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

Proceeding	92051465
Party	Defendant EDGE GAMES, INC.
Correspondence Address	EDGE GAMES, INC. 530 SOUTH LAKE AVENUE, #171 PASADENA, CA 91101 UNITED STATES
Submission	Other Motions/Papers
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Signature	/Tim Langdell/
Date	11/09/2009
Attachments	ResponseToPetitionersRequestReDiscoveryConf.pdf (3 pages)(174023 bytes)

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

In the Matter of Registration No. 3,559,342
For the Trademark THE EDGE
Issued January 13, 2009

In the Matter of Registration No. 3,381,826
For the Trademark GAMER'S EDGE
Issued February 12, 2008

In the Matter of Registration No. 3,105,816
For the Trademark EDGE
Issued June 20, 2006

In the Matter of Registration No. 2,251,584
For the Trademark CUTTING EDGE
Issued June 8, 1999

In the Matter of Registration No. 2,219,837
For the Trademark EDGE
Issued January 26, 1999

EA DIGITAL ILLUSIONS CE AB, a Swedish Corporation; ELECTRONIC ARTS INC., a Delaware corporation,)	REGISTRANT'S RESPONSE TO PETITIONER'S REQUEST FOR INTERLOCUTORY ATTORNEY ATTENDANCE AT DISCOVERY CONFERENCE.
Petitioners,)	
v.)	Cancellation No. 92051465
EDGE GAMES, INC., a California corporation)	
Registrant.)	
_____)	

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

**REGISTRANT'S RESPONSE TO PETITIONER'S REQUEST
FOR INTERLOCUTORY ATTORNEY ATTENDANCE AT
DISCOVERY CONFERENCE**

In its instant request, Petitioner refers to the Discovery Conference as currently scheduled to take place on or before November 26, 2009. However, Registrant notes that the Trademark Trial and Appeal Board Manual of Procedure states in relevant part in 503.01:


The filing of a motion to dismiss for failure to state a claim upon which relief can be granted tolls the time for filing an answer. If the motion is filed before the movant's answer, and is denied, the Board will reset the time for filing an answer.

Since a Motion to Dismiss for failure to state a claim upon which relief can be granted was filed in this matter, that filing tolls the time for filing an answer. Only in the event that Registrant's Motion to Dismiss is denied will the toll be removed, and the Board will only then inform the parties it has reset the time for Registrant to file its answer. In that event, the Discovery Conference date would be set for approximately one month after the new due date for the answer. Registrant thus wishes to clarify that there will thus be no Discovery Conference in this matter taking place at this time, before or on

November 26, 2009 as currently scheduled since the Board is presumably about to inform the parties that the time to file movant's answer is tolled.

Date: November 9, 2009

Respectfully submitted,

By: 

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