed March 14, completely ignores SAMSUNG's letter dated March 11, 2016 providing responses to the purported deficiencies in SAMSUNG's Responses to the Discovery Requests.<sup>2</sup> *See* Mason Decl., Exhibit I. In particular, SAMSUNG agreed to supplement, or discuss supplementation with respect to, a number of SAMSUNG's Responses that EGI alleges are deficient. Specifically, SAMSUNG provided more specific responses and objections and highlighted the need to meet and confer to narrow the issues. SAMSUNG made these offers on March 11, and that same day EGI suggested a meet and confer, to which SAMSUNG gave a same day affirmative response, with suggested timing. *See* Mason Decl. Exhibits J and K. However, instead of responding to SAMSUNG's confirmation of a meet and confer EGI filed the present motion on March 14, 2016. Docket Entry # 12. The above demonstrates that EGI failed to make a good faith effort to resolve this dispute. Considering that EGI suggested a meet and confer, SAMSUNG agreed, but no such meet and confer occurred because EGI decided to instead file this motion, EGI's Motion to Compel should be denied as premature and in violation of EGI's obligation to meet and confer.

Further, the parties now have sufficient time to try to resolve this dispute without the assistance of the Board in view of Board's Decision to consolidate this proceeding with Opposer's Notice of Opposition against SAMSUNG's Application Serial No. 86/675,374. This

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<sup>2</sup> To the extent that EGI may argue that the Motion to Compel was prepared prior to SAMSUNG'S March 11 letter, such an assertion is belied by EGI's e-mail request on March 11 to meet and confer. *See* Mason Decl., Exhibit J.

consolidated matter now has a discovery close date of July 17, 2016 (Docket Entry # 13), so there is no reason EGI should not be held to its own proposal for a meet and confer with SAMSUNG before the Board is burdened with a motion to compel.

**II. The Parties Have Reached an Impasse on Certain EGI Discovery Requests That Is Ripe for Resolution Now**

Although the vast majority of SAMSUNG's Responses that are contested by EGI in this motion have never been the subject of a meet and confer (which is why this motion as to those requests should be denied), the parties have reached a true impasse on a few requests.

**A. EGI's Requests Seeking Information Relating to Apple Seek Information Irrelevant to this Opposition**

EGI has served a number of document requests seeking information related to Apple. Specifically, EGI's Interrogatories 16-20 and 31 and Document Requests 19-23 and 33, request information and documents related to: (1) SAMSUNG'S awareness or suspicion of Apple's intent to use certain marks; and (2) instances of confusion between the S6 EDGE mark and Apple's use of the mark 6S. These requests lack any relevance to this matter, and further the requests are very broad, making the burden to respond to them undue in view of the lack of relevance. Based on this, SAMSUNG has refused to produce the requested documents, so the dispute as to these requests is ripe for resolution now and Opposer's Motion to Compel responses for any requests for information related to Apple should be denied.

EGI's Interrogatories and Document Requests that seek information related to Apple are as follows:

Interrogatory 16: IDENTIFY when you first became aware that Apple, Inc. intended to release a smart phone known as the "iPhone 4S" following the launch of Apple's "iPhone 4".

Interrogatory 17: IDENTIFY when you first became aware that Apple, Inc. intended to release a smart phone known as the "iPhone 5S" following the launch of Apple's "iPhone 5".

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- Interrogatory 18: IDENTIFY when you first became aware that Apple, Inc. intended to release a smart phone known as the “iPhone 6S” following the launch of Apple’s “iPhone 6”.
- Interrogatory 19: Being first reminded of the importance of honesty in responses, IDENTIFY when you first suspected that Apple, Inc. would likely follow its smart phone known as the “iPhone 5” by a smart phone known as “iPhone 6”.
- Interrogatory 20: Being first reminded of the importance of honesty in responses, IDENTIFY when you first suspected that Apple, Inc. would likely follow its smart phone known as the “iPhone 6” by a smart phone known as “iPhone 6S”.
- Interrogatory 31: IDENTIFY all instances of confusion that you are aware of between APPLICANT’S use of the mark “S6” and Apple, Inc.’s use of the mark “6S” both for smart phones.
- Doc. Request 19: ALL DOCUMENTS relating to when you first became aware that Apple, Inc. intended to release a smart phone known as the “iPhone 4S” following the launch of Apple’s “iPhone 4”.
- Doc. Request 20: ALL DOCUMENTS relating to when you first became aware that Apple, Inc. intended to release a smart phone known as the “iPhone 5S” following the launch of Apple’s “iPhone 5”.
- Doc. Request 21: ALL DOCUMENTS relating to when you first became aware that Apple, Inc. intended to release a smart phone known as the “iPhone 6S” following the launch of Apple’s “iPhone 6”.
- Doc. Request 22: ALL DOCUMENTS relating to when you first suspected that Apple, Inc. would likely follow its smart phone known as the “iPhone 5” by a smart phone known as “iPhone 6”.
- Doc. Request 23: ALL Document relating to when you first suspected that Apple, Inc. would likely follow its smart phone known as the “iPhone 6” by a smart phone known as “iPhone 6S”.
- Doc. Request 33: ALL DOCUMENTS relating to all of confusion that you are aware of between APPLICANT’S use of the mark “S6” and Apple, Inc.’s use of the mark “6S” both for smart phones.

See Mason Decl., Exhibits A and B. SAMSUNG properly objected to each of these

Interrogatories and Document Requests by asserting, *inter alia*, that: “Applicant also objects to



this Interrogatory/Request on the ground that it is not relevant as Apple is not a party to this Opposition.” See Mason Decl., Exhibits C and D.

EGI has not met its burden on its Motion to Compel to establish that the information requested is relevant. See *Felder v. Washington Metro. Area Transit Auth.*, No. 14-CV-1905 (TFH/GMH), 2015 WL 9592491, at \*2 (D.D.C. Dec. 31, 2015) (“The party that brings the motion to compel ‘bears the initial burden of explaining how the requested information is relevant.’”) (citations omitted); see also *Valenzuela v. City of Calexico*, No. 14-CV-481-BAS-PCL, 2015 WL 926149, at \*1 (S.D. Cal. Mar. 4, 2015) (“the moving party carries the burden of informing the court: (1) which discovery requests are the subject of his motion to compel; (2) which of the defendants’ responses are disputed; (3) why the responses are deficient; (4) the reasons defendants’ objections are without merit; and (5) the relevance of the requested information to the prosecution of his action.”) (emphasis added).

In support of any purported relevance of information relating to Apple, EGI merely asserts that “[t]he fact that Opposer publishes games for the extremely well known smart phone known as the iPhone 6S, and that thus Opposer’s use of its mark EDGE in conjunction with the ‘6S’ mark, are inherently central to this opposition.” EGI’s assertions are unfounded. Apple is not a party to this Opposition and its marks are not at issue here. Further, any confusion related to Apple’s marks is not related to the grounds asserted by EGI in this Opposition. SAMSUNG’s awareness or suspicion of Apple’s intention to use certain marks and any instances of confusion with those marks are wholly irrelevant to any claim or defense in this Opposition. Lastly, given the history of disputes between SAMSUNG and Apple, the potential volume of information within the scope of these requests is unduly burdensome.

Since EGI has failed to explain the relevance of the requested information related to Apple and the requests are overbroad and unduly burdensome in any event, EGI's Motion to Compel with respect to Interrogatories 16-20 and 31 and Document Requests 19-23 and 33 must be denied. *See Zanowic v. Reno*, No. 97CIV.5292(JGK)(HBP), 2000 WL 1376251, at \*6 (S.D.N.Y. Sept. 25, 2000) ("defendants' failure to explain the relevance of this information is fatal to their motion to compel.").

**B. Opposer's Discovery Requests Focused on Unrelated Litigations and Trademark Disputes are Irrelevant and Overly Broad.**

With respect to Interrogatories 26 and 27 and Document Requests 28 and 29, EGI seeks information and documents regarding instances where SAMSUNG has been in litigation or trademark disputes regarding the sale of smart phones or tablet computers in the United States (regardless of the trademarks at issue). SAMSUNG has refused to provide information in response to these requests, so the parties' dispute regarding these requests is ripe of consideration now.

EGI's Interrogatories and Document Requests that seek information on unrelated litigations are as follows:

- |                   |  |
|-------------------|--|
| Interrogatory 26: | IDENTIFY and describe each instance where APPLICANT has been in litigation or trademark dispute with any entity over trademarks used or intended to be used by APPLICANT in respect to the sale of smart phones or table computers in United States commerce.  |
| Interrogatory 27: | Insofar as this was not already covered in your response to Interrogatory 26, IDENTIFY all instances of civil litigation or proceedings before the United States Patent and Trademark Office involving APPLICANT on the one side, and Apple Inc. on the other. |
| Doc. Request 28:  | All DOCUMENTS relating to each instance where APPLICANT has been in litigation or trademark dispute with any entity over trademarks used or intended to be used by APPLICANT in  |

respect to the sale of smart phones or tablet computers in United States commerce.

Doc. Request 29: All DOCUMENTS relating to all instances of civil litigation or proceedings before the United States Patent and Trademark Office involving APPLICANT on the one side and, and Apple Inc. on the other.

There is no basis to require SAMSUNG to produce this information. First, these requests are overly broad because they seek information on proceedings not related to the S6 EDGE mark. Second, other litigations with other parties, including Apple, are irrelevant to this matter as explained above. Third, these requests are overbroad in scope and could potentially capture a large amount of information of no probative value here. Fourth, EGI has the burden to demonstrate relevance, and makes little effort to meet that burden. *See Felder*, No. 14-CV-1905 (TFH/GMH), 2015 WL 9592491, at \*2. Indeed, EGI only attempts to make a relevance argument as to Interrogatories 26, and in doing so simply relies on inapplicable authority cited in TMBP 414(10) (which authority references only litigations regarding the “involved mark”). Accordingly, EGI’s Motion to Compel with respect to Interrogatories 26 and 27 and Document Requests 28 and 29 should be denied.

### **III. EGI’s Request For Addresses Is Overly Burdensome**

EGI’s Interrogatory Request No. 2 seeks the name and address of every retailer that has promoted, advertised, offered for sale, sold or distributed Samsung’s S6 EDGE products. See Mason Decl., Exhibit A.

Applicant’s responded that its “S6 EDGE products are sold through wireless communication retail stores, consumer electronic stores, and other retail stores such as Walmart. The number of retail stores and online sites that sell Applicant’s S6 EDGE products are too numerous to identify individually by name and address, and to do so would be burdensome.”

Applicant is willing to further elaborate that its phones are sold through wireless communication

retail stores owned by Verizon, AT&T, Sprint, etc., and consumer electronic stores, such as Best Buy, and other retail stores such as Walmart. To list the address of each and every Verizon, AT&T, Sprint, Best Buy, and Walmart store would be unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, EGI is capable of compiling a list of addresses of such stores.

#### **IV. EGI's Requests For Sales And Advertising Figures**

EGI's following Interrogatories Nos. 28 and 29, and Document Request Nos. 30 and 31 seeks information related to Samsung's sales and advertising figures. *See* Mason Decl., Exhibits A and B.

Samsung's sales figures and advertising expenditures related to the sales and promotion of its S6 EDGE phones are highly sensitive trade secret information. Furthermore, Samsung filed an intent to use application. Thus, Applicant's sales revenue and advertising expenditures are not necessary to show Applicant's first use dates or continuous use of its mark S6 EDGE. Annual sales figures may also be relevant to the issue of damages in a civil infringement proceeding. However, infringement damages are not an issue decided by the TTAB. Accordingly, Applicant's sales figures and advertising expenditures are not relevant or reasonably calculated to lead to admissible evidence in this proceeding. Therefore, Samsung should not be forced to turn over its highly confidential business documents related to the sales and advertising of its mobile phones.

In an effort to compromise, however, Samsung, is willing to produce a declaration setting forth its sales and advertising figures in general numbers. This way, Samsung can protect its highly confidential business documents, and EGI can still get the information it is seeking.

**V. EGI's Request to Reopen Discovery is Moot**

As part of its Motion to Compel, EGI requests that "the Board reopen discovery solely for Opposer, not for Applicant, giving Opposer a further 90-days discovery deadline[.]" The discovery period now closes on July 17, 2016 as a result of the Board's decision to consolidate. Docket Entry # 13. Thus, EGI's request is moot and should be denied.

**CONCLUSION**

For the reasons stated above, SAMSUNG respectfully requests that the Board deny EGI's Motion to Compel.

April 4, 2016

Respectfully submitted,



Diane J. Mason

LeClairRyan, A Professional Corporation

44 Montgomery Street, 18<sup>th</sup> Floor

San Francisco, CA 94104

415-913-4911

*Attorneys for Samsung Electronics Co., Ltd.*

## CERTIFICATE OF SERVICE

The undersigned certifies that on this day, a true and accurate copy of Samsung's Opposition to Opposer's Motion to Compel, and Declaration of Diane J. Mason in Opposition to Opposer's Motion to Compel has been served via First Class Mail, postage prepaid to:

Dr. Tim Langdell  
EDGE GAMES INC  
530 South Lake Avenue, 171  
Pasadena, CA 91101

Dated: April 4, 2016

  
*Diane Mason*

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

In the matter of Application No. 86/527451  
Mark: S6 EDGE

<b>EDGE Games Inc.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	<b>Opposition No. 91222357 (Parent)</b>
<b>v.</b>	)	
	)	
<b>Samsung Electronics Co., Ltd,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

In the matter of Application No. 86/675374  
Mark: S6 EDGE+

<b>EDGE Games Inc.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	<b>Opposition No. 91224787</b>
<b>v.</b>	)	
	)	
<b>Samsung Electronics Co., Ltd,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

**DECLARATION OF DIANE J. MASON**  
**IN OPPOSITION TO OPPOSER'S**  
**MOTION TO COMPEL**

I, Diane J. Mason, declare as follows:

1. I am an attorney licensed by the State of California and admitted to practice in the U.S. Patent and Trademark Office. I am a shareholder with LeClairRyan, A Professional Corporation, attorneys of record for applicant SAMSUNG ELECTRONICS CO., LTD.

