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17 and EA DIGITAL ILLUSIONS CE AB

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

20 EDGE GAMES, INC., a California
21 corporation,

22 Plaintiff,

23 v.

24 ELECTRONIC ARTS INC., a Delaware
25 corporation,

26 Defendant.

Case No. 10-CV-2614-WHA

**STIPULATION REGARDING
DISPOSITION OF CLAIMS AND
[PROPOSED] ORDER**

Hon. William Alsup

Complaint Filed: June 15, 2010

27 AND RELATED COUNTERCLAIMS AND
28 COUNTER-COUNTERCLAIMS

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 Edge Games.

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.

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By: 

Christopher D. Banys
Attorneys for EDGE GAMES, INC. and THE
EDGE INTERACTIVE MEDIA, INC.

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17 Dated: October 6, 2010

KENDALL BRILL & KLIEGER LLP

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By: 

Robert N. Klieger
Attorneys for ELECTRONIC ARTS INC. and
EA DIGITAL ILLUSIONS CE AB

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23 The stipulation is hereby **APPROVED.**

24 **IT IS SO ORDERED.**

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Dated: _____

Hon. William Alsup
United States District Judge

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