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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.
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Date	07/22/2015
Attachments	S6 EDGE Answer.pdf(185984 bytes )

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

In the matter of Trademark Application Serial No. 86/527,451  
Mark: S6 EDGE

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

**ANSWER TO NOTICE OF OPPOSITION  
AND AFFIRMATIVE DEFENSES**

Samsung, Samsung Electronics Co., Ltd. (“Samsung”), through its undersigned counsel, hereby timely files its Answer to Notice of Opposition and Affirmative Defenses in response to the Notice of Opposition filed by Edge Games, Inc. (“Opposer”).

Samsung answers the specific allegations contained in Opposer’s Notice of Opposition as follows:

1. Samsung is without sufficient information to form a belief as to the truth of the allegations in paragraph 1 of the Notice of Opposition and therefore denies those allegations.
2. Samsung admits that it is a Korean corporation with a principal place of business at 129, Samsung-ro, Yeontong-gu Suwon-si, Gyeonggi-do Republic of Korea.
3. Samsung admits that Application Serial No. 86/527,451 for S6 EDGE published on June 9, 2015.

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4. Samsung notes that Opposer's Notice of Opposition does not contain paragraphs numbered 4-9, or 13.

5. Samsung is without sufficient information to form a belief as to the truth of the allegations in paragraph 10 of the Notice of Opposition and therefore denies those allegations.

6. Samsung is without sufficient information to form a belief as to the truth of the allegations in paragraph 11 of the Notice of Opposition and therefore denies those allegations.

7. Samsung is without sufficient information to form a belief as to the truth of the allegations in paragraph 12 of the Notice of Opposition and therefore denies those allegations.

8. In response to the allegations contained in paragraph 14, Samsung denies that Registration Nos. 2219837, 3105816, 3381826, and 3559342 are valid and in effect, as they were ordered cancelled by a judgment of the United States District Court for the Northern District of California, and subsequently were cancelled pursuant to Section 37 of the Trademark Act. Furthermore, Application No. 75/029400 was abandoned, and a petition to revive has been denied. Applicant admits that Edge Games, Inc. DBA EDGE CORPORATION is listed as the owner of Application No. 86/538581; and Edge Games, Inc. is listed as the owner of Application Nos. 85/147499, 85/891810 and 85/891791.

9. Samsung denies each and every allegation in paragraph 15 of the Notice of Opposition.

10. In response to the allegations contained in paragraph 16, Samsung denies that Opposer owns any registrations for the mark EDGE that are valid and in effect.

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Samsung further denies that its mark S6 EDGE is identical to the mark EDGE of THE EDGE. Samsung denies the remaining allegations in paragraph 16 of the Notice of Opposition.

11. Samsung denies that Opposer's applications are either stayed pending the outcome of its application for S6 EDGE, or are anticipated to be stayed pending the outcome. Samsung denies that Opposer will be harmed if its mark S6EDGE becomes registered. Samsung denies the remaining allegations in paragraph 17 of the Notice of Opposition.

12. Samsung denies each and every allegation in paragraph 18 of the Notice of Opposition.

13. Samsung is without sufficient information to form a belief as to the truth of the allegations in paragraph 19 of the Notice of Opposition and therefore denies those allegations.

14. Samsung denies each and every allegation in paragraph 20 of the Notice of Opposition.

15. Samsung denies that its mark S6 EDGE is potentially diluting. Samsung denies the remaining allegations in Opposer's second paragraph 20 of the Notice of Opposition.

16. Samsung denies each and every allegation in paragraph 21 of the Notice of Opposition.

17. Samsung denies each and every allegation in paragraph 22 of the Notice of Opposition.

**AFFIRMATIVE DEFENSES**

In addition, Samsung sets forth the following affirmative defenses and statement in support of its position.

1. Opposer lacks standing to bring and/or maintain the present Opposition.
2. No damage or injury has resulted, will result or can result to Opposer from registration of the S6 EDGE mark.
3. Samsung's mark is sufficiently distinctive and different from Opposer's Marks as to avoid confusion, deception, or mistake as to the source, sponsorship or association of Samsung's goods with Opposer.
4. Samsung's goods and Opposer's goods are not competitive, and are sufficiently unrelated as to preclude any likelihood of confusion between the S6 EDGE mark and Opposer's Mark.
5. Upon information and belief, the trade channels in which both parties sell their goods consist of sales to sophisticated purchasers who make considered purchasing decisions and are unlikely to be confused.
6. Opposer's Marks do not share a common or similar commercial impression with S6 EDGE, and therefore there is no likelihood for consumer confusion between the Opposer's Mark and the S6 EDGE mark.
7. On information and belief, the Opposer's Applications were fraudulently submitted and prosecuted by Opposer.
8. On information and belief, Opposer is bared by the doctrine of unclean hands from bringing and/or maintaining the present Opposition.

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9. The marks identified by Opposer are of limited scope and strength or are unenforceable.

10. The marks identified by Opposer are not inherently distinctive or famous and have not acquired distinctiveness.

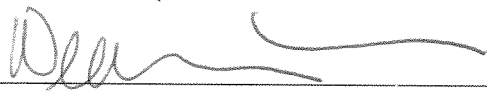
11. Registration of Samsung's mark S6 EDGE cannot cause dilution of Opposer's marks.

12. Samsung reserves the right to assert additional defenses should discovery reveal facts supporting such defenses.

THEREFORE, having fully answered, Samsung respectfully requests that judgment be entered in its favor and that Application Serial Number 85/560168 proceed to registration.

July 22, 2015

Respectfully submitted,



By: Diane Mason

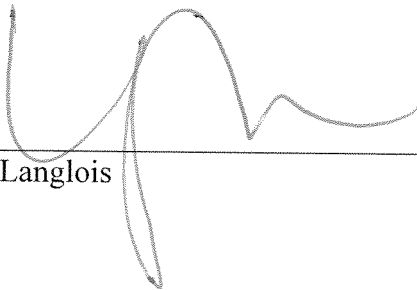
*Attorney for Samsung Electronics Co., Ltd.*

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to CFR 2.101(b), on June 28, 2013, a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES was served via first class on Opposer at the following address:

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

DATED: July 22, 2015



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Lanii Langlois