("SAMSUNG"). I have personal knowledge about the matters described in this Declaration as set forth below.

2. On October 3, 2015, Opposer served its first set of Interrogatories and Requests for Production (collectively, "EGI's Discovery Requests") on SAMSUNG. Attached as Exhibits A and B, respectively, are true and correct copies of EGI's Discovery Requests.

3. On November 5, 2015, SAMSUNG served its Responses to Opposer's First Set of Interrogatories and Responses to Opposer's First Set of Document Requests (collectively, "SAMSUNG's Responses"). Attached as Exhibits C and D, respectively are true and correct copies of SAMSUNG's Responses.

4. On November 30, 2015, EGI first requested, via e-mail, a meet and confer telephone conference to discuss SAMNSUNG's Responses to EGI's Discovery Requests in response to a November 23, 2015 meet and confer letter from SAMSUNG. Attached as Exhibit E is a true and correct copy of EGI's November 30, 2015 e-mail.

5. Subsequent to SAMSUNG's November 23 Meet and Confer Letter, SAMSUNG made numerous attempts to have a telephone conference to discuss the discovery requests as evidenced by the correspondence between the parties. EGI repeatedly cancelled or missed the scheduled calls. Attached as Exhibit F is a true and correct copy of the e-mail chain evidencing the parties' correspondence.

6. On December 21, 2015, EGI mailed a letter to SAMSUNG outlining alleged deficiencies in SAMSUNG's Responses. Attached as Exhibit G is a true and correct copy of EGI's December 21, 2015 letter.



7. EGI first requested additional follow-up regarding the December 21 letter via an e-mail dated February 29, 2016. Attached as Exhibit H is a true and correct copy of EGI's February 29, 2016 e-mail.

8. On March 11, 2016, SAMSUNG e-mailed a letter responding to EGI's December 21 letter. In particular, SAMSUNG agreed to supplement certain responses and provided additional details regarding its prior objections. SAMSUNG further offered once again to meet and confer regarding the purported deficiencies. Attached as Exhibit I is a true and correct copy of SAMSUNG's March 11, 2016 letter.

9. On that same date, EGI responded requesting SAMSUNG'S availability to meet and confer. Attached as Exhibit J is a true and correct copy of EGI's March 11, 2016 e-mail.

10. SAMSUNG promptly offered to be available the next week to discuss. Attached as Exhibit K is a true and correct copy of SAMSUNG's e-mail response.

11. EGI ignored this offer to meet and confer and instead proceeded to file the present motion without any meet and confer

The undersigned, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, declares that all statements made of her own knowledge are true; and all statements made on information and belief are believed to be true.

Executed this 4 th day of April, 2016 in San Francisco, California.

  
DIANE J. MASON

# Exhibit A

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

EDGE GAMES, INC.	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No.: 91222357
	)	
	)	Applications Serial No. 86/527451
SAMSUNG ELECTRONICS CO LTD.	)	
	)	Mark: S6 EDGE
Applicant.	)	

**OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT**

In accordance with Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer Edge Games, Inc. ("EDGE") requests that Samsung Electronics Co. Ltd. ("SAMSUNG") answer the following interrogatories under oath, subject to the following definitions.

**DEFINITIONS**

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

As used herein, the term "Applicant" includes SAMSUNG, its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

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

The term "APPLICANT'S MARK" means, specifically, the trademark application 86/527451 for the mark S6 EDGE and with effective filing dates in the United States of February 6, 2015.

The following interrogatories shall be deemed to seek answers as of the date hereof,

but shall be deemed to be continuing so that any additional information relating in any way to these interrogatories which Applicant acquires or which becomes known to Applicant up to and including the time of trial shall be furnished to Opposer immediately after such information is first acquired or becomes known.

As used herein, the terms "identify" and "state the identity of" shall mean a complete identification to the full extent known or ascertainable by Applicant, whether or not in the possession of Applicant and whether or not alleged to be privileged, including the following information:

1. The present depository or depositories and the name(s) and address(es) of the person(s) having custody of any item to be identified, unless the item is a public document or person;

2. Where the item to be identified is a person, his/her full name, address, job title and present employer;

3. Where the item to be identified is a document or paper, its character, title, date, addressee or recipient, and author, signatory, or sender; and

4. Where the item to be identified is printed material, its title, author, publication date, volume and the relevant page numbers. The term "person" shall mean and include any natural person, business organization or entity such as corporation, partnership or the like.

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

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

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

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

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

1. IDENTIFY each and every product that APPLICANT has ever promoted, advertised, offered for sale, distributed or sold in the United States in association with

APPLICANT'S MARK as alleged in APPLICANT'S application.

**INTERROGATORY NO. 2**

2. For each and every product identified in response to Interrogatory No. 1, IDENTIFY by name and address each and every RETAILER that advertised, promoted, sold or distributed APPLICANT'S product in association with APPLICANT'S MARK in the United States.

**INTERROGATORY NO. 3**

3. IDENTIFY each and every PERSON or ENTITY with whom APPLICANT has ever entered into a licensing agreement with in respect to APPLICANT'S MARK, and in respect of the United States market.

**INTERROGATORY NO. 4**

4. IDENTIFY each and every "tablet computer" APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**INTERROGATORY NO. 5**

5. IDENTIFY each and every "tablet computer accessories namely batteries, electric battery chargers, data communication cables, headsets, ear phones, battery chargers for use in a car, leather cases adapted for tablet computers, flip covers for tablet computers, hands free kits and snap on cases adapted tablet computers, stylus, audio docking stations, screen protective films adapted for table (sic) computers and portable speakers" APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**INTERROGATORY NO. 6**

6. In regard to your response to Interrogatory No. 4, IDENTIFY the name and address of every RETAILER that has promoted, advertised, offered for sale, sold or distributed the goods you identified,

**INTERROGATORY NO. 7**

7. In regard to your response to Interrogatory No. 5, IDENTIFY the name and address of every RETAILER that has promoted, advertised, offered for sale, sold or distributed the goods you identified.

**INTERROGATORY NO. 8**

8. IDENTIFY by name and address, all persons involved in selecting APPLICANT'S MARK for use in United States commerce.

**INTERROGATORY NO. 9**

9. IDENTIFY all research reports or other research data purchased, gathered or considered in respect to APPLICANT'S decision to select APPLICANT'S MARK for use in United States commerce.

**INTERROGATORY NO. 10**

10. IDENTIFY all research reports or other research data purchased, gathered or considered in respect to United States consumer usage of APPLICANT'S smart phones or tablet computers for playing games on.

**INTERROGATORY NO. 11**

11. IDENTIFY any considerations given in the design of APPLICANT'S products sold in connection with APPLICANT'S MARK to enable the smart phone or tablet computer to be suitable for playing games on.

**INTERROGATORY NO. 12**

12. IDENTIFY in your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S smart phones sold in connection with APPLICANT'S MARK play games on said devices.

**INTERROGATORY NO. 13**

13. IDENTIFY in your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S tablet computers sold in connection with APPLICANT'S MARK play games on said devices.

**INTERROGATORY NO. 14**

14. IDENTIFY, either in your estimation or from your research statistics, what impact it would have on sales of your smart phones sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**INTERROGATORY NO. 15**

15. IDENTIFY, either in your estimation or from your research statistics, what impact it would have on sales of your tablet computers sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**INTERROGATORY NO. 16**

16. IDENTIFY when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 4S" following the launch of Apple's "iPhone 4."

**INTERROGATORY NO. 17.**

17. IDENTIFY when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 5S" following the launch of Apple's "iPhone 5."

**INTERROGATORY NO. 18.**

18. IDENTIFY when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 6S" following the launch of Apple's "iPhone 6."

**INTERROGATORY NO. 19**

19. Being first reminded of the importance of honesty in responses, IDENTIFY when you first suspected that Apple Inc. would likely follow its smart phone known as the "iPhone 5" by a smart phone known as "iPhone 6."

**INTERROGATORY NO. 20**

20. Being first reminded of the importance of honesty in responses, IDENTIFY when you first *suspected* that Apple Inc. would likely follow its smart phone known as the "iPhone 6" by a smart phone known as "iPhone 6S."

**INTERROGATORY NO. 21.**

21. IDENTIFY when you first decided to name a smart phone in whole or part "S6" for sale in the United States market.

**INTERROGATORY NO. 22**

22. IDENTIFY when you first decided to name a tablet computer in whole or part "S6" for sale in the United States market.

**INTERROGATORY NO. 23.**

23. IDENTIFY all DOCUMENTS that support APPLICANT'S alleged right to use APPLICANT'S MARK in United States commerce.

**INTERROGATORY NO. 24.**

24. IDENTIFY when you first became aware that OPPOSER and/or its licensees (e.g. Future Publishing Ltd, Velocity Micro Inc.) use the mark EDGE in United States commerce.

**INTERROGATORY NO. 25.**

25. IDENTIFY when you first became aware of any of OPPOSER'S marks.

**INTERROGATORY NO. 26.**

26. IDENTIFY and describe each instance where APPLICANT has been in litigation or trademark dispute with any entity over trademarks used or intended to be used



by APPLICANT in respect to the sale of smart phones or tablet computers in United States commerce.

**INTERROGATORY NO. 27.**

27. Insofar as this was not already covered in your response to Interrogatory 26, IDENTIFY all instances of civil litigation or proceedings before the United States Patent and Trademark Office involving APPLICANT on the one side, and Apple Inc. on the other.

**INTERROGATORY NO. 28.**

28. For all years since APPLICANT first sold any product or service in relation to APPLICANT'S MARK in United States commerce, state the total dollar amount received by APPLICANT in relation to any such sales.

**INTERROGATORY NO. 29.**

29. For all years since APPLICANT first advertised or promoted any product or service in relation to APPLICANT'S MARK in United States commerce, state the total dollar amount paid by APPLICANT in relation to the advertising or promotion of such products or services.

**INTERROGATORY NO. 30.**

30. IDENTIFY each PERSON that APPLICANT plans to call as a witness in this Opposition, and with respect to each such PERSON, state the subject matter on which the PERSON is expected to testify.

**INTERROGATORY NO. 31.**

31. IDENTIFY all instances of confusion that you are aware of between APPLICANT'S use of the mark "S6" and Apple Inc.'s use of the mark "6S" both for smart phones.

**INTERROGATORY NO. 32.**

32. IDENTIFY all instances of confusion that you are aware of between APPLICANT'S use of the mark "EDGE" and OPPOSER'S use of the same mark "EDGE" for smart phones or smart phone software.

**INTERROGATORY NO. 33.**

33. IDENTIFY each PERSON who participated in the answering of these interrogatories or who provided information or documents for the answers.

**INTERROGATORY NO. 34.**

34. IDENTIFY all DOCUMENTS that provided information used to answer these interrogatories,

**INTERROGATORY NO. 35.**

35. IDENTIFY all documents you intend to rely upon at trial in these proceedings that have not already been identified in response to Interrogatories 1 through 32 above.

Respectfully submitted,

DATE: October 3, 2015

/s/ Tim Langdell  
By: Dr. Tim Langdell, CEO.  
Opposer in *Pro Se*

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to CFR 2.101(b), on October 3, 2015, a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES ON APPLICANT** was served via U.S. Mail and Email on Opposer:

Diane J Mason  
LeClairRyan  
44 Montgomery St Fl 18  
San Francisco  
CA 94104-4705  
trademarks@leclairryan.com  
Lanii.Langlois@leclairryan.com  
T: 415 913 4911

Dated: October 3, 2015

/s/ Cheri Langdell  
Cheri Langdell

# Exhibit B

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

EDGE GAMES, INC.	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No.: 91222357
	)	
SAMSUNG ELECTRONICS CO LTD.	)	Application Serial No. 86/527451
	)	
Applicant.	)	Mark: S6 EDGE

**OPPOSER'S FIRST SET OF DOCUMENT REQUESTS**

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

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

**DEFINITIONS**

1. The terms "SAMSUNG," "you," and "your" refer to Applicant and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
2. The term "EDGE" refers to Opposer and includes any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
3. The term EDGE means any word, name, symbol or device or other designation of origin incorporating the letter string EDGE or its phonetic equivalent, in which you claim rights, including any trademark, service mark, or Internet domain name, or any trademark or service mark application or registration.
4. The term "Samsung Mark" means, specifically, the trademark application 86/527451 for the mark S6 EDGE and with effective filing dates in the United States of February 6, 2015.

5. The term "Edge Marks" means any and all trademark registrations or common law rights in the mark EDGE, or EDGE formative marks, owned by EDGE either as a result of its own use of the mark EDGE in U.S. commerce, or use by any of EDGE's licensees, including its mark EDGE in the form "EDGE 6S" for its range of games available for the Apple iPhone 6S mobile phone.

