

02/04/00

03-15-2000

TRADEMARK



To the Honorable Commissioner of Patents and Trademarks:

101287628

or copy thereof.

RECEIVED

1. Name of conveying party(ies): Top Star Distribution Group, Inc. 19 Killarney Street Richmond Hill Ontario Canada

2. Name and address of receiving party(ies): Name: Kusha, Inc. Street Address: 17352 Murphy Avenue City: Irvine State: California ZIP: 92614

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

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

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

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

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other Lien

(Designations must be a separate document from assignment) Additional name(s) and address(es) attached? Yes No

Execution Date: 1/31/00

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

- A. Trademark Application No.(s) B. Trademark Registration No.(s) 75585255 75531660 75542294 75534792 75534791 75534790 75531662 75531661

Additional Numbers attached? Yes No

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

Name: Lorrie Turner-Proulx, Esq Hodgson, Russ, Andrews, Woods & Goodyear, LLP Internal Address: Intellectual Property Law Section Street Address: One M&T Plaza, Suite 2000 City: Buffalo State: NY ZIP: 14203-2391

6. Total number of applications and registrations involved: 09

7. Total fee (37 CFR 3.41)..... \$320.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number: 08-2442

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

03/15/2000 BCDATES 00000013-002442 75585255

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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.

Lorrie Turner-Proulx Name of Person Signing Signature February 4, 2000 Date

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

11

Mail documents to be recorded with required cover sheet information to: Commissioner of Patents and Trademarks, Box Assignments Washington, D.C. 20231

TRADEMARK REEL: 002033 FRAME: 0478

62

United States District Court

WESTERN DISTRICT OF NEW YORK

INTERIM DEFAULT

JUDGMENT IN A CIVIL CASE

KUSHA, INC.

CASE NUMBER: 98-CV-0747E(Sc)

V.

REX INTERNATIONAL, LTD.

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

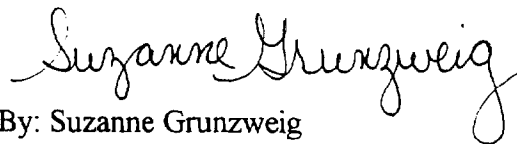
Decision by Court. This action came to trial or hearing before the Court. -The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that the Plaintiff's motion for default judgment against defendants Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi is Granted pursuant to [61-1] Order filed 1/27/00.

Interim Default Judgment (Item no. 39) entered against Rex International on September 10, 1999

Date: January 31, 2000

RODNEY C. EARLY, CLERK



By: Suzanne Grunzweig
Deputy Clerk

FILED
U.S. DISTRICT COURT
W.D.N.Y. BUFFALO

2000 JAN 31 AM 11:55

CELEBRATING 160 YEARS OF
SERVICE TO WESTERN NEW YORK
1900-2000

62

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Kusha, Inc.

Plaintiff(s)

v.

1:98-cv-00747

Top Star

Defendant(s)

PLEASE take notice of the entry of an ORDER filed on
1/27/00, of which the within is a copy, and entered 1/31/00
upon the official docket in this case. (Document No. 61 .)

Dated: Buffalo, New York
January 31, 2000

RODNEY C. EARLY, Clerk
U.S. District Court
Western District of New York
304 U.S. Courthouse
68 Court Street
Buffalo, New York 14202

Enclosure

TO:

Paul I. Perlman, Esq.
Lorrie K. Turner-Proulx, Esq.
Rex International
Imperial Rice
Cata Brands
Top Star,
Arash Missaghi
Hossein Missaghi

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KUSHA, INC.,

98-CV-0747E(Sc)

Plaintiff,

-vs-

REX INTERNATIONAL, LTD.,
ARASH M. MISSAGHI,
TOP STAR DISTRIBUTION GROUP, INC.,
HOSSEIN MISSAGHI,
IMPERIAL RICE LTD.,
CATA BRANDS, INC. and
ROBERT BISHARA,

ORDER

Defendants.

REX INTERNATIONAL, INC.,

Third-Party Plaintiff,

-vs-

SIVOUSH NAYYERI,

Third-Party Defendant.

This matter came before this Court on the motion of plaintiff Kusha, Inc. ("Kusha") for an order granting plaintiff's motion for default judgment against defendants Imperial Rice, Ltd. ("Imperial Rice"), Cata Brands, Inc. ("Cata Brands"), Top Star Distribution Group, Inc. ("Top Star"), Arash Missaghi and Hossein Missaghi and for assessing statutory damages against these defendants. This matter also came before this Court for the purpose of determining the amount of statutory damages under 15 U.S.C. §1117(c) to be assessed against Rex International, Ltd. ("Rex International") pursuant to the undersigned's entry of Default Judgment against Rex International September 8, 1999.

