

ESTTA Tracking number: **ESTTA214325**

Filing date: **05/29/2008**

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

Proceeding	92049162
Party	Plaintiff Velocity Micro, Inc.
Correspondence Address	Robert L. Brooke Troutman Sanders LLP Post Office Box 1122 Richmond, VA 23218 UNITED STATES trademarks@troutmansanders.com
Submission	Motion to Join/Substitute Party
Filer's Name	Stephen C. Piepgrass
Filer's e-mail	stephen.piepgrass@troutmansanders.com
Signature	/Stephen C. Piepgrass/
Date	05/29/2008
Attachments	Opp_to_Substitute_Mot_to_Join.pdf (3 pages)(14875 bytes) Ex_to_Mot_to_Join.pdf (8 pages)(363938 bytes)

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

VELOCITY MICRO, INC.)	
)	
Petitioner,)	MOTION TO JOIN PARTY AND
)	OPPOSITION TO MOTION TO
)	SUBSTITUTE PARTY
)	
v.)	Cancellation No. 92049162
)	
THE EDGE INTERACTIVE MEDIA, INC.)	Registration No. 3,381,826,
)	Date of Issue: February 12, 2008
Respondent.)	

Petitioner Velocity Micro, Inc. (“Velocity”) hereby moves to join EDGE Games, Inc. (“EDGE Games”) as a respondent and opposes the substitution of EDGE Games for Respondent The Edge Interactive Media, Inc. (“Edge Interactive”).

Edge Interactive claims that it assigned the registered trademark in question in these proceedings to EDGE Games on February 21, 2008. As an assignee, EDGE Games should be joined instead of substituted as a party. As stated in Trademark Trial and Appeal Board Manual of Procedure (“TBMP”):

When the assignment is recorded in the Assignment Branch of the PTO, the assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, or the assignor is no longer in existence, or the plaintiff raises no objection to substitution, or the discovery and testimony periods have closed; otherwise, the assignee will be joined, rather than substituted, to facilitate discovery.

TBMP § 512.01 (citing numerous authorities).

Under this rule, the Board should join EDGE Games, rather than substitute it for Edge Interactive. First, by this motion, Velocity objects to the substitution of EDGE Games for Edge Interactive. Second, although the assignment to EDGE Games states that it was executed February 21, 2008, it was not recorded until April 30, 2008, *after* this

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO JOIN PARTY AND OPPOSITION TO MOTION TO SUBSTITUTE PARTY was sent by first class mail, postage prepaid to the following representatives of THE EDGE INTERACTIVE MEDIA, INC.:

Jack Phillips
Legal Department
The EDGE Interactive Media, Inc.
530 South Lake Avenue, Suite 171
Pasadena, California 91101

Dr. Timothy Langdell
Chief Executive Officer
The EDGE Interactive Media, Inc.
530 South Lake Avenue, Suite 171
Pasadena, California 91101

and to the following representative of EDGE GAMES, INC.:

Dr. Timothy Langdell
Chief Executive Officer
EDGE Games, Inc.
530 South Lake Avenue, Suite 171
Pasadena, California 91101

this the 29th day of May, 2008.

/s/
Stephen C. Piepgrass

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
The Edge Interactive Media, Inc		02/21/2008	CORPORATION:

RECEIVING PARTY DATA

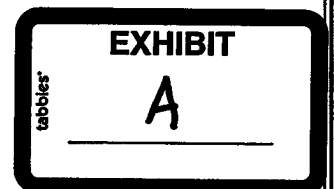
Name:	EDGE Games, Inc.
Street Address:	530 South Lake Avenue
Internal Address:	#171
City:	Pasadena
State/Country:	CALIFORNIA
Postal Code:	91101
Entity Type:	CORPORATION:

PROPERTY NUMBERS Total: 7

Property Type	Number	Word Mark
Registration Number:	3381826	GAMER'S EDGE
Serial Number:	78807479	EDGE
Registration Number:	3105816	EDGE
Serial Number:	75077113	THE EDGE
Serial Number:	75029400	EDGE
Registration Number:	1853705	EDGE
Registration Number:	2251584	CUTTING EDGE

CORRESPONDENCE DATA

Fax Number: (626)844-4334
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
 Phone: 6264494334
 Email: USPTO@EDGE GAMES.COM
 Correspondent Name: Tim Langdell
 Address Line 1: 530 South Lake Avenue



OP \$190.00 3381826

Address Line 2: #171
Address Line 4: Pasadena, CALIFORNIA 91101

NAME OF SUBMITTER:

TIM LANGDELL

Signature:

/Tim Langdell/

Date:

04/30/2008

Total Attachments: 1

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ASSIGNMENT OF TRADEMARKS

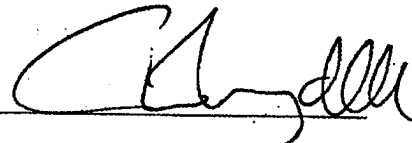
This agreement entered this 21st of February, 2008 between The Edge Interactive Media, Inc., of 530 S. Lake Avenue, Suite 171, City of Pasadena, State of California , herein referred to as "Assignor", and EDGE Games, Inc., of 530 S. Lake Avenue, Suite 171, City of Pasadena, State of California, herein referred to as "Assignee".