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

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

8. The term "identify," when referring to:

- a. a natural person, means to give his or her full name, present or last known address and telephone number, last known place of employment and job title;
- b. a public or private corporation, partnership, association, agency or other entity, means to give its present or last known address and telephone number, and state of incorporation, if applicable;
- c. a document, means to state its general character, title, date, addressee or recipient, author or signatory, present location, and who has possession, custody or control of the document;
- d. a product, means to provide a description of the item which is offered for sale, and the intended customer groups, channels of trade, approximate price, and market for the product;
- e. a service, means to describe the service and the intended customer groups, channels of trade, approximate price, and market for the service.

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

10. The terms "relating to" and "related to" mean concerning, containing, evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

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

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

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

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

### **INSTRUCTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

## **DOCUMENTS AND THINGS REQUESTED**

### **DOCUMENT REQUEST NO. 1:**

All DOCUMENTS that reflect or contain information used in preparation of and/or identified within APPLICANT'S responses to Edge Games Inc's First Set of Interrogatories to Applicant.

### **DOCUMENT REQUEST NO. 2:**

All DOCUMENTS relating to APPLICANT'S first use of SAMSUNG'S MARK S6 EDGE in association with each and every good and service identified in U.S.



Applications Serial No. 86/527451 for each year from date of first use in United States commerce to the present.

**DOCUMENT REQUEST NO. 3:**

All DOCUMENTS sufficient to show continued use of the mark S6 EDGE in association with each of the good and services identified in U.S. Applications Serial No. 86/527451 for each year from date of first use in United States commerce to the present.

**DOCUMENT REQUEST NO. 4:**

All DOCUMENTS relating to each and every product that APPLICANT has ever promoted, advertised, offered for sale, distributed or sold in the United States in association with APPLICANT'S MARK as alleged in APPLICANT'S application.

**DOCUMENT REQUEST NO. 5:**

All DOCUMENTS for each and every product identified in response to Interrogatory No. 1.

**DOCUMENT REQUEST NO. 6:**

All DOCUMENTS relating to each and every PERSON or ENTITY with whom APPLICANT has ever entered into a licensing agreement with in respect to APPLICANT'S MARK, and in respect of the United States market.

**DOCUMENT REQUEST NO. 7:**

All DOCUMENTS relating to each and every "tablet computer" APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**DOCUMENT REQUEST NO. 8:**

All DOCUMENTS relating to each and every "tablet computer accessories namely batteries, electric battery chargers, data communication cables, headsets,

ear phones, battery chargers for use in a car, leather cases adapted for tablet computers, flip covers for tablet computers, hands free kits and snap on cases adapted tablet computers, stylus, audio docking stations, screen protective films adapted for table (sic) computers and portable speakers" APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**DOCUMENT REQUEST NO. 9:**

All DOCUMENTS relating to your response to Interrogatory No. 4.

**DOCUMENT REQUEST NO. 10:**

All DOCUMENTS relating to your response to Interrogatory No. 5.

**DOCUMENT REQUEST NO. 11:**

All DOCUMENTS relating to all persons involved in selecting APPLICANT'S MARK for use in United States commerce.

**DOCUMENT REQUEST NO. 12:**

All DOCUMENTS relating to any reports or other research data purchased, gathered or considered in respect to APPLICANT'S decision to select APPLICANT'S MARK for use in United States commerce.

**DOCUMENT REQUEST NO. 13:**

All DOCUMENTS relating to all research reports or other research data purchased, gathered or considered in respect to United States consumer usage of APPLICANT'S smart phones or tablet computers for playing games on.

**DOCUMENT REQUEST NO. 14:**

All DOCUMENTS relating to any considerations given in the design of APPLICANT'S products sold in connection with APPLICANT'S MARK to enable the smart phone or tablet computer to be suitable for playing games on.

**DOCUMENT REQUEST NO. 15:**

All DOCUMENTS relating to your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S smart phones sold in connection with APPLICANT'S MARK play games on said devices.

**DOCUMENT REQUEST NO. 16:**

All DOCUMENTS relating to your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S tablet computers sold in connection with APPLICANT'S MARK play games on said devices.

**DOCUMENT REQUEST NO. 17:**

All DOCUMENTS relating to your estimation or your research statistics, as to what impact it would have on sales of your smart phones sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**DOCUMENT REQUEST NO. 18:**

All DOCUMENTS relating to your estimation or your research statistics, what as to the impact it would have on sales of your tablet computers sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**DOCUMENT REQUEST NO. 19:**

All DOCUMENTS relating to when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 4S" following the launch of Apple's "iPhone 4."

**DOCUMENT REQUEST NO. 20:**

All DOCUMENTS relating to when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 5S" following the launch of Apple's "iPhone 5."

**DOCUMENT REQUEST NO. 21:**

All DOCUMENTS relating to when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 6S" following the launch of Apple's "iPhone 6."

**DOCUMENT REQUEST NO. 22:**

All DOCUMENTS relating to when you first suspected that Apple Inc. would likely follow its smart phone known as the "iPhone 5" by a smart phone known as "iPhone 6."

**DOCUMENT REQUEST NO. 23:**

All DOCUMENTS relating to when you first *suspected* that Apple Inc. would likely follow its smart phone known as the "iPhone 6" by a smart phone known as "iPhone 6S."

**DOCUMENT REQUEST NO. 23:**

All DOCUMENTS relating to when you first decided to name a smart phone in whole or part "S6" for sale in the United States market.

**DOCUMENT REQUEST NO. 24:**

All DOCUMENTS relating to when you first decided to name a tablet computer in whole or part "S6" for sale in the United States market.

**DOCUMENT REQUEST NO. 25.**

All DOCUMENTS that support APPLICANT'S alleged right to use APPLICANT'S MARK in United States commerce.

**DOCUMENT REQUEST NO. 26.**

All DOCUMENTS relating to when you first became aware that OPPOSER and/or its licensees (e.g. Future Publishing Ltd, Velocity Micro Inc.) use the mark EDGE in United States commerce.

**DOCUMENT REQUEST NO. 27:**

All DOCUMENTS relating to when you first became aware of any of OPPOSER'S marks.

**DOCUMENT REQUEST NO. 28:**

All DOCUMENTS relating to each instance where APPLICANT has been in litigation or trademark dispute with any entity over trademarks used or intended to be used by APPLICANT in respect to the sale of smart phones or tablet computers in United States commerce.

**DOCUMENT REQUEST NO. 29:**

All DOCUMENTS relating to all instances of civil litigation or proceedings before the United States Patent and Trademark Office involving APPLICANT on the one side, and Apple Inc. on the other.

**DOCUMENT REQUEST NO. 30:**

All DOCUMENTS relating to all years since APPLICANT first sold any product or service in relation to APPLICANT'S MARK in United States commerce, which indicate the total dollar amount received by APPLICANT in relation to any such sales.

**DOCUMENT REQUEST NO. 31:**

All DOCUMENTS relating to all years since APPLICANT first advertised or promoted any product or service in relation to APPLICANT'S MARK in United States commerce, which indicate the total dollar amount paid by APPLICANT in relation to the advertising or promotion of such products or services.

**DOCUMENT REQUEST NO. 32:**

All DOCUMENTS relating to plans to call as a witness in this Opposition..

**DOCUMENT REQUEST NO. 33:**

All DOCUMENTS relating to all instances of confusion that you are aware of between APPLICANT'S use of the mark "S6" and Apple Inc.'s use of the mark "6S" both for smart phones.

**DOCUMENT REQUEST NO. 34:**

All DOCUMENTS relating to all instances of confusion that you are aware of between APPLICANT'S use of the mark "EDGE" and OPPOSER'S use of the same mark "EDGE" for smart phones or smart phone software.

**DOCUMENT REQUEST NO. 35:**

All DOCUMENTS relating to the PERSON(S) participated in the answering of these requests or who provided information for the responses to OPPOSER'S First Set of Interrogatories .

**DOCUMENT REQUEST NO. 36:**

All DOCUMENTS that provided information used to answer OPPOSER'S First Set of Interrogatories.

**DOCUMENT REQUEST NO. 38:**

All DOCUMENTS you intend to rely upon at trial in these proceedings.

Dated: October 3, 2015.

Respectfully submitted,

/s/ Tim Langdell  
Dr Tim Langdell, CEO Opposer  
In *pro se*

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to CFR 2.101(b), on October 3, 2015, a true and correct copy of the foregoing **OPPOSER'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS ON APPLICANT** was served via U.S. Mail and Email on Opposer:

Diane J Mason  
LeClairRyan  
44 Montgomery St Fl 18  
San Francisco  
CA 94104-4705  
trademarks@leclairryan.com  
Lanii.Langlois@leclairryan.com  
T: 415 913 4911

Dated: October 3, 2015

/s/ Cheri Langdell  
Cheri Langdell

# Exhibit C



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

In the matter of Application No. 86/527451  
Mark: S6 EDGE

<b>EDGE Games Inc.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No. 91222357</b>
	)	
<b>Samsung Electronics Co., Ltd,</b>	)	
	)	
<b>Applicant.</b>	)	

**SAMSUNG ELECTRONICS CO. LTD.'S RESPONSES TO OPPOSER'S  
FIRST SET OF INTERROGATORIES**

In accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, applicant, Samsung Electronics Co., Ltd. ("Applicant"), by its attorneys, states as follows for its answers to EDGE Games Inc.'s First Set of Interrogatories to Applicant dated October 21, 2013 (the "Interrogatories"). While these answers are based on the best information currently available to Applicant, they are made without prejudice to Applicant's right to supplement or amend the responses should better or further information become available.

**GENERAL OBJECTIONS**

The following General Objections apply to all Interrogatories:

1. Applicant objects to the Interrogatories to the extent that they seek information protected by the attorney-client privilege, attorney work product doctrine, or any other privilege or immunity. Inadvertent production of such information shall not constitute a waiver.

2. Applicant objects to the Interrogatories to the extent that they purport to impose obligations in excess of those imposed by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

3. Applicant objects to the Interrogatories to the extent that they are vague or ambiguous.

4. Applicant objects to the Interrogatories as being overbroad and unduly burdensome to the extent that they seek information that is not relevant to any claims or defenses in this action and not reasonably calculated to lead to the discovery of admissible evidence.

5. Applicant objects to the Interrogatories to the extent that they seek information more readily or efficiently obtained by other means of discovery.

6. Applicant objects to the Interrogatories to the extent that they seek the disclosure of confidential or proprietary information absent a stipulated protective order.

7. Applicant objects to the Interrogatories to the extent that they seek information that is not within the knowledge, possession, custody, or control of Applicant.

8. Applicant objects to the Interrogatories to the extent that they seek information that is related to trademarks that are not asserted in any claim or defense.

9. Applicant objects to the Interrogatories to the extent that they require any information or documents beyond what is presently available to Applicant based upon a reasonable search of its own accessible files and a reasonable inquiry of its present employees.

10. Applicant objects to the identification of third party information in the possession or control of Applicant that Applicant is under an obligation to maintain in confidence.

11. Applicant objects to the Interrogatories to the extent that they seek identification of “all” information when the relevant information can be supplied by less than “all” information.

### **GENERAL STATEMENTS**

The following Statements apply to all responses to the Interrogatories:

1. All responses are made subject to the foregoing General Objections and these Statements, which may not be repeated in each response. To the extent that specific General Objections and/or Statements are cited in a specific response, those specific citations are provided because they are believed to be particularly relevant to the specific Interrogatory and are not to be construed as a waiver of any other General Objection or Statement applicable to information falling within the scope of the Interrogatory.

2. Where a partial response can be made to an Interrogatory that is otherwise objectionable, such will be made without waiving any stated objection.

3. These responses are made without waiver of, and expressly preserving:

- (a) all questions as to competency, relevancy, materiality, privilege, and admissibility of each response herein as evidence in any further proceeding in this action;
- (b) the right to object to the use of any response herein, or the subject matter thereof, in any further proceedings in this action;
- (c) the right to object on any ground at any time to a demand or Request for a further response to this or any other discovery request involving or relating to the subject matter of the responses herein provided; and
- (d) the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

4. In responding to the Interrogatories, Applicant does not concede that any of the information sought or provided is relevant, material, admissible in evidence, or reasonably calculated to lead to the discovery of admissible evidence.

5. Applicant's investigation in this action is ongoing. The responses and objections set forth below constitute the best information presently available to and located by Applicant. These responses are based upon: (1) a reasonable search, given the time allotted to Applicant to respond to the Interrogatories; and (2) inquiries of Applicant's employees and/or representatives who could reasonably be expected to possess responsive information. Applicant reserves the right to amend or supplement its responses and objections made herein if and when additional, different, or more accurate information is developed or obtained.

### **ANSWERS AND SPECIFIC OBJECTIONS**

SAMSUNG ELECTRONICS CO., LTD. ("Samsung"), in accordance with Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, responds to EDGE Games Inc.'s ("OPPOSER") interrogatories as follows:

### **RESPONSES TO INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

IDENTIFY each and every product that APPLICANT has ever promoted, advertised, offered for sale, distributed or sold in the United States in association with APPLICANT'S MARK as alleged in APPLICANT'S application.

