

MRP 6/19/00

07-18-2000

FORM PTO-1618A  
Expires 06/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK



101405775

20 JUL 19 11:06

CONFERENCE

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

#### Submission Type

New

Resubmission (Non-Recordation)  
Document ID #

Correction of PTO Error  
Reel #  Frame #

Corrective Document  
Reel #  Frame #

#### Conveyance Type

Assignment  License

Security Agreement  Nunc Pro Tunc Assignment

Merger  Effective Date  
Month Day Year

Change of Name

Other  Order: U.S. Dist. Ct., Nevada

#### Conveying Party

Mark if additional names of conveying parties attached

Name  Gomez, Ralph D.  Execution Date  
Month Day Year 09231999

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship/State of Incorporation/Organization  United States

#### Receiving Party

Mark if additional names of receiving parties attached

Name  Mendez, John F.

DBA/AKA/TA

Composed of

Address (line 1)  116 Tesoro Drive

Address (line 2)

Address (line 3)  Las Vegas  Nevada/United States  89134  
City State/Country Zip Code

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship/State of Incorporation/Organization  United States

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

07/17/2000 ASCOTT 00000157 2151932

#### FOR OFFICE USE ONLY

01 FC:481 40.00 OP  
02 FC:482 25.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

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

TRADEMARK  
REEL: 002102 FRAME: 0777

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

**Trademark Application Number(s)**

**Registration Number(s)**

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes

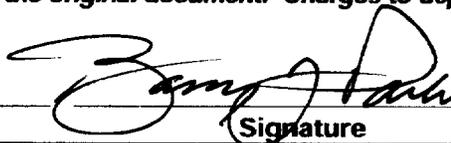
No

**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. Charges to deposit account are authorized, as indicated herein.

Barry J. Parker

Name of Person Signing



Signature

June 15, 2000

Date Signed

RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY

FORM PTO-1618C  
Expires 06/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

**Conveying Party**

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
09 23 1999

Name

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship State of Incorporation/Organization

**Receiving Party**

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Individual  General Partnership  Limited Partnership

Corporation  Association

Other

Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached (Designation must be a separate document from the Assignment.)

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY

FORM PTO-1618C  
Expires 06/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

**Conveying Party**

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
09 23 1999

Name Pheasant International, Inc.

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship State of Incorporation/Organization Nevada

**Receiving Party**

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3) City State/Country Zip Code

Individual  General Partnership  Limited Partnership  Corporation  Association

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached (Designation must be a separate document from the Assignment.)

Other

Citizenship/State of Incorporation/Organization

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)


RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY

FORM PTO-1618C  
Expires 06/30/99  
OMB 0851-0027

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

**Conveying Party**

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship State of Incorporation/Organization

**Receiving Party**

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Individual  General Partnership  Limited Partnership

Corporation  Association

Other

Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached (Designation must be a separate document from the Assignment.)

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**RECORDATION FORM COVER SHEET  
CONTINUATION  
TRADEMARKS ONLY**

**Conveying Party**

Enter Additional Conveying Party

Mark if additional names of conveying parties attached

Execution Date

Month Day Year

Name

Formerly

Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship State of Incorporation/Organization

**Receiving Party**

Enter Additional Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Individual  General Partnership  Limited Partnership

Corporation  Association

Other

Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached (Designation must be a separate document from the Assignment.)

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

**Trademark Application Number(s)**

**Registration Number(s)**

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

1 ORDR  
 2 GORDON & SILVER, LTD.  
 3 BRADLEY J. RICHARDSON, ESQ.  
 Nevada Bar No. 001159  
 4 3960 Howard Hughes Parkway  
 9th Floor  
 Las Vegas, Nevada 89109  
 5 (702) 796-5555

6 Attorneys for Plaintiff,  
 JOHN F. MENDEZ

**FILED**  
 SEP 24 3 41 PM '99  
*Shirley S. Ruggione*  
 CLERK

8  
 9 **DISTRICT COURT**  
 10 **CLARK COUNTY, NEVADA**

11 JOHN F. MENDEZ, )  
 12 )  
 Plaintiff, ) **Case No. A 382918**  
 13 ) **Dept. No. XVIII**  
 14 )  
 vs. )  
 15 )  
 RALPH D. GOMEZ, an individual; )  
 16 )  
 MARIA GOMEZ, an individual; )  
 17 )  
 PHEASANT INTERNATIONAL, INC., )  
 a Nevada corporation; GOMEN CIGAR & )  
 18 )  
 TOBACCO ACCESSORIES, LTD., )  
 a Nevada limited liability company; and )  
 19 )  
 PHEASANT TOBACCONIST, LLC, )  
 a Nevada limited liability company, )  
 20 ) **Date of Hearing: June 14, 1999**  
 and DOES I through V, inclusive, ) **Time of Hearing: 10:00 a.m.**  
 21 )  
 Defendants. )

22 **ORDER**

23 Plaintiff's Motion for Writ of Possession came on for hearing before this Court on  
 24 June 14, 1999 at the hour of 10:00 a.m. Present with Plaintiff JOHN MENDEZ was his attorney,  
 25 BRADLEY J. RICHARDSON, ESQ., of the law firm of GORDON & SILVER, LTD.  
 26 Appearing with Defendant RALPH GOMEZ was his attorney, LANCE EARL, ESQ. of the law  
 27 firm of HALE LANE PEEK DENNISON HOWARD & ANDERSON. Appearing for NICHE  
 28

COUNTY CLERK

SEP 24 1999

Gordon & Silver, Ltd.  
 Attorneys at Law  
 Ninth Floor  
 3960 Howard Hughes Parkway  
 Las Vegas, Nevada 89109  
 (702) 796-5555

**CE52**

1 RESOURCES, INC. was DONALD POLEDNAK, ESQ. of SYLVESTER & POLEDNAK.  
 2 Appearing on behalf of CHARLES SCHARFF was GERALD WAITE, ESQ. of the law firm of  
 3 KUMMER, KAEMPFER, BONNER & RENSHAW.

4 The Court heard arguments of counsel and reviewed the pleadings and papers on file.  
 5 Good cause appearing, therefor,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

7  
 8 1. Plaintiff is granted a Writ of Possession of the retail store of PHEASANT  
 9 TOBACCONIST at 2800 West Sahara Ave., Las Vegas, Nevada, for purposes of marshalling the  
 10 inventory of the store, including non-leasehold fixtures, furniture and equipment, and conducting  
 11 a foreclosure sale of those items. Plaintiff will be responsible for making any payment to the  
 12 landlord for use of the premises during the period necessary to hold