That Assignor has adopted and is using various registered and pending marks in the United States Patent Office - being Registrations Nos. 3381826, 3105816, 1853705, 2251584, 2219837 and applications Serial Nos. 78807479, 75077113, 75029400 - and Assignee is desirous of acquiring such marks and the registration thereof and assignment of such pending applications with assignment of the registrations thereof upon said marks maturing to the register.

That for good and valuable consideration, the receipt of which is hereby acknowledged, Assignor does hereby assign to Assignee all rights, title and interest in and to said marks, the goodwill of the business symbolized by said mark, along with the registration thereof, the numbers of which are contained herein.

Date

Feb 21, 2008



Dr. Tim Langdell, CEO

State of California
Secretary of State



I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 7 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

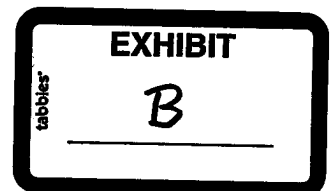


IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 24 2008

Debra Bowen

DEBRA BOWEN
Secretary of State



1677002

ARTICLES OF INCORPORATION

OF

THE EDGE INTERACTIVE MEDIA, INC.

FILED

In the office of the Secretary of State
of the State of California

NOV 26 1990

March Fong Eu
MARCH FONG EU, Secretary of State

ONE: The name of the corporation is:

THE EDGE INTERACTIVE MEDIA, INC.

TWO: The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust business or the practice of a profession permitted to be incorporated by the California Corporations Code.

THREE: The name and address in the State of California for this corporation's initial agent for service of process is:

Dr. Tim Langdell, Ph.D.
150 South El Molino, Suite 201
Pasadena, California 91101

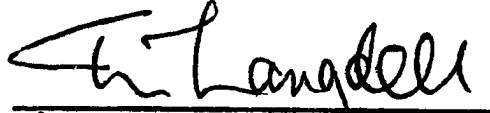
FOUR: This corporation is authorized to issue only one (1) class of shares of stock and the total number of shares which this corporation is authorized to issue is One Hundred Thousand (100,000).

FIVE: The liability of the Directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

SIX: The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the Corporations Code) for breach of duty to the corporation and its

Stockholders through bylaw provisions or through agreements with the agents, or both, in excess of the indemnification otherwise permitted by Section 317 of the Corporations Code, subject to the limits on such excess indemnification set forth in Section 204 of the Corporations Code.

Dated: November 19, 1990


Tim Langell, Ph.D.
Incorporator



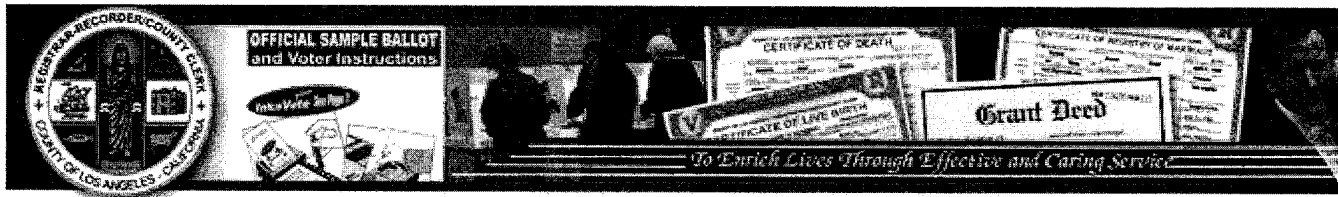
REGISTRAR-RECORDER/COUNTY CLERK

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REGISTRAR OF VOTERS OPERATIONS

RECORDER OPERATIONS

COUNTY CLERK OPERATIONS

GENERAL INFORMATION

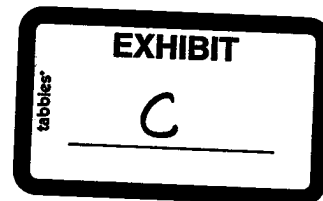
FICTITIOUS BUSINESS NAME SEARCH RESULTS

SEARCH NAME: *EDGE GAMES*

**** NAME NOT FOUND**

FICTITIOUS BUSINESS NAME	DOCUMENT NO.	DATE FILED
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[[DOWNLOAD PDF APPLICATION](#)] [[NEW SEARCH](#)]



California Business Portal

Secretary of State DEBRA BOWEN

DISCLAIMER: The information displayed here is current as of MAY 23, 2008 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
THE EDGE INTERACTIVE MEDIA, INC.		
Number: C1677002	Date Filed: 11/26/1990	Status: suspended
Jurisdiction: California		
Address		
530 S LAKE AVE		
STE 171		
PASADENA, CA 91101		
Agent for Service of Process		
TIM LANGDELL		
530 S LAKE AVE		
STE 171		
PASADENA, CA 91101		

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.