#### **RESPONSE TO INTERROGATORY NO. 1:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly

burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that Applicant has used the mark S6 EDGE in connection with smart phones and their accessories.

**INTERROGATORY NO. 2:**

For each and every product identified in response to Interrogatory No. 1, IDENTIFY by name and address each and every RETAILER that advertised, promoted, sold or distributed APPLICANT'S product in association with APPLICANT'S MARK in the United States.

**RESPONSE TO INTERROGATORY NO. 2:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that S6 EDGE products are sold through wireless communication retail stores, consumer electronic stores, and other retail stores such as Walmart. The number of retail stores and online sites that sell Applicant's S6 EDGE products are too numerous to identify individually by name and address, and to do so would be burdensome.

**INTERROGATORY NO. 3:**

IDENTIFY each and every PERSON or ENTITY with whom APPLICANT has ever entered into a licensing agreement with in respect to APPLICANT'S MARK, and in respect of the United States market.

**RESPONSE TO INTERROGATORY NO. 3:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly

burdensome. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it has not entered into any licensing agreements for the mark S6 EDGE.

**INTERROGATORY NO. 4:**

IDENTIFY each and every "tablet computer" APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**RESPONSE TO INTERROGATORY NO. 4:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it has not offered any tablet computers under the mark S6 EDGE.

**INTERROGATORY NO. 5:**

IDENTIFY each and every "tablet computer accessories namely batteries, electric battery chargers, data communication cables, headsets, ear phones, battery chargers for use in a car, leather cases adapted for tablet computers, flip covers for tablet computers, hands free kits and snap on cases adapted tablet computers, stylus, audio docking stations, screen protective films adapted for table (sic) computers and portable speakers" APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**RESPONSE TO INTERROGATORY NO. 5:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it has not offered tablet computer accessories namely batteries, electric battery chargers, data communication cables, headsets, ear phones, battery chargers for use in a car, leather cases adapted for tablet computers, flip covers for tablet computers, hands free kits and snap on cases adapted tablet computers, stylus, audio docking stations, screen protective films adapted for tablet computers and portable speakers under the mark S6 EDGE.

**INTERROGATORY NO. 6:**

In regard to your response to Interrogatory No. 4, IDENTIFY the name and address of every RETAILER that has promoted, advertised, offered for sale, sold or distributed the goods you identified.

**RESPONSE TO INTERROGATORY NO. 6:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information. Subject to and without waiving its General Objections and these specific objections, Applicant responds that there are no Retailers that offer S6 EDGE tablet computers.

**INTERROGATORY NO.7:**

In regard to your response to Interrogatory No. 5, IDENTIFY the name and address of every RETAILER that has promoted, advertised, offered for sale, sold or distributed the goods you identified.

**RESPONSE TO INTERROGATORY NO. 7:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that there are no retailers that offer the goods identified in Interrogatory No. 5 in connection with the mark S6 EDGE.

**INTERROGATORY NO. 8:**

IDENTIFY by name and address, all persons involved in selecting APPLICANT'S MARK for use in United States commerce.

**RESPONSE TO INTERROGATORY NO. 8:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.



**INTERROGATORY NO.9:**

IDENTIFY all research reports or other research data purchased, gathered or considered in respect to APPLICANT'S decision to select APPLICANT'S MARK for use in United States commerce.

**RESPONSE TO INTERROGATORY NO. 9:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it had preliminary screenings of USPTO records conducted of the mark S6 EDGE by outside counsel.

**INTERROGATORY NO. 10:**

IDENTIFY all research reports or other research data purchased, gathered or considered in respect to United States consumer usage of APPLICANT'S smart phones or tablet computers for playing games on.

**RESPONSE TO INTERROGATORY NO. 10:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks

information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

**INTERROGATORY NO. 11:**

IDENTIFY any considerations given in the design of APPLICANT'S products sold in connection with APPLICANT'S MARK to enable the smart phone or tablet computer to be suitable for playing games on.

**RESPONSE TO INTERROGATORY NO. 11:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that Applicant did make some design choices regarding the ability to play games on S6 EDGE smart phones. See, <http://www.samsung.com/global/galaxy/events/galaxy-game/> .

**INTERROGATORY NO. 12:**

IDENTIFY in your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S smart phones sold in connection with APPLICANT'S MARK play games on said devices.

**RESPONSE TO INTERROGATORY NO. 12:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will produce documents reflecting the requested information, to the extent such documents exist and can be located after a reasonable search.

**INTERROGATORY NO. 13:**

IDENTIFY in your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S tablet computers sold in connection with APPLICANT'S MARK play games on said devices.

**RESPONSE TO INTERROGATORY NO. 13:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds has not released any tablet computers under the mark S6 EDGE, so no information responsive to this Interrogatory exists.

**INTERROGATORY NO.14:**

IDENTIFY, either in your estimation or from your research statistics, what impact it would have on sales of your smart phones sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**RESPONSE TO INTERROGATORY NO. 14:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will produce documents reflecting the requested information, to the extent such documents exist and can be located after a reasonable search.

**INTERROGATORY NO. 15:**

IDENTIFY, either in your estimation or from your research statistics, what impact it would have on sales of your tablet computers sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**RESPONSE TO INTERROGATORY NO. 15:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time

and scope. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds has not released any tablet computers under the mark S6 EDGE, so information responsive to this Interrogatory does not exist.

**INTERROGATORY NO.16:**

IDENTIFY when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 4S" following the launch of Apple's "iPhone 4".

**RESPONSE TO INTERROGATORY NO. 16:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant also objects to this Interrogatory on the ground that it is not relevant. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Interrogatory on the ground that it is not relevant to any issues in the subject opposition as Apple Inc. is not a party. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO. 17:**

IDENTIFY when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 5S" following the launch of Apple's "iPhone 5".

**RESPONSE TO INTERROGATORY NO. 17:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant also objects to this Interrogatory on the ground that it is not relevant. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Interrogatory on the ground that it is not relevant to any issues in the subject opposition as Apple Inc. is not a party. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO.18:**

IDENTIFY when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 6S" following the launch of Apple's "iPhone 6".

**RESPONSE TO INTERROGATORY NO. 18:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant also objects to this Interrogatory on the ground that it is not relevant. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated

to lead to the discovery of admissible evidence. Applicant also objects to this Interrogatory on the ground that it is not relevant to any issues in the subject opposition as Apple Inc. is not a party. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO. 19:**

Being first reminded of the importance of honesty in responses, IDENTIFY when you first suspected that Apple Inc. would likely follow its smart phone known as the "iPhone 5" by a smart phone known as "iPhone 6".

**RESPONSE TO INTERROGATORY NO. 19:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant also objects to this Interrogatory on the ground that it is not relevant. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Interrogatory on the ground that it is not relevant to any issues in the subject opposition as Apple Inc. is not a party. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO.20:**

Being first reminded of the importance of honesty in responses, IDENTIFY when you first *suspected* that Apple Inc. would likely follow its smart phone known as the "iPhone 6" by a smart phone known as "iPhone 6S".

**RESPONSE TO INTERROGATORY NO. 20:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant also objects to this Interrogatory on the ground that it is not relevant. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Interrogatory on the ground that it is not relevant to any issues in the subject opposition as Apple Inc. is not a party. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO. 21:**

IDENTIFY when you first decided to name a smart phone in whole or part "S6" for sale in the United States market.

**RESPONSE TO INTERROGATORY NO. 21:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks



information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that prior to issuing the S6 it had issued phones under the marks S2, S3, S4, and S5. Therefore, "S6" was a natural and logical choice to identify Applicant's latest smart phone model.

**INTERROGATORY NO. 22:**

IDENTIFY when you first decided to name a tablet computer in whole or part "S6" for sale in the United States market.

**RESPONSE TO INTERROGATORY NO. 22:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it considered naming a tablet S6 at the same time it considered naming a smart phone S6.

**INTERROGATORY NO. 23:**

IDENTIFY all DOCUMENTS that support APPLICANT'S alleged right to use APPLICANT'S MARK in United States commerce.

**RESPONSE TO INTERROGATORY NO. 23:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects that it has not yet completed its investigations related to this opposition and reserves the right to further supplement its responses.

**INTERROGATORY NO. 24:**

IDENTIFY when you first became aware that OPPOSER and/or its licensees (e.g. Future Publishing Ltd, Velocity Micro Inc.) use the mark EDGE in United States commerce.

**RESPONSE TO INTERROGATORY NO. 24:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it not aware that OPPOSER and/or its licensees use the mark EDGE in United States commerce.

**INTERROGATORY NO. 25:**

IDENTIFY when you first became aware of any of OPPOSER'S marks.

**RESPONSE TO INTERROGATORY NO. 25:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it became aware of Edge Games' pending application for EDGE PC in February 2015 after outside counsel conducted a preliminary screening.

**INTERROGATORY NO. 26:**

IDENTIFY and describe each instance where APPLICANT has been in litigation or trademark dispute with any entity over trademarks used or intended to be used by APPLICANT in respect to the sale of smart phones or tablet computers in United States commerce.

**RESPONSE TO INTERROGATORY NO. 26:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information. Applicant also objects to this Interrogatory on the ground that it is not relevant as this proceeding is limited to Applicant's S6 EDGE mark. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects that this interrogatory is not relevant to the extent it requests information regarding

marks and parties that are not at issue in this Opposition. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO. 27:**

Insofar as this was not already covered in your response to Interrogatory 26, IDENTIFY all instances of civil litigation or proceedings before the United States Patent and Trademark Office involving APPLICANT on the one side, and Apple Inc. on the other.

**RESPONSE TO INTERROGATORY NO. 27:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information. Applicant also objects to this Interrogatory on the ground that it is not relevant as this proceeding is limited to Applicant's S6 EDGE mark. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Interrogatory on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO. 28:**

For all years since APPLICANT first sold any product or service in relation to APPLICANT'S MARK in United States commerce, state the total dollar amount received by APPLICANT in relation to any such sales.

**RESPONSE TO INTERROGATORY NO. 28:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will produce documents reflecting the requested information, to the extent such documents exist and can be located after a reasonable search.

**INTERROGATORY NO. 29:**

For all years since APPLICANT first advertised or promoted any product or service in relation to APPLICANT'S MARK in United States commerce, state the total dollar amount paid by APPLICANT in relation to the advertising or promotion of such products or services.

**RESPONSE TO INTERROGATORY NO. 29:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant further objects to this Interrogatory to the extent that it seeks

information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant also objects to this Interrogatory to the extent that it seeks confidential or proprietary information.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will produce documents reflecting the requested information, to the extent such documents exist and can be located after a reasonable search.

**INTERROGATORY NO. 30**

IDENTIFY each PERSON that APPLICANT plans to call as a witness in this Opposition, and with respect to each such PERSON, state the subject matter on which the PERSON is expected to testify.

**RESPONSE TO INTERROGATORY NO. 30:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds: Tia Burch, Sr. Manager of Marketing, Samsung Electronics America, Inc. Discovery has recently commenced and Applicant has not identified each person that it intends to call as a witness, and therefore reserves its right to supplement this response.

**INTERROGATORY NO. 31:**

IDENTIFY all instances of confusion that you are aware of between APPLICANT'S use of the mark "S6" and Apple Inc.'s use of the mark "6S" both for smart phones.

**RESPONSE TO INTERROGATORY NO. 31:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly

burdensome. Applicant further objects to this Interrogatory as not reasonably limited in time and scope. Applicant also objects to this Interrogatory on the ground that it is not relevant. Applicant also objects to this Interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Interrogatory on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on its General Objections and these specific objections, Applicant responds that it will not provide information responsive to this Interrogatory, to the extent that information exists.

**INTERROGATORY NO. 32:**

IDENTIFY all instances of confusion that you are aware of between APPLICANT'S use of the mark "EDGE" and OPPOSER'S use of the same mark "EDGE" for smart phones or smart phone software.

**RESPONSE TO INTERROGATORY NO. 32:**

Subject to and without waiving its General Objections, Applicant responds that it does not use the mark EDGE. Applicant is not aware of any instances of confusion between Applicant's use of the mark "S6 EDGE" and Opposer's alleged use of the mark "EDGE" for smart phones or smart phone software.

**INTERROGATORY NO. 33:**

IDENTIFY each PERSON who participated in the answering of these interrogatories or who provided information or documents for the answers.

**RESPONSE TO INTERROGATORY NO. 33:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

Applicant further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections or these specific objections, Applicant responds that these responses were prepared by Applicant's outside trademark counsel based on information received from Applicant.

**INTERROGATORY NO. 34:**

IDENTIFY all DOCUMENTS that provided information used to answer these interrogatories.

**RESPONSE TO INTERROGATORY NO. 34:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

Applicant further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections or these specific objections, Applicant responds it reviewed its preliminary screening reports from February 2015.

**INTERROGATORY NO. 35:**

IDENTIFY all documents you intend to rely upon at trial in these proceedings that have not already been identified in response to Interrogatories 1 through 32 above.

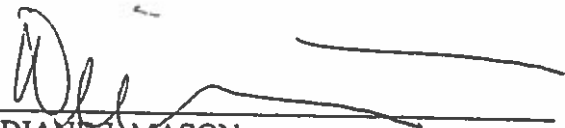
**RESPONSE TO INTERROGATORY NO. 35:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory as premature. Discovery has recently commenced and Applicant has not identified documents it intends to rely upon at trial in these proceedings.



