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19		DISTRICT COURT
20		ORNIA, SAN FRANCISCO DIVISION
21	EDGE GAMES, INC., a California corporation,	Case No. 10-CV-2614-WHA
22	Plaintiff,	STIPULATION REGARDING DISPOSITION OF CLAIMS AND [PROPOSED] ORDER
23	v.	Hon. William Alsup
24	ELECTRONIC ARTS INC., a Delaware corporation,	Complaint Filed: June 15, 2010
25	Defendant.	Complaint Flied. June 13, 2010
26	Detenuant.	
27	AND RELATED COUNTERCLAIMS AND COUNTER-COUNTERCLAIMS	
28 Kendall Brill & Klieger LLP 10100 Santa Monica Blvd. Suite 1725	58967.1	10-CV-2614-WHA
Los Angeles, CA 90067	STIPULATION REGARDING DISPOSITIC	ON OF CLAIMS AND [PROPOSED] ORDER

1	WHEREAS, Plaintiff, Counterdefendant, and Counter-Counterclaimant Edge Games, Inc.	
2	("Edge Games") filed its First Amended Complaint on July 2, 2010;	
3	WHEREAS, Edge Games filed a Motion for Preliminary Injunction on August 20, 2010;	
4	WHEREAS, Defendant and Counterclaimant Electronic Arts Inc. ("EA") filed its Answer	
5	to the First Amended Complaint on August 29, 2010;	
6	WHEREAS, EA and Counterclaimant and Counter-Counterdefendant EA Digital Illusions	
7	CE AB ("DICE") filed their Counterclaim against Edge Games and Counterdefendant The Edge	
8	Interactive Media, Inc. ("EIM") on August 29, 2010;	
9	WHEREAS, Edge Games filed its Counter-Counterclaims against DICE on September 23,	
10	2010;	
11	WHEREAS, the Court entered an Order Denying Motion for Preliminary Injunction on	
12	October 10, 2010;	
13	WHEREAS, Edge Games, EIM, EA, and DICE have negotiated and entered into a binding	
14	settlement agreement (the "Settlement");	
15	WHEREAS, no party admits any wrongdoing nor stipulates to any finding of wrongdoing;	
16	WHEREAS, the parties agree that each party shall bear its own costs and attorneys' fees in	
17	this matter; and	
18	WHEREAS, the parties desire to have a final judgment entered in this matter in the form	
19	attached hereto as Exhibit A;	
20	NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties as	
21	follows:	
22	Claims for Relief in First Amended Complaint	
23	1. With respect to Edge Games' First Claim for Relief in the First Amended	
24	Complaint (Infringement of Federally Registered Trademarks), judgment will be entered in favor	
25	of EA and against Edge Games.	
26	2. With respect to Edge Games' Second Claim for Relief in the First Amended	
27	Complaint (False Designation of Origin), judgment will be entered in favor of EA and against	
28 Kendall Brill	Edge Games.	
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1	3. With respect to Edge Games' Third Claim for Relief in the First Amended	
2	Complaint (Common Law Trademark Infringement), judgment will be entered in favor of EA and	
3	against Edge Games.	
4	4. With respect to Edge Games' Fourth Claim for Relief in the First Amended	
5	Complaint (Unfair Competition), judgment will be entered in favor of EA and against Edge	
6	Games.	
7	5. With respect to Edge Games' Fifth Claim for Relief in the First Amended	
8	Complaint (Common Law Unfair Competition), judgment will be entered in favor of EA and	
9	against Edge Games.	
10	6. With respect to Edge Games' Sixth Claim for Relief in the First Amended	
11	Complaint (Unjust Enrichment), judgment will be entered in favor of EA and against Edge	
12	Games.	
13	Claims for Relief in Counterclaim	
14	7. With respect to EA's and DICE's First Claim for Relief in the Counterclaim	
15	(Cancellation of Registration No. 3,105,816 (EDGE)), judgment will be entered in favor of EA	
16	and DICE and against Edge Games and EIM.	
17	8. With respect to EA's and DICE's Second Claim for Relief in the Counterclaim	
18	(Cancellation of Registration No. 2,219,837 (EDGE)), judgment will be entered in favor of EA	
19	and DICE and against Edge Games and EIM.	