Kusha commenced an action for trademark infringement, trade-dress infringement, false designation of origin and common law fraud against defendants for using a counterfeit version of the "ROYAL and DESIGN" mark. The Amended Verified Complaint was properly served on all defendants as fully set forth in the Affidavit in Support of Kusha's Motion for Default Judgment. Defendants have failed to appear, plead, otherwise move, defend or respond in any way, and the time for defendants to do so has expired. The Clerk of the

United States District Court for the Western District of New York filed an Entry of Default against defendants Imperial Rice, Cata Brands, Top Star and Hossein Missaghi November 4, 1999 and filed an Entry of Default against defendant Arash Missaghi December 17, 1999.

Based upon Kusha's Motion for Default Judgment, the Declaration in Support of Kusha's Motion for Default Judgment, all the files, pleadings and records in this action and upon the arguments of Kusha's counsel appearing before this Court in support of Kusha's Motion for Default Judgment against said defendants and each of them and upon all the files, pleadings and records in this action and upon the arguments of Kusha's counsel in support of statutory damages to be assessed against Rex International, it is hereby

ORDERED that Kusha's Motion for Default Judgment against defendants Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi is hereby granted; and it is hereby further

ORDERED that — whereas defendants Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi have infringed the "ROYAL and

DESIGN” trademark, a direct and proximate result of the acts of defendants as set forth in the Amended Complaint (in violation of Kusha’s rights under the Federal Lanham Act, 15 U.S.C. §1114) and said defendants falsely designated the origin of the goods in violation of Kusha’s rights under 15 U.S.C. §1125(a) — defendants Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi must turn over to Kusha all counterfeit goods bearing the “ROYAL and DESIGN” trademark within 24 hours after being served with a copy of the judgment entered in this action; and it is further hereby

ORDERED that the plaintiff shall have permanent injunctive relief against defendants Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi as requested in its Amended Verified Complaint enjoining and restraining defendants and each of them and each of their agents, employees, attorneys, successors, assigns, affiliates, joint ventures and any person(s) acting in concert with such persons from selling any goods bearing the “ROYAL and DESIGN” trademark or packaged in packaging bearing that trademark unless those goods are genuine goods manufactured by Kusha on which Kusha placed

its mark, from using the "ROYAL and DESIGN" mark on goods made, used or sold by it or from using that mark on packaging or warranties, from using any other marks in any of their businesses that are likely to cause consumers falsely to believe defendants or their goods are manufactured by or approved or sponsored or affiliated in any way with Kusha, from using the "ROYAL and DESIGN" trademark in connection with goods or packaging or warranties sold by defendants on any of them where such use is likely to cause consumers falsely to believe that such defendant's or defendants' goods are manufactured, approved, sponsored or affiliated in any way with Kusha, from continuing to perform in any manner whatsoever any of the acts complained of in the Amended Complaint and from aiding any other party in doing any acts prohibited by this paragraph; and it is further hereby

ORDERED that each of defendants Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi must, within twenty (20) days after the service of the judgment in this action, file with this Court and serve upon

plaintiff's counsel, a written report under oath setting forth in detail the manner in which it has complied with this judgment; and it is hereby further

ORDERED that — whereas defendants Rex International, Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi intentionally and willfully committed fraud and conspired to commit fraud thereby entitling plaintiff to an award of statutory damages — the plaintiff shall recover from defendants Imperial Rice, Cata Brands, Top Star, Arash Missaghi and Hossein Missaghi statutory damages under 15 U.S.C. §1117(c) in an amount of \$1,000,000 for willful use of a counterfeit mark and that defendants shall be liable on this award jointly and severally; and it is further hereby

ORDERED that Rex International, Ltd. shall be liable on the above-named award under 15 U.S.C. §1117(c) for willful use of a counterfeit mark; and it is further hereby

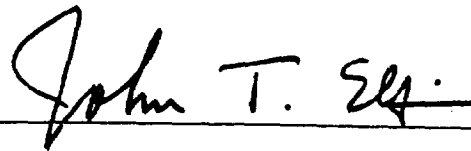
ORDERED that a constructive trust is imposed on each and every defendant's funds and assets that arose out of its, his or their infringing activities; and it is further hereby

ORDERED that the all defendants' goods bearing the counterfeit "ROYAL and DESIGN" mark be seized and it is further hereby

ORDERED that the plaintiff is awarded its costs and disbursements incurred in connection with this action, including plaintiff's reasonable attorneys' fees and investigative expenses on the ground that this is an exceptional case under 15 U.S.C. §1117(a).

DATED: Buffalo, N.Y.

January 27, 2000

A handwritten signature in cursive script, reading "John T. Selig", is written over a horizontal line.

S.U.S.D.J.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Kusha, Inc.

Plaintiff(s)

v.

1:98-cv-00747

Top Star

Defendant(s)

PLEASE take notice of the entry of a JUDGMENT filed on
1/31/00, of which the within is a copy, and entered 1/31/00
upon the official docket in this case. (Document No. 62 .)

Dated: Buffalo, New York
January 31, 2000

RODNEY C. EARLY, Clerk
U.S. District Court
Western District of New York
304 U.S. Courthouse
68 Court Street
Buffalo, New York 14202

Enclosure
TO:

Paul I. Perlman, Esq.
Lorrie K. Turner-Proulx, Esq.
Rex International
Imperial Rice
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