DATED: November 5, 2015

Respectfully submitted,

By:   
DIANE J. MASON  
Attorneys for Applicant  
SAMSUNG ELECTRONICS CO., LTD.

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to CFR 2.101(b), on November 6, 2015, a true and correct copy of the foregoing **SAMSUNG ELECTRONICS CO. LTD.'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES** was served via U.S. Mail:

EDGE Games Inc  
Dr. Tim Langdell  
530 South Lake Avenue, 171  
Pasadena, CA 91101

DATED: November 6, 2015

  
\_\_\_\_\_  
Thomas Loran

# Exhibit D

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

In the matter of Application No. 86/527451  
Mark: S6 EDGE

EDGE Games Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91222357
	)	
Samsung Electronics Co., Ltd,	)	
	)	
Applicant.	)	
	)	

**SAMSUNG ELECTRONICS CO. LTD.'S RESPONSES TO OPPOSER'S FIRST  
SET OF DOCUMENT REQUESTS**

In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, applicant, Samsung Electronics Co., Ltd. ("Applicant"), by its attorneys, LeClairRyan, A Professional Corporation, states as follows for its answers to EDGE Games Inc.'s ("Opposer's") First Request for Production of Documents to Applicant dated October 21, 2013 (the "Requests"). While these answers are based on the best information currently available to Applicant, they are made without prejudice to Applicant's right to supplement or amend the responses should better or further information become available.

**GENERAL OBJECTIONS**

The following General Objections apply to all Requests:

1. Applicant objects to the Requests to the extent that they seek information protected by the attorney-client privilege, attorney work product doctrine, or any other privilege or immunity. Inadvertent production of such information shall not constitute a waiver.

2. Applicant objects to the Requests to the extent that they seek production of documents and things that are not currently in Applicant's possession, custody, or control, and to the extent that they require production of items in the public domain that are equally available to opposer, Mitek Corp., Inc. ("Opposer").

3. Applicant objects to the Requests to the extent that they purport to impose obligations in excess of those imposed by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

4. Applicant objects to the Requests to the extent that they seek information beyond what is available from a reasonable search of Applicant's files likely to contain relevant or responsive information and a reasonable inquiry of Applicant's employees likely to have information relevant to any claims or defenses in this action.

5. Applicant objects to the Requests to the extent that they are vague or ambiguous.

6. Applicant objects to the Requests as being overbroad and unduly burdensome to the extent that they seek the production of documents and things that are not relevant to any claims or defenses in this action and not reasonably calculated to lead to the discovery of admissible evidence.

7. Applicant objects to the Requests to the extent that they seek information more readily or efficiently obtained by other means of discovery.

8. Applicant objects to the Requests to the extent that they seek the disclosure of confidential or proprietary information absent a stipulated protective order.

9. Applicant objects to the Requests to the extent that they seek information that is not within the knowledge, possession, custody, or control of Applicant.

10. Applicant objects to the Requests to the extent that they seek information that is related to trademarks that are not asserted in any claim or defense.

11. Applicant objects to the Requests that seek the production of “all” documents when the relevant information can be supplied by the production of fewer than “all” documents.

12. Applicant objects to the Requests to the extent that they seek the production of information of third parties subject to confidentiality agreements.

### **GENERAL STATEMENTS**

The following statements apply to all responses to Opposer’s Requests:

1. All responses are made subject to the foregoing General Objections and these Statements, which may or may not be repeated in each response. To the extent specific General Objections and/or Statements are cited in a specific response, those specific citations are provided because they are believed to be particularly relevant to the specific Request and are not to be construed as a waiver of any other General Objection or Statement applicable to information falling within the scope of the Request.

2. Where a partial response can be made to a Request that is otherwise objectionable, such will be made without waiving any stated objection.

3. These responses are made without waiver of, and with preservation of:

- (a) all questions as to competency, relevancy, materiality, privilege, and admissibility of each response herein as evidence in any further proceeding in this action;
- (b) the right to object to the use of any response herein, or the subject matter thereof, in any further proceedings in this action;
- (c) the right to object on any ground at any time to a demand or Request for a further response to this or any other discovery request involving or relating to the subject matter of the responses herein provided; and
- (d) the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

4. A response stating that responsive documents will be produced is not meant and shall not be interpreted as an admission or representation that responsive documents exist. It is solely a representation that after a reasonable search, non-objectionable documents that are located will be produced.

5. In responding to the Requests, Applicant does not concede that any of the information sought or provided is relevant, material, admissible in evidence, or reasonably calculated to lead to the discovery of admissible evidence.

6. Applicant's investigation in this action is ongoing. The responses and objections set forth below constitute the best information presently available to and located by Applicant. These responses are based upon: (1) a reasonable search, given the time allotted to Applicant to respond to the Requests; and (2) inquiries of Applicant's employees and/or representatives who could reasonably be expected to possess responsive information. Applicant reserves the right to amend or supplement its responses and objections made herein if and when additional, different, or more accurate information is developed or obtained.

### **RESPONSES TO DOCUMENT REQUESTS**

#### **REQUEST NO. 1:**

All DOCUMENTS that reflect or contain information used in preparation of and/or identified within APPLICANT'S responses to Edge Games Inc.'s First Set of Interrogatories to Applicant.

#### **RESPONSE TO REQUEST NO. 1:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, Samsung Electronics' Responses to Opposer's First Set of Document Requests

the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, to the extent they exist and are located by a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 2:**

All DOCUMENTS relating to APPLICANT'S first use of SAMSUNG'S MARK S6 EDGE in association with each and every good and service identified in U.S. Applications Serial No. 86/527451 for each year from date of first use in United States commerce to the present.

**RESPONSE TO REQUEST NO. 2:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. For example, the term “[a]ll” is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, to the extent they exist and are located by a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.



**REQUEST NO. 3:**

All DOCUMENTS sufficient to show continued use of the mark S6 EDGE in association with each of the good and services identified in U.S. Applications Serial No. 86/527451 for each year from date of first use in United States commerce to the present.

**RESPONSE TO REQUEST NO. 3:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is duplicative of Request No. 2. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, to the extent they exist and are located by a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 4:**

All DOCUMENTS relating to each and every product that APPLICANT has ever promoted, advertised, offered for sale, distributed or sold in the United States in association with APPLICANT'S MARK as alleged in APPLICANT'S application.

**RESPONSE TO REQUEST NO. 4:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly

burdensome. Applicant also objects to this Request on the ground that it is duplicative of Request Nos. 2 and 3. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, to the extent they exist and are located by a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 5:**

All DOCUMENTS for each and every product identified in response to Interrogatory No. 1.

**RESPONSE TO REQUEST NO. 5:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is duplicative of Request No. 1. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, to the extent they exist and are located by a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 6:**

All DOCUMENTS relating to each and every PERSON or ENTITY with whom APPLICANT has ever entered into a licensing agreement with in respect to APPLICANT'S MARK, and in respect of the United States market.

**RESPONSE TO REQUEST NO. 6:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it is not aware of any responsive documents.

**REQUEST NO.7:**

All DOCUMENTS relating to each and every "tablet computer" APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**RESPONSE TO REQUEST NO. 7:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it is not aware of any documents responsive to this Request.

**REQUEST NO. 8:**

All DOCUMENTS relating to each and every "tablet computer accessories namely batteries, electric battery chargers, data communication cables, headsets, ear phones, battery chargers for use in a car, leather cases adapted for tablet computers, flip covers for tablet computers,

hands free kits and snap on cases adapted tablet computers, stylus, audio docking stations, screen protective films adapted for table (sic) computers and portable speakers"

APPLICANT has promoted, advertised, offered for sale, sold or distributed in the United States in association with APPLICANT'S MARK.

**RESPONSE TO REQUEST NO. 8:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it is not aware of any documents responsive to this Request.

**REQUEST NO.9:**

All DOCUMENTS relating to your response to Interrogatory No. 4.

**RESPONSE TO REQUEST NO. 9:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. For example, the term "all" is overly broad and unduly burdensome, and the phrase "relating to your response" is vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is duplicative of Request No. 1. Subject to and without waiving its General Objections

and these specific objections, Applicant responds that it will make non-privileged documents that relate to its response to Interrogatory No. 4, to the extent they exist and are located after a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 10:**

All DOCUMENTS relating to your response to Interrogatory No. 5.

**RESPONSE TO REQUEST NO. 10:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is duplicative of Request No. 1. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will make non-privileged documents that relate to its response to Interrogatory No. 5, to the extent they exist and are located after a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 11:**

All DOCUMENTS relating to all persons involved in selecting APPLICANT'S MARK for use in United States commerce.

**RESPONSE TO REQUEST NO. 11:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further

objects to this Request on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. For example, the phrase “relating to all persons involved in selecting APPLICANT’s MARK” is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will not make non-privileged, responsive documents available at this time given the unreasonable scope of the Request, but that Applicant is willing to meet and confer as to a more limited scope of the Request.

**REQUEST NO. 12:**

All DOCUMENTS relating to any reports or other research data purchased, gathered or considered in respect to APPLICANT’S decision to select APPLICANT’S MARK for use in United States commerce.

**RESPONSE TO REQUEST NO. 12:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, to the extent they exist and are located by a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 13:**

All DOCUMENTS relating to all research reports or other research data purchased, gathered or considered in respect to United States consumer usage of APPLICANT'S smart phones or tablet computers for playing games on.

**RESPONSE TO REQUEST NO. 13:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. For example, the phrase “all research reports or other research data purchased, gathered or considered in respect to United States consumer usage of APPLICANT'S smart phones or tablet computers” is overbroad and not reasonably calculated to lead to admissible evidence.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will not make non-privileged, responsive documents available at this time given the unreasonable scope of the Request, but that Applicant is willing to meet and confer as to a more limited scope of the Request

**REQUEST NO.14:**

All DOCUMENTS relating to any considerations given in the design of APPLICANT'S products sold in connection with APPLICANT'S MARK to enable the smart phone or tablet computer to be suitable for playing games on.

**RESPONSE TO REQUEST NO. 14:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome and not reasonably calculated to lead to admissible evidence.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will not make non-privileged, responsive documents available at this time given the unreasonable scope of the Request, but that Applicant is willing to meet and confer as to a more limited scope of the Request

**REQUEST NO. 15:**

All DOCUMENTS relating to your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S smart phones sold in connection with APPLICANT'S MARK play games on said devices.

**RESPONSE TO REQUEST NO. 15:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome, and not reasonably calculated to lead to admissible evidence.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will not make non-privileged, responsive documents available at



this time given the unreasonable scope of the Request, but that Applicant is willing to meet and confer as to a more limited scope of the Request

**REQUEST NO.16:**

All DOCUMENTS relating to your estimation or knowledge what percentage of United States consumers purchasing APPLICANT'S tablet computers sold in connection with APPLICANT'S MARK play games on said devices.

**RESPONSE TO REQUEST NO. 16:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it is not aware of any documents responsive to this request.

**REQUEST NO. 17:**

All DOCUMENTS relating to your estimation or your research statistics, as to what impact it would have on sales of your smart phones sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**RESPONSE TO REQUEST NO. 17:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further

objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome, and not reasonably calculated to lead to admissible evidence.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will not make non-privileged, responsive documents available at this time given the unreasonable scope of the Request, but that Applicant is willing to meet and confer as to a more limited scope of the Request.

**REQUEST NO.18:**

All DOCUMENTS relating to your estimation or your research statistics, what as to the impact it would have on sales of your tablet computers sold in connection with APPLICANT'S MARK in the United States if said devices were not able to play games.

**RESPONSE TO REQUEST NO. 18:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant responds that it is not aware of any documents responsive to this request.

**REQUEST NO. 19:**

All DOCUMENTS relating to when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 4S" following the launch of Apple's "iPhone 4".

**RESPONSE TO REQUEST NO. 19:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not relevant. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on the General Objections, General Statements and stated Objections above, Applicant will not produce any documents, if any exist, responsive to this request.

**REQUEST NO.20:**

All DOCUMENTS relating to when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 5S" following the launch of Apple's "iPhone 5".

**RESPONSE TO REQUEST NO. 20:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not relevant. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on the

General Objections, General Statements and stated Objections above, Applicant will not produce any documents, if any exist, responsive to this request.

**REQUEST NO. 21:**

All DOCUMENTS relating to when you first became aware that Apple Inc. intended to release a smart phone known as the "iPhone 6S" following the launch of Apple's "iPhone 6".

**RESPONSE TO REQUEST NO. 21:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not relevant. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on the General Objections, General Statements and stated Objections above, Applicant will not produce any documents, if any exist, responsive to this request.

**REQUEST NO. 22:**

All DOCUMENTS relating to when you first suspected that Apple Inc. would likely follow its smart phone known as the "iPhone 5" by a smart phone known as "iPhone 6".

**RESPONSE TO REQUEST NO. 22:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further

objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not relevant. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on the General Objections, General Statements and stated Objections above, Applicant will not produce any documents, if any exist, responsive to this request.

**REQUEST NO. 23:**

All DOCUMENTS relating to when you first *suspected* that Apple Inc. would likely follow its smart phone known as the "iPhone 6" by a smart phone known as "iPhone 6S".

**RESPONSE TO REQUEST NO. 23:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not relevant. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on the General Objections, General Statements and stated Objections above, Applicant will not produce any documents, if any exist, responsive to this request.

