

07-17-1998

FORM PTO-1594

(Rev. 8-93)

OMB No. 0651-0011 (exp. 10-94)

RE



SHEET

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U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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100766732

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Ramon Caceres Matos

- Individual(s)
- General Partnership
- Corporation-State
- Other
- Association
- Limited Partnership

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other Letter agreement
- Merger
- Change of Name

Execution Date: 6-2-98 and 6-22-98

2. Name and address of receiving party(ies)

Name: Swisher International, Inc.

Internal Address: _____

Street Address: 459 East 16th Street

City: Jacksonville State: Florida ZIP: 32206

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Delaware
- Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

(Designations must be a separate document from assignment)

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

75-194,431

B. Trademark Registration No.(s)

EL069250422US
July 8, 98

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald C. Lucas

Internal Address: BIERMAN, MUSERLIAN AND LUCAS

Street Address: 600 Third Avenue

City: New York State: NY ZIP: 10016

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 3.41) \$ 40.00

- Enclosed
- Authorized to charge any fee due or credit any overpayment to deposit account

8. Deposit account number:

02-2275

(Attach duplicate copy of this page if paying by deposit account)

07/15/1998 JUNE 11 00000259 07/19/98 40.00 BP

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Donald C. Lucas

Name of Person Signing

Donald C. Lucas

Signature

July 7, 1998

Date

Total number of pages including cover sheet, attachments and documents: 6

Bierman, Muserlian and Lucas LLP, Attorneys at Law • Patents, Trademarks and Copyrights •
600 Third Avenue, New York, NY 10158 • (212) 661-8000 • G3 Fax: (212) 661-8002 • G4 Fax: (212) 867-0054

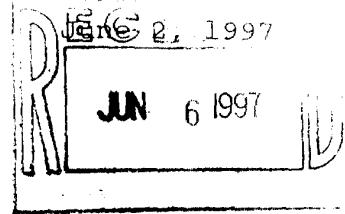


RECEIVED

JUN 26 1998

BIERMAN, MUSERLIAN AND LUCAS

Thomas J. Hoffman
Hoffmann & Dineff Ltd.
820 W. Jackson Boulevard - Suite 370
Chicago, Illinois 60607



Re: PRESIDENTE

Dear Mr. Hoffman:

We represent Swisher International, Inc. (Swisher).

It has come to our attention that you have filed an intent to use trademark application on behalf of Ramon Caceres Matos (RCM) for the mark PRESIDENTE CACERES for cigars on November 7, 1996 and that this application was assigned application Serial No. 75-194,431.

Swisher has used "PRESIDENTE" as a size designation for cigars sold in interstate commerce since at least as early as 1991 - some five years before RCM filed its intent to use application. Attached are photocopies of some of Swisher's packaging using "PRESIDENTE".

In order to avoid any future litigation or opposition in the Trademark Office, Swisher proposes the following agreement between the parties:

1. Swisher agrees not to object to RCM's use and registration of PRESIDENTE CACERES as a trademark for RCM's products.
2. RCM agrees not to object to Swisher's use of PRESIDENTE as a size designation for cigars.

White Plains Office: 202 Mamaroneck Avenue, White Plains, New York 10601 (914) 948-1384

TRADEMARK
REEL: 1754 FRAME: 0594

Thomas J. Hoffman



-2-

If RCM is amenable to such an agreement, please have them sign and return two copies of this letter. We will then have those copies executed by an officer of Swisher and we will return one executed copy to you.

Sincerely yours,

BIERMAN, MUSERLIAN AND LUCAS

DCL:pd

By Donald C. Lucas
Donald C. Lucas

Attachments

ACKNOWLEDGED AND AGREED
TO ON BEHALF OF:


RAMON CACERES MATOS

Date: June 2 / 1998

SWISHER INTERNATIONAL, INC.

By: Peter J Ghiloni

Type Name: Peter J Ghiloni

Type Title: Vice President - Marketing

Date: 6/22/98

LA DILIGENCIA

La Diligencia cigars are
handmade and imported from
Honduras. They feature a
cornucopia of fine tobacco

wrapper and carefully selected
long filler tobacco. They
offer an unusually smooth and

bold smoke, a refined taste
and are available in five
preferred shapes.



