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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., and Future Publishing, Ltd.
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Date	04/17/2012
Attachments	MotionForReconsiderationOfBoardsDenialOfMotionToReverseDivOf2219837.pdf (4 pages)(60632 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,
ELECTRONIC ARTS INC.,**

Petitioners in pro per,

v.

**EDGE GAMES, INC.
FUTURE PUBLISHING LTD**

Co-Registrants/Co-Defendants.

)
) **CO-REGISTRANT EDGE**
) **GAMES INC'S**
) **MOTION FOR**
) **RECONSIDERATION OF**
) **THE BOARD'S DENIAL**
) **OF EDGE'S MOTION TO**
) **REVERSE THE**
) **DIVISION OF REG.**
) **NO. 2219837**
)
) **Cancellation No. 92051465**
)

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

1. Co-Registrant Edge Games, Inc. (“EDGE”) has just noticed that in the Board’s March 30, 2012 order the Board placed in footnote 5 on page 5 a denial of EDGE’s motion to reverse the division of Reg. No. 2219837. Since the Board gives no explanation or justification for denying EDGE’s motion, EDGE is at a loss to know why the motion was denied. Since EDGE’s grounds for asking its motion be granted were valid and sound, EDGE thus presumes the Board’s denial was in error and respectfully requests the Board reconsider its decision and grant EDGE’s motion to reverse the division of this registration.

2. In footnote number 2 of the Board’s Order of March 30, 2012, the Board states that it rules Future Publishing Ltd’s (“Future”) filing of October 27, 2011 (at docket #65) was untimely. This filing was Future’s opposition to the instant motion by EDGE to reverse the division of Reg. No. 2219837. Consequently, since Future’s opposition to the motion was untimely, and since Petitioners had no standing to oppose the motion, there was in real terms no opposition to the instant motion to reverse the division of Reg. No. 2219837. Given there was no opposition by any party with standing to EDGE’s motion to reverse the division of this registration, EDGE respectfully suggests its motion should have been granted.

3. Alternatively, it is axiomatic, and fully in accord with standard Board and USPTO procedure, that while any matter is active before the Board relating to a trademark registration then no post-registration action is to be taken in regard to that registration while the Board matter is still ongoing. Here, the division of this registration occurred when the instant cancellation proceedings were well under way – *several months* after they were commenced, and certainly during the time the Board proceedings were still in process since even now they are not concluded. It thus should be indisputable that the post-registration department, or whichever

person or entity within the USPTO processed the division of this registration, should not have processed the division while the instant cancellation proceedings were in process.

4. EDGE thus respectfully submits that the Board's decision to deny EDGE's motion to reverse the division of Reg. No. 2219837 was clearly in error since the motion was (a) unopposed by any party with standing to oppose it, and (b) it is standard, invariant USPTO protocol that no post-registration actions are processed while a registration is subject to a case before the Board. Consequently, EDGE respectfully requests that the Board reverse its decision of March 30, 2012 and that the Board grant EDGE's motion to reverse the division of this registration. And that, consequently, the Board then do also grant in full EDGE's sister Motion for Reconsideration regarding the withdrawal (reversal) of its two trademark registration surrenders on the same grounds that the Board previously granted EDGE's first motion to withdraw one of its surrenders.

5. In the alternate, EDGE requests that its motion to bring the daughter registration No. 3713604 into these proceedings be granted instead, given all EDGE's grounds for requesting this alternative were entirely valid and sound. Again, this motion, too, was unopposed.

Date: April 17, 2012

Respectfully submitted,

By: 

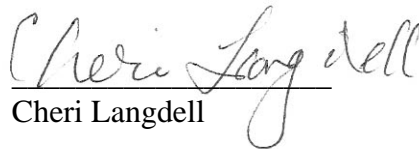
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Certificate of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing CO-REGISTRANT EDGE GAMES INC'S MOTION TO RECONSIDER THE BOARD'S DENIAL OF EDGE'S MOTION TO REVERSE THE DIVISION OF REG. NO. 2219837 in these proceedings was served on the following parties of record, by depositing same in the U.S. Mail, first class postage prepaid, this 17th day of April, 2012:

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