**REQUEST NO. 23:**

All DOCUMENTS relating to when you first decided to name a smart phone in whole or part "S6" for sale in the United States market.

**RESPONSE TO REQUEST NO. 23:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, if any, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 24:**

All DOCUMENTS relating to when you first decided to name a tablet computer in whole or part "S6" for sale in the United States market.

**RESPONSE TO REQUEST NO. 24:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, to the extent they exist and are located after a reasonable inquiry, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 25:**

All DOCUMENTS that support APPLICANT'S alleged right to use APPLICANT'S MARK in United States commerce.

**RESPONSE TO REQUEST NO. 25:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, if any, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 26:**

All DOCUMENTS relating to when you first became aware that OPPOSER and/or its licensees (e.g. Future Publishing Ltd, Velocity Micro Inc.) use the mark EDGE in United States commerce.

**RESPONSE TO REQUEST NO. 26:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, if any, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 27:**

All DOCUMENTS relating to when you first became aware of any of OPPOSER'S marks.

**RESPONSE TO REQUEST NO. 27:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, if any, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 28:**

All DOCUMENTS relating to each instance where APPLICANT has been in litigation or trademark dispute with any entity over trademarks used or intended to be used by APPLICANT in respect to the sale of smart phones or tablet computers in United States commerce.

**RESPONSE TO REQUEST NO. 28:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General Objections and these specific objections, Applicant will not produce documents, if any exist, that are unrelated to the subject Opposition.



**REQUEST NO. 29:**

All DOCUMENTS relating to all instances of civil litigation or proceedings before the United States Patent and Trademark Office involving APPLICANT on the one side, and Apple Inc. on the other.

**RESPONSE TO REQUEST NO. 29:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is not relevant As Apple is not a party to this Opposition proceeding. Subject to and without waiving its General Objections and these specific objections, Applicant will not produce any documents, if any exist, responsive to this request.

**REQUEST NO. 30**

All DOCUMENTS relating to all years since APPLICANT first sold any product or service in relation to APPLICANT'S MARK in United States commerce, which indicate the total dollar amount received by APPLICANT in relation to any such sales.

**RESPONSE TO REQUEST NO. 30:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further

objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, if any, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 31:**

All DOCUMENTS relating to all years since APPLICANT first advertised or promoted any product or service in relation to APPLICANT'S MARK in United States commerce, which indicate the total dollar amount paid by APPLICANT in relation to the advertising or promotion of such products or services.

**RESPONSE TO REQUEST NO. 31:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, if any, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 32:**

All DOCUMENTS relating to plans to call as a witness in this Opposition.

**RESPONSE TO REQUEST NO. 32:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Subject to and

without waiving its General Objections and these specific objections, Applicant responds that at this time it is not aware of any responsive, non-privileged documents.

**REQUEST NO. 33:**

All DOCUMENTS relating to all instances of confusion that you are aware of between APPLICANT'S use of the mark "S6" and Apple Inc.'s use of the mark "6S" both for smart phones.

**RESPONSE TO REQUEST NO. 33:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Applicant also objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to this Request on the ground that it is not relevant as Apple is not a party to this Opposition. In reliance on the General Objections, General Statements and stated Objections above, Applicant will not produce any documents, if any exist, responsive to this request.

**REQUEST NO. 34:**

All DOCUMENTS relating to all instances of confusion that you are aware of between APPLICANT'S use of the mark "EDGE" and OPPOSER'S use of the same mark "EDGE" for smart phones or smart phone software.

**RESPONSE TO REQUEST NO. 34:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege,

the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant states that it has not used the mark EDGE. Applicant uses the mark S6 EDGE. Applicant is not aware of any instances of confusion between its use of S6 EDGE and Opposer's use of EDGE, and therefore is not aware of any documents responsive to this Request.

**REQUEST NO. 35:**

All DOCUMENTS relating to the PERSON(S) participated in the answering of these requests or who provided information for the responses to OPPOSER'S First Set of Interrogatories.

**RESPONSE TO REQUEST NO. 35:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome.

Subject to and without waiving its General Objections and these specific objections, Applicant responds that it will not make non-privileged, responsive documents available at this time given the unreasonable scope of the Request, but that Applicant is willing to meet and confer as to a more limited scope of the Request.

**REQUEST NO. 36:**

All DOCUMENTS that provided information used to answer OPPOSER'S First Set of Interrogatories.

**RESPONSE TO REQUEST NO. 36:**

In addition to its General Objections and General Statements, Applicant objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Applicant further objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Subject to and without waiving its General Objections and these specific objections, Applicant will make responsive, non-privileged documents, if any, available for Opposer to inspect at a mutually convenient time and place.

**REQUEST NO. 37:**

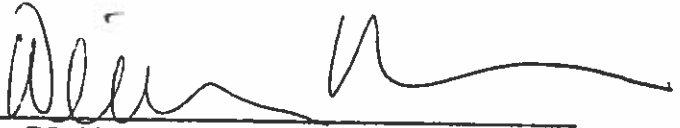
All DOCUMENTS you intend to rely upon at trial in these proceedings.

**RESPONSE TO REQUEST NO. 37:**

In addition to its General Objections and General Statements, Applicant objects to this Interrogatory as premature. Discovery has recently commenced and Applicant has not identified each person that it intends to rely upon at trial in these proceedings.

DATED: November 5, 2015

Respectfully submitted,


By:   
\_\_\_\_\_  
DIANE J. MASON  
Attorney for Applicant  
SAMSUNG ELECTRONICS CO., LTD.

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to CFR 2.101(b), on November 6, 2015, a true and correct copy of the foregoing **SAMSUNG ELECTRONICS CO. LTD.'S RESPONSES TO OPPOSER'S FIRST SET OF DOCUMENT REQUESTS** was served via U.S. Mail on Opposer:

EDGE Games Inc  
Dr. Tim Langdell  
530 South Lake Avenue, 171  
Pasadena, CA 91101

DATED: November 6, 2015

  
\_\_\_\_\_  
Thomas Loran

# Exhibit E

**Smith, Bryan C.**

---

**From:** Tim <tim@edgegames.com>  
**Sent:** Monday, November 30, 2015 9:16 PM  
**To:** Mason, Diane J.  
**Cc:** Cho, Janet W.  
**Subject:** Re: FW: Samsung Electronics Co. Ltd v. S6 Edge, class 9: Letter to Dr. Langdell 11-23-2015

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms Mason

Yes, we should perhaps discuss this by telephone, since we do not find your objections to our discovery requests acceptable either. We are of course willing to address your concerns, but equally we shall expect our concerns to be addressed, too.

Sincerely,  
Dr Tim Langdell  
CEO, Edge Games Inc  
Opposer in Pro Se

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

**From:** "Mason, Diane J." <[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)>  
**To:** "tim@edgegames.com" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
**Cc:** "Cho, Janet W." <[Janet.Cho@leclairryan.com](mailto:Janet.Cho@leclairryan.com)>  
**Sent:** 11/23/2015 1:47:39 PM  
**Subject:** FW: Samsung Electronics Co. Ltd v. S6 Edge, class 9: Letter to Dr. Langdell 11-23-2015

Dr. Langdell,

Please see attached meet and confer letter. If you would like to discuss this matter by telephone, please let me know a good time to discuss this matter with you.

I look forward to receiving your response.

Sincerely,

Diane

**Diane J. Mason**  
**Attorney at Law**  
**LECLAIRRYAN**  
44 Montgomery Street, Suite 3100  
San Francisco, California 94104  
(415) 913-4911 Direct  
(415) 391-8766 Fax



[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

<https://www.leclairryan.com/>

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\*\*\* Please note our new address listed above. Our telephone and fax numbers remain the same. \*\*\*

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This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

# Exhibit F

**Smith, Bryan C.**

---

**From:** Tim <tim@edgegames.com>  
**Sent:** Monday, December 14, 2015 10:02 AM  
**To:** Mason, Diane J.  
**Subject:** Re: Samsung Electronics Co. Ltd v. S6 Edge, class 9: Letter to Dr. Langdell 11-23-2015

Diane

Further apologies. Since we are having trouble connecting in person, we will aim to send you revised responses that we trust will satisfy your concerns. Similarly, we will aim to send you details of the amendments we are seeking to your responses to our requests.

Kind regards  
Tim

Dr Tim Langdell  
CEO Edge Games Inc  
Opposer in pro se

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

On Dec 11, 2015, at 1:48 PM, Mason, Diane J. <[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)> wrote:

ok

**Diane J. Mason**  
**Attorney at Law**  
**LECLAIRRYAN**  
44 Montgomery Street, Suite 3100  
San Francisco, California 94104  
(415) 913-4911 Direct  
(415) 391-8766 Fax  
[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)  
<https://www.leclairryan.com>  
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\*\*\* Please note our new address listed above. Our telephone and fax numbers remain the same. \*\*\*

Please consider the environment before printing this email.

---

**From:** Tim [<mailto:tim@edgegames.com>]  
**Sent:** Friday, December 11, 2015 1:48 PM  
**To:** Mason, Diane J.  
**Cc:** Cho, Janet W.  
**Subject:** Re: Samsung Electronics Co. Ltd v. S6 Edge, class 9: Letter to Dr. Langdell 11-23-2015

Hi Diane

My goal is still to ring you this afternoon. Meetings running late.

Kind regards  
Tim

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

On Dec 9, 2015, at 11:37 AM, Mason, Diane J. <[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)> wrote:

Hi Tim,

I am available Friday between 1:30-4 pm Please let me know what time is convenient for you.

Sincerely,

Diane

**Diane J. Mason**  
**Attorney at Law**  
**LECLAIRRYAN**

44 Montgomery Street, Suite 3100  
San Francisco, California 94104  
(415) 913-4911 Direct  
(415) 391-8766 Fax

[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

<https://www.leclairryan.com>

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\*\*\*

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---

**From:** Tim [<mailto:tim@edgegames.com>]

**Sent:** Wednesday, December 09, 2015 7:02 AM

**To:** Mason, Diane J.

**Cc:** Cho, Janet W.

**Subject:** Re: Samsung Electronics Co. Ltd v. S6 Edge, class 9: Letter to Dr. Langdell 11-23-2015

Hi Diane

My sincere apologies, emergencies came up. How does Friday afternoon look for you?

Tim

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

On Dec 8, 2015, at 10:28 AM, Mason, Diane J. <[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)> wrote:

Hi Tim,

Are you still available to speak today? I am available for next hour, or between 2pm-5pm.

Diane

**Diane J. Mason**  
**Attorney at Law**

**LECLAIRRYAN**

44 Montgomery Street, Suite 3100

San Francisco, California 94104

(415) 913-4911 Direct

(415) 391-8766 Fax

[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

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---

**From:** Tim [<mailto:tim@edgegames.com>]

**Sent:** Sunday, December 06, 2015 10:13 PM

**To:** Mason, Diane J.

**Cc:** Cho, Janet W.

**Subject:** Re: Samsung Electronics Co. Ltd v. S6 Edge, class 9: Letter to Dr. Langdell 11-23-2015

Diane

Apologies, work from Friday has overflowed to Monday. What is your availability Tuesday?

Kind regards.

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

On Dec 2, 2015, at 5:59 PM, Mason, Diane J.

<[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)> wrote:

I am open Monday between 10 am and 4 pm. Please let me know a convenient time for you.

Sincerely,

Diane

**Diane J. Mason  
Attorney at Law**

**LECLAIRRYAN**

44 Montgomery Street, Suite 3100

San Francisco, California 94104

(415) 913-4911 Direct

(415) 391-8766 Fax

[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

<https://www.leclairryan.com>

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*\*\*\* Please note our new address listed above. Our telephone  
and fax numbers remain the same. \*\*\**

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---

**From:** Tim [<mailto:tim@edgegames.com>]  
**Sent:** Wednesday, December 02, 2015 4:49 PM  
**To:** Mason, Diane J.  
**Cc:** Cho, Janet W.  
**Subject:** Re: Samsung Electronics Co. Ltd v. S6 Edge,  
class 9: Letter to Dr. Langdell 11-23-2015

Ms Mason

We have two very busy days tomorrow and Friday.  
Is Monday morning possible for you?

Sincerely  
Dr Tim Langdell  
Edge Games in  
Opposer in pro se

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

On Dec 2, 2015, at 11:17 AM, Mason, Diane J.  
<[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)> wrote:

Dear Dr. Langdell,

Just following up on your availability for  
a conference call. We could do a call  
tomorrow anytime between 1:30-5:30  
pm, or Friday between 10:30-2:30 pm.

Sincerely,

Diane

**Diane J. Mason  
Attorney at Law**

**LECLAIRRYAN**

44 Montgomery Street, Suite 3100

San Francisco, California 94104

(415) 913-4911 Direct

(415) 391-8766 Fax

[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

<https://www.leclairryan.com>

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*\*\*\* Please note our new address listed above. Our telephone and fax numbers remain the same. \*\*\**

Please consider the environment before printing this email.

---

**From:** Mason, Diane J.  
**Sent:** Tuesday, December 01, 2015  
1:08 PM  
**To:** 'Tim'  
**Cc:** Cho, Janet W.  
**Subject:** RE: FW: Samsung Electronics Co. Ltd v. S6 Edge, class 9: Letter to Dr. Langdell 11-23-2015

Dear Dr. Langdell,

Please let us know your availability for a phone conference this week.