ROBUSTO



GRAN CORONA



TORO



CHURCHILL



PRESIDENTE

TRADEMARK
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Flor de Salapua

From Managua, the de-
licious cigars are made from
tobacco grown in the Salapua
Valley on the northeast corner
of Nicaragua, a valley with

the perfect growing climate
and tobacco. Each cigar is
carefully aged by tradition
when appreciate the quality
and value of the leaves
placed in five shapes



ROBUSTO



GRAN CORONA



TORO

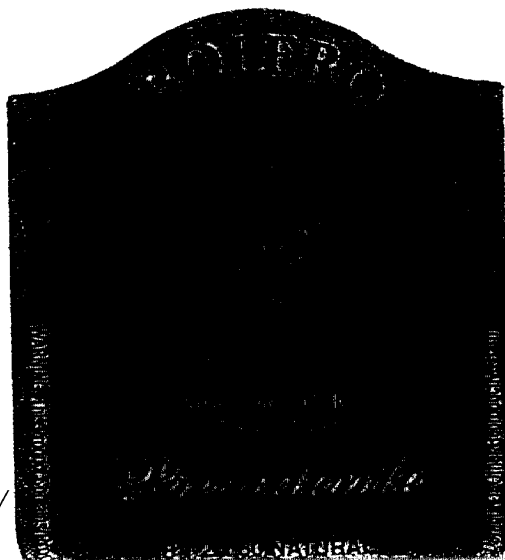
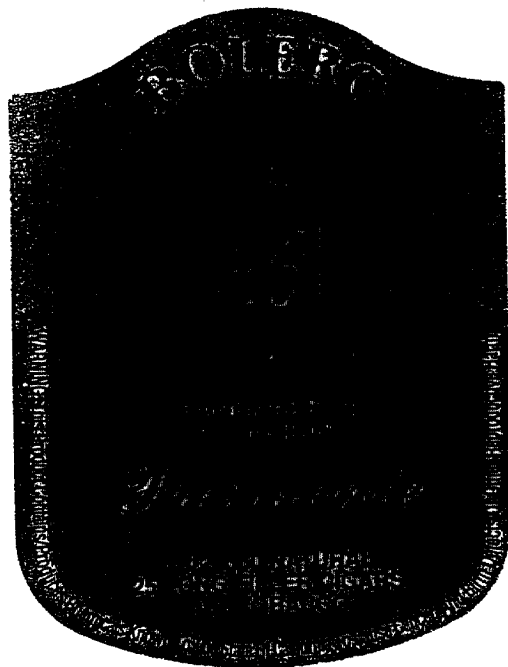
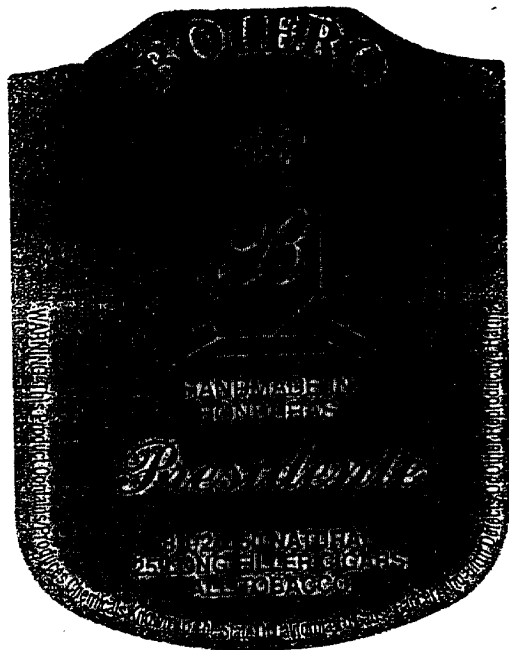


CHURCHILL



PRESIDENTE

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RECORDED: 07/17/

TRADEMARK
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