20	9. With respect to EA's and DICE's Third Claim for Relief in the Counterclaim	
21	(Cancellation of Registration No. 3,381,826 (GAMER'S EDGE)), judgment will be entered in	
22	favor of EA and DICE and against Edge Games and EIM.	
23	10. With respect to EA's and DICE's Fourth Claim for Relief in the Counterclaim	
24	(Cancellation of Registration No. 3,559,342 (THE EDGE)), judgment will be entered in favor of	
25	EA and DICE and against Edge Games and EIM.	
26	11. With respect to EA's and DICE's Fifth Claim for Relief in the Counterclaim	
27	(Cancellation of Registration No. 2,251,584 (CUTTING EDGE)), judgment will be entered in	
28	favor of EA and DICE and against Edge Games and EIM.	
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1	12. With respect to EA's and DICE's First, Second, Third, Fourth, and Fifth Claims for	
2	Relief in the Counterclaim, the Court may order cancellation, pursuant to Section 37 of the	
3	Lanham Act, 15 U.S.C. § 1119, of U.S. Trademark Registration Nos. 2,219,837; 2,251,584;	
4	3,105,816; 3,559,342; and 3,381,826.	
5	13. Pursuant to Fed. R. Civ. P. 41(a), EA and DICE agree to dismiss without prejudice	
6	their Sixth Claim for Relief in the Counterclaim (Declaratory Relief).	
7	Claims for Relief in Counter-Counterclaims	
8	14. With respect to Edge Games' First Claim for Relief in the Counter-Counterclaim	
9	(Infringement of Federally Registered Trademarks), judgment will be entered in favor of DICE	
10	and against Edge Games.	
11	15. With respect to Edge Games' Second Claim for Relief in the Counter-Counterclaim	
12	(False Designation of Origin), judgment will be entered in favor of DICE and against Edge	
13	Games.	
14	16. With respect to Edge Games' Third Claim for Relief in the Counter-Counterclaim	
15	(Common Law Trademark Infringement), judgment will be entered in favor of DICE and against	
16	Edge Games.	
17	17. With respect to Edge Games' Fourth Claim for Relief in the Counter-Counterclaim	
18	(Unfair Competition), judgment will be entered in favor of DICE and against Edge Games.	
19	18. With respect to Edge Games' Fifth Claim for Relief in the Counter-Counterclaim	
20	(Common Law Unfair Competition), judgment will be entered in favor of DICE and against Edge	
21	Games.	
22	19. With respect to Edge Games' Sixth Claim for Relief in the Counter-Counterclaim	
23	(Unjust Enrichment), judgment will be entered in favor of DICE and against Edge Games.	
24	20. With respect to Edge Games' Seventh Claim for Relief in the Counter-	
25	Counterclaim (Cancellation of Registration No. 3,806,031), judgment will be entered in favor of	
26	DICE and against Edge Games.	
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1	21. With respect to Edge Games' Eighth Claim for Relief in the Counter-Counterclaim	
2	(Cancellation of Registration No. 3,806,032), judgment will be entered in favor of DICE and	
3	against Edge Games.	
4	22. With respect to Edge Games' Ninth Claim for Relief in the Counter-Counterclaim	
5	(Cancellation of Registration No. 3,806,033), judgment will be entered in favor of DICE and	
6	against Edge Games.	
7	23. Neither this Stipulation nor the Settlement, nor any act performed or executed	
8	pursuant to or in furtherance of the Stipulation or the Settlement, is intended as or shall constitute	
9	a concession or an admission of, or evidence of, any fault or wrongdoing by any party.	
10	24. Each party shall bear its own costs and attorneys' fees in this matter.	
11	IT IS SO AGREED.	
12	Dated: October 6, 2010 THE LANIER LAW FIRM, P.C.	
13		
14	Ву:	
15	Christopher D. Banys Attorneys for EDGE GAMES, INC. and THE	
16	EDGE INTERACTIVE MEDIA, INC.	
17	Dated: October 6, 2010 KENDALL BRILL & KLIEGER LLP	
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19	By:	
20	Robert N. Klieger Attorneys for ELECTRONIC ARTS INC. and	
21	EA DIGITAL ILLUSIONS CE AB	
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23	The stipulation is hereby APPROVED.	
24	IT IS SO ORDERED.	
25	Dated:	
26	Hon. William Alsup United States District Judge	
27		
28 Kendall Brill		
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