Sincerely,

Diane

**Diane J. Mason  
Attorney at Law**

**LECLAIRRYAN**

44 Montgomery Street, Suite 3100

San Francisco, California 94104

(415) 913-4911 Direct

(415) 391-8766 Fax

[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

<https://www.leclairryan.com>

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*\*\*\* Please note our new address listed above. Our telephone and fax numbers remain the same. \*\*\**

Please consider the environment before printing this email.

---

**From:** Tim  
[mailto:[tim@edgegames.com](mailto:tim@edgegames.com)]  
**Sent:** Monday, November 30, 2015  
6:16 PM  
**To:** Mason, Diane J.  
**Cc:** Cho, Janet W.  
**Subject:** Re: FW: Samsung Electronics  
Co. Ltd v. S6 Edge, class 9: Letter to Dr.  
Langdell 11-23-2015

Ms Mason

Yes, we should perhaps discuss this by telephone, since we do not find your objections to our discovery requests acceptable either. We are of course willing to address your concerns, but equally we shall expect our concerns to be addressed, too.

Sincerely,  
Dr Tim Langdell  
CEO, Edge Games Inc  
Opposer in Pro Se

----- Original Message -----  
From: "Mason, Diane J."  
<[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)>  
To: "[tim@edgegames.com](mailto:tim@edgegames.com)"  
<[tim@edgegames.com](mailto:tim@edgegames.com)>  
Cc: "Cho, Janet W."  
<[Janet.Cho@leclairryan.com](mailto:Janet.Cho@leclairryan.com)>  
Sent: 11/23/2015 1:47:39 PM  
Subject: FW: Samsung  
Electronics Co. Ltd v. S6 Edge,  
class 9: Letter to Dr. Langdell 11-  
23-2015

Dr. Langdell,

Please see attached meet and confer letter. If you would like to discuss this matter by telephone, please let me know a good time to discuss this matter with you.



I look forward to receiving your response.

Sincerely,

Diane

**Diane J. Mason  
Attorney at Law**

**LECLAIRRYAN**

44 Montgomery Street, Suite 3100

San Francisco, California 94104

(415) 913-4911 Direct

(415) 391-8766 Fax

[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

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This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

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\* This e-mail may contain confidential or privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail with a copy to [emailadministrator@leclairryan.com](mailto:emailadministrator@leclairryan.com) and delete this e-mail and all copies and attachments.

# Exhibit G



DIANE J MASON  
LECLAIRRYAN  
44 MONTGOMERY ST FL 18  
SAN FRANCISCO,  
CA 94104-4705

December 21, 2015

Via First Class Mail  
& Email

**Re: S6 EDGE Trademark Opposition Action in the U.S.  
Opposition No. 91222357; Your Client Samsung Electronics**

Dear Ms. Mason,

As you know, while you objected to our discovery responses and requested a meet and confer, we also objected to your discovery responses and also requested a meet and confer. Since we had not been able to find a convenient time to meet telephonically at this busy time of the year, we proposed dealing with each party's concerns by our serving you with amended responses (which we have done today as we said we would), and itemizing for you the amendments we need to see to your responses. These requested amendments to your responses are detailed below, and absent your addressing these concerns promptly we shall, as previously indicated, file a motion to compel such additional discovery responses.

**YOUR RESPONSES TO OUR FIRST INTERROGATORIES:**

**ROG 1:** Your response is vague and lacking in detail. Which "smart phone(s)?" Which accessories and for which model smart phone?

**ROG 2:** Your response is not acceptable. Samsung undoubtedly has a list of its retailers and online vendors. It may be a large number, perhaps, but it can be produced and in this day and age of computerization, it can be produced relatively speaking at the press of a button. This request is thus not overly burdensome. In any event, in the worse case, per TBMP 414(2) if you sincerely believe the request is overly burdensome then you should

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

at least produce a representative sampling that may reasonably be expected to meet the discovery requirements in this case.

ROG 3: Your response was surprising and we wish to check that you did intend to give the response you gave. You are stating for the record that all of the third party accessories sold for the Samsung S6 EDGE brand smart phone which say they are for that model (and or for the S6 EDGE+) are doing so without license or permission to use the mark? Please clarify in your further amended response. That is, there are no formal authorized licensed manufacturers of any S6 EDGE brand accessories or related goods or services? That is, no cellular telephone company (Verizon, AT&T, Sprint, etc) and no retailer (BEST BUY or WALMART for instance) have any agreement with you under which they acquired the right to use the mark S6 EDGE in relation to the sale or promotion of Samsung smart phones and/or accessories thereto?

ROG 8: This answer is not acceptable. TMBP 414(4) states "Information concerning a party's selection and adoption of its involved mark is generally discoverable (particularly of a defendant)."

ROG 10: The response is on its face not acceptable. TMBP 414(6) states that research reports are discoverable.

ROG 12: Your response is not responsive to the interrogatory. Please correct and amend your response. Please amend your response accordingly and identify as requested.

ROG 14: Your response is not responsive to the interrogatory. Please correct and amend your response. Please amend your response accordingly and identify as requested.

ROG 16: Your response is not acceptable. The fact that Opposer publishes games for the extremely well known smart phone known as the iPhone 6S, and that thus Opposer's use of its mark EDGE in conjunction with the "6S" mark, are inherently central to this opposition. Accordingly, you are to properly respond to this interrogatory which again calls on you to identify.

ROG 17: We repeat the objection to your response given above -- you are obliged to respond to this interrogatory and once again we note it calls for you to identify.

ROG 18: We repeat the objection to your response given above -- you are obliged to respond to this interrogatory and once again we note it calls for you to identify.

ROG 19: Your response is not acceptable. The interrogatory called on you to identify.

ROG 20: Your response is not acceptable. Please see our objections above to ROG 16.

ROG 21: Your response does not fully respond to our interrogatory, please read it again and amend your response accordingly.

ROG 22: For avoidance of doubt, Opposer is seeking a date in response to this interrogatory, please provide the date.

ROG 23: This response is not acceptable. Opposer is entitled to know what documents Applicant has that are responsive to this interrogatory. Insofar as you believe that this request is overly burdensome, then Opposer limits it to those documents that Applicant currently has in its possession, custody or control and which it is at all likely to rely on at trial. We remind you again of TMBP 414(2).

ROG 24: We are surprised by this response and want to give Applicant the opportunity to correct if appropriate, You state elsewhere that you had an attorney do a trademark search for marks related to S6 EDGE for a smart phone capable of playing games, and it is thus impossible that any such reasonable or competent search did not reveal Opposer's and Opposer's licensees' use of the mark EDGE. Please consider carefully and amend your response accordingly (and we note that your response to ROG 25 appears to contradict your response to ROG 24).

ROG 25: We must check here that you are not playing with semantics. Please confirm that it is your position that Applicant did not check of the US trademark register for the mark EDGE prior to February 2015. Or if there was an earlier check of the trademark register, then amend your response to this interrogatory accordingly.

ROG 26: TMBP 414(10) states that Opposer is entitled to this information. Please amend your response accordingly.

ROG 27: The response is not acceptable given our points made in ROG 16 above. Any litigation or legal dispute with Apple is potentially very germane to these proceedings.

ROG 28: Your response is not fully responsive to the interrogatory. Applicant is required to state the dollar amounts.

ROG 29: Your response is not fully responsive to the interrogatory. Applicant is required to state the dollar amounts.

ROG 31: We refer again to our points made in regard to ROG 16 above which clarify that the potential for confusion between "S6" and "6S" are central to these proceedings, and hence so is Apple Inc. You are required to respond to this interrogatory.

ROG 33: For clarity, are you stating McClair Ryan? If so, please do so.

ROG 34: Your response would appear to be deficient. Are you suggesting that the only documents referred to at all was the February 2015 report? Please review the wide scope of interrogatories before amending your response as appropriate.

ROG 35: Your response is not acceptable. While it is possible that Applicant has not identified all of the documents it intends to rely on a trial, it is also certain that Applicant has identified some. An acceptable response to this interrogatory identifies all such documents that have not been otherwise identified in the responses to the earlier interrogatories. Please amend accordingly.

#### YOUR RESPONSES TO OUR FIRST DOCUMENT PRODUCTION REQUESTS

In each case where it is stated that Applicant will make documents available for viewing at a mutually acceptable location, we respond that the rules (see TBMP 401 et seq) state that we are entitled to copies of all said documents. And for avoidance of doubt, we hereby request copies of all said documents, making viewing in person moot since we require actual copies of physical documents as is our right. Further, the Board actively promotes the parties sending physical copies to each other as the preferred method of document production. To make discovery and production easier for both parties, we propose that you photocopy and send all document production to us, and we will photocopy and send all our document production to you.

In each case where you have said you will not produce documents because you object to doing so under relevance or similar, and where our response to your ROG responses was to clarify there is relevance (e.g. in regard to Apple Inc, etc), then your responses to our REQs are not acceptable and you need to produce the requested documents forthwith.

*And now specific responses:*

REQ 11: This response is not acceptable. It is not credible (especially given your response to our interrogatories on this issue) that there are so many people involved in deciding to use the mark S6 EDGE, and thus so many documents associated thereto, that this request is in any way burdensome. We thus do not see why there would be a need for a meet and confer, as you suggest, since the number of documents ought to be entirely reasonable in size and should be produced forthwith.

REQ 13: Again, this response is not acceptable for the same reasons given above to REQ 11. Your response to our related interrogatory indicated that there has been only one such report and thus it cannot be overly burdensome to produce it.

REQ 14: We repeat our response to REQs 11 and 13 above: it is not credible that there are so many documents being asked for here that this is overly burdensome, especially given your responses to our related interrogatories suggesting there are not numerous

such documents. This response is thus also not acceptable and we believe you can meet this request without need for a meet and confer.

REQ 15: Given your response to the related interrogatory, this response is not acceptable. You need to produce the related documents and there should be no need to meet and confer about this beyond this letter and your response hereto. There is no credible basis of objection under unreasonable scope.

REQ 17: Given your response to the related interrogatory, this response is not acceptable. You need to produce the related documents and there should be no need to meet and confer about this beyond this letter and your response hereto. There is no credible basis of objection under unreasonable scope.

REQ 19: Since the Apple products are germane, this response is not acceptable.

REQ 20: see above for REQ 19.

REQ 21: See above for REQs 19/20.

REQ 22: See above again.

REQ 28: As explained in our responses to your ROG responses, this is not acceptable and such documents are discoverable and should be produced forthwith.

REQ 29: See for REQ 28 above.

REQ 33: Documents relating to Apple are centrally relevant and thus must be produced. This response is thus not acceptable.

REQ 35: It is not credible that this request is unreasonable in scope, particularly given your response to the related interrogatory, and thus such documents must be produced forth with.

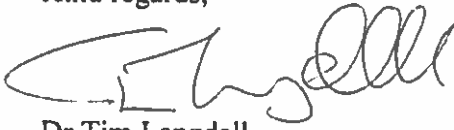
REQ 37: Your response is not responsive to our document production request and therefore is not acceptable. Persons are not requested, but even if you meant to write documents then you are obliged to produce those documents that you have identified as likely to be used at trial, and it is not credible that you have not identified any that are not already being produced in response to the earlier requests.

In summary, we believe that it ought to be possible to avoid having a telephonic meet and confer since you should be able to respond to all of the above requests for correction and amendment. Accordingly, we ask that you do so within 7 days of this letter. If you sincerely still believe you have grounds for not fully responding to either the ROG or REQs as we have indicated above, then we propose that the parties meet and confer as



early next week as possible to come to an agreement on Applicant's discovery responses and production.

Kind regards,

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

Dr Tim Langdell  
CEO, Opposer in *pro se*

# Exhibit H

**Subject:** Re[4]: S6 EDGE & S6 EDGE+ Oppositions  
**From:** "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
**Sent:** 2/29/2016 11:49:11 AM  
**To:** "Mason, Diane J." <[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)>  
**BCC:** "Tim Langdell" <[timlangdell@gmail.com](mailto:timlangdell@gmail.com)>

We shall need to move on our motion to compel your acceptable discovery responses, too. If you could please get back to us by Wednesday with our objections to your responses that you indicated you were going to do some weeks ago. Thank you.

Regards  
Dr Tim Langdell  
CEO Edge Games Inc  
Opposer in pro se

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

**From:** "Mason, Diane J." <[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)>  
**To:** "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
**Sent:** 2/29/2016 10:45:50 AM  
**Subject:** RE: Re[2]: S6 EDGE & S6 EDGE+ Oppositions

Ok, we will wait until Wed for your response, but need to move on with out motion to compel after that.

**Diane J. Mason**  
**Attorney at Law**

LECLAIRRYAN

44 Montgomery Street, Suite 3100

San Francisco, California 94104

(415) 913-4911 Direct

(415) 391-8766 Fax

[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)

<https://www.leclairryan.com>

LeClairRyan is a Delaware Limited Liability Partnership

\*\*\* Please note our new address listed above. Our telephone and fax numbers remain the same. \*\*\*

Please consider the environment before printing this email.

---

**From:** Tim [<mailto:tim@edgegames.com>]  
**Sent:** Monday, February 29, 2016 9:48 AM  
**To:** Mason, Diane J.  
**Subject:** Re[2]: S6 EDGE & S6 EDGE+ Oppositions

Diane

In reference to your letter dated February 24, 2016, you raise a large number of issues in that letter that we are still considering. We will respond to you as soon as we are able, but

# Exhibit I



March 11, 2016

**VIA FEDEX & E-MAIL**

Dr. Tim Langdell, CEO  
EDGE Games, Inc.  
530 South Lake Avenue, Suite 171  
Pasadena, California 91101

**Re: EDGE Games, Inc. v. Samsung Electronics Co., Ltd.**  
**Opposition No. 91222357**  
**Meet and Confer: Responses to Objections to Samsung's Discovery Responses**

Dear Dr. Langdell:

We write in response to EDGE Games, Inc.'s ("EGI") December 21, 2015 letter requesting amendments to Samsung Electronics Co., Ltd.'s ("SAMSUNG") responses to EGI's First Set of Interrogatories and First Set of Requests for Production of Documents (collectively "Requests"). SAMSUNG provides the additional information below in an attempt to resolve the issues raised in EGI's letter without Board involvement. SAMSUNG reasserts its objections to the Requests and nothing herein shall constitute a waiver of those objections.

With respect to Interrogatory 1, EGI requests identification of each and every product that SAMSUNG has ever promoted, advertised, offered for sale, distributed or sold in the United States in association with the S6 EDGE mark. In response, SAMSUNG properly identified that it has used the mark S6 EDGE in connection with smart phones and their accessories. SAMSUNG's smart phones and accessories promoted, advertised, offered for sale, distributed or sold under the S6 EDGE mark are identified in the public domain using that mark and are a matter of public knowledge. Therefore, the information is readily available to EGI. Despite these objections and in order to resolve this matter without Board intervention, SAMSUNG will identify accessories.

Interrogatory 2 requests identification of each and every retailer that advertised, promoted, sold, or distributed SAMSUNG'S products associated with the S6 EDGE mark. SAMSUNG reasserts that the number of retail stores and online sites that sell S6 EDGE products are too numerous to identify individually by name and address, and to do so would be overly burdensome. Further, much of this information is publically available and discoverable by EGI

E-mail: [Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)  
Direct Phone: (415) 913.4911  
Direct Fax: (415) 391.8766

44 Montgomery Street, Thirty-first Floor  
San Francisco, California 94104  
Phone: 415.391.7111 \ Fax: 415.391.8766

CALIFORNIA \ COLORADO \ CONNECTICUT \ GEORGIA \ MARYLAND \ MASSACHUSETTS \ MICHIGAN \ NEW JERSEY \ NEW YORK \ PENNSYLVANIA \ TEXAS \ VIRGINIA \ WASHINGTON, D.C.



independently. Despite these objections and in order to resolve this matter without Board intervention, SAMSUNG will identify a reasonable representative number of retailers.

With respect to Interrogatory 3, EGI requests an identification of each and every person or entity with whom SAMSUNG has ever entered into a licensing agreement with respect to the 6S EDGE mark in the United States market. SAMSUNG reasserts its objections and restates that it has not entered into any licensing agreements for the mark S6 EDGE.

Interrogatory 8 seeks identification of all persons involved in selecting the S6 EDGE mark for use in United States commerce, while Document Request 11 seeks documents relating to all persons involved in selecting the S6 EDGE mark for use in United States commerce. SAMSUNG reasserts that interrogatory 8 seeks confidential or proprietary information. Thus, SAMSUNG will supplement its response upon entry of an appropriate protective order. SAMSUNG also reasserts that the scope of Document Request 11 is unreasonable. The Document Request seeks "all" documents relating to "all" persons involved in selecting the mark. This request encompasses an overly broad batch of irrelevant and privileged documents. By way of example, the request as currently recited would include personnel files for those individuals which are not in any way relevant to this matter. Thus, SAMSUNG reasserts that it is willing to meet and confer to discuss a more limited scope for Document Request 11.

Interrogatory 10 seeks identification of all research reports or other research data purchased, gathered, or considered in respect to United States consumer usage of SAMSUNG'S smart phones or tablet computers for playing games on, while Document Request 13 seeks related documents. First, these requests are overly broad as they relate to products not at issue in this Opposition. Second, the requests are not properly limited in any way in time and scope. Third, the requests seek confidential or proprietary information. SAMSUNG will consider amendment to its interrogatory response based on a more narrowly tailored request after the entry of an appropriate protective order. Further, SAMSUNG reasserts that a meet and confer is necessary to determine a more limited scope for Document Request 13.

Interrogatories 12, 14, 28, and 29 request identification of: (1) SAMSUNG'S estimation or knowledge of the percentage of United States consumers purchasing SAMSUNG'S smart phones sold in connection with the S6 EDGE mark play games on the devices; (2) SAMSUNG'S estimation or research statistics as to what impact it would have on sales of your smart phones sold in connection with the S6 mark in the United States if the devices were not able to play games; (3) the total dollar amount received by SAMSUNG for sales of products or services related to the S6 EDGE mark; and (4) the dollar amount paid by SAMSUNG in relation to advertising or promotion of products or services related to the S6 EDGE mark. Document Requests 15 and 17 seek documents related to items (1) and (2) above. Subject to and without waiving its objections, SAMSUNG indicated it will produce documents sufficient to provide the



information requested in these interrogatories, to the extent such documents exist and can be located after a reasonable search. SAMSUNG asserts that the answer to these interrogatories may be determined by examining, auditing, compiling, abstracting, or summarizing the documents to be provided, if such documents exist, and that the burden of deriving or ascertaining the answer will be substantially the same for either party. Thus, SAMSUNG declines to amend its response to the identified interrogatories. With respect to Document Requests 15 and 17, those requests are overly broad as they seek documents beyond what is necessary to obtain the requested information and are therefore overly burdensome. Thus, a meet and confer is necessary to determine an appropriate scope for the document requests.

With respect to Interrogatories 16-20 and 31 and Document Requests 19-23 and 33, EGI generally requests information and documents related to: (1) SAMSUNG'S awareness or suspicion of Apple, Inc.'s ("Apple") intent to use certain marks; and (2) instances of confusion between the S6 EDGE mark and Apple's use of the mark 6S. EGI asserts that "[t]he fact that Opposer publishes games for the extremely well known smart phone known as the iPhone 6S, and that thus Opposer's use of its mark EDGE in conjunction with the '6S' mark, are inherently central to this opposition." EGI's assertions are unfounded. Apple is not a party to this Opposition and its marks are not at issue. SAMSUNG'S awareness or suspicion of Apple's intention to use those marks and any instances of confusion with those remarks are wholly irrelevant to any claim or defense in this Opposition. Further, these requests are not reasonably calculated to lead to the discovery of admissible evidence, as EGI's mere alleged use of its mark with Apple products does not in any way make issues related to Apple's marks relevant here. Accordingly, SAMSUNG reasserts its objection to Interrogatories 16-20 and 31 and Document Requests 19-23 and 33 and will not provide any responses, or produce any documents to the extent that any exist, in response to these requests.

With respect to Interrogatories 21 and 22, EGI seeks identification of when SAMSUNG first decided to name a smart phone and a tablet computer, respectively, in whole or part "S6" for sale in the United States market. In order address EGI's concern, SAMSUNG will amend its response to indicate a general time frame of the decision to the extent that such time frame may be ascertained. Further, since these interrogatories seek confidential and proprietary information, SAMSUNG will amend its response only after entry of an appropriate protective order.

Interrogatory 23 requests identification of all documents that support SAMSUNG'S alleged right to use the S6 EDGE mark in United States commerce. As an initial matter, this Interrogatory is overly broad and vague as to the information it seeks. Subject to that objection, SAMSUNG reiterates that it has not yet completed its investigation related to this Opposition and SAMSUNG will supplement its response at an appropriate time once EGI provides clarification on the specific information sought by this interrogatory.



Interrogatories 24 and 25 seek identification of when SAMSUNG first became aware that EGI and/or its licensees use the mark EDGE in United States commerce and when SAMSUNG first became aware of any of EGI's marks. SAMSUNG restates that it is not aware of any specific facts or documents indicating that EGI and/or its licensees use the mark EDGE in United States commerce, and that SAMSUNG first became aware of EGI's pending application for the EDGE PC mark in February 2015 after outside counsel conducted a preliminary screening. To the extent that EGI maintains these responses are contradictory, such an assertion is unfounded. Thus, SAMSUNG declines to amend its responses to Interrogatories 24 and 25.

With respect to Interrogatories 26 and 27 and Document Requests 28 and 29, EGI seeks information and documents regarding instances where SAMSUNG has been in litigation or trademark disputes in respect to the sale of smart phones or tablet computers in United States commerce, including any such instances involving Apple. First, these interrogatories are overly broad as they seek information on proceedings not related to the S6 EDGE mark. Thus, EGI's citation to TMP 414(10) is inapposite. Second, other instances of proceedings, particularly with respect to Apple, are irrelevant to this matter. Accordingly, SAMSUNG will not supplement its response or produce documents to the extent any exist.

Interrogatory 33 seeks identification of each person who participated in answering these interrogatories or who provided information or documents for the answers, while Document Request 35 seeks all documents relating to the persons who participated in answering these Requests or who provided the information for the responses. In order to clarify and to resolve any issue with respect to this interrogatory, SAMSUNG restates that the responses were prepared by SAMSUNG'S outside trademark counsel, LeClairRyan, A Professional Corporation, based on information received from SAMSUNG. Document Request 35, as currently stated, seeks all documents in SAMSUNG'S possession related to SAMSUNG'S outside trademark counsel. This request would encompass numerous privileged and wholly irrelevant documents and cannot be countenanced. Accordingly, SAMSUNG restates that is willing to meet and confer regarding a more limited scope of Document Request 35.

Interrogatory 34 seeks identification and production of all documents that provided information used to answer these interrogatories, while Interrogatory 35 and Document Request 37 seek all documents SAMSUNG intends to rely upon at trial. SAMSUNG restates that the documents relied upon to prepare the responses to the interrogatories include only the preliminary screening reports from February 2015. SAMSUNG also reiterates that the request for all documents SAMSUNG intends to rely on at trial is premature as such documents have not yet been identified at this time. SAMSUNG will supplement its production at the appropriate time.





Document Request 14 seeks all documents relating to any consideration given in the design of SAMSUNG'S products sold in connection with the S6 EDGE mark to enable the smart phone or tablet computer to be suitable for playing games. This request is unreasonably broad since it seeks all design documents related to game playing capabilities, many of which would be wholly irrelevant to this matter. Thus, SAMSUNG restates the need to meet and confer to determine a more reasonable scope for this request.

In view of the foregoing, SAMSUNG requests that EGI withdraw its improper objections to SAMSUNG'S responses as noted above. SAMSUNG further requests that the parties meet and confer to discuss a reasonable scope for the objected to document requests.

Sincerely,



Diane J. Mason  
Attorney at Law

# Exhibit J

**Smith, Bryan C.**

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**From:** Tim <tim@edgegames.com>  
**Sent:** Friday, March 11, 2016 5:11 PM  
**To:** Mason, Diane J.  
**Cc:** Smith, Bryan C.  
**Subject:** Re[6]: S6 EDGE & S6 EDGE+ Oppositions

Diane

Your letter is not acceptable and does not meet our requirement for a meet and confer. We asked for a meet and confer and pointed out that we can meet and confer on our issues at the same time as doing a meet and confer on your alleged issues. Can you please confirm your availability for a meet and confer?

Kind regards  
Tim

Dr Tim Langdell  
CEO Edge Games Inc  
Opposer in pro se

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

**From:** "Mason, Diane J." <[Diane.Mason@leclairryan.com](mailto:Diane.Mason@leclairryan.com)>  
**To:** "Tim" <[tim@edgegames.com](mailto:tim@edgegames.com)>  
**Cc:** "Smith, Bryan C." <[Bryan.Smith@leclairryan.com](mailto:Bryan.Smith@leclairryan.com)>  
**Sent:** 3/11/2016 1:09:37 PM  
**Subject:** RE: Re[4]: S6 EDGE & S6 EDGE+ Oppositions

Tim,

We have not received any further responses regarding our meet and confer attempts. We will therefore be filing a motion to compel.

In the meantime, attached is our response to your prior meet and confer letter.

Sincerely,

Diane

**Diane J. Mason**  
**Attorney at Law**  
**LECLAIRRYAN**  
44 Montgomery Street, Suite 3100  
San Francisco, California 94104  
(415) 913-4911 Direct  
(415) 391-8766 Fax

# Exhibit K

**Smith, Bryan C.**

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**From:** Mason, Diane J.  
**Sent:** Friday, March 11, 2016 5:22 PM  
**To:** Tim  
**Cc:** Smith, Bryan C.  
**Subject:** RE: Re[6]: S6 EDGE & S6 EDGE+ Oppositions

I can be available for a call next week to discuss Samsung's responses to your discovery requests. Let me know when you are available.

Diane  
Sent with Good (www.good.com)

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**From:** Tim  
**Sent:** Friday, March 11, 2016 5:10:47 PM  
**To:** Mason, Diane J.  
**Cc:** Smith, Bryan C.  
**Subject:** Re[6]: S6 EDGE & S6 EDGE+ Oppositions

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Tim

Dr Tim Langdell  
CEO Edge Games Inc  
Opposer in pro se

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**Cc:** "Smith, Bryan C." <[Bryan.Smith@leclairryan.com](mailto:Bryan.Smith@leclairryan.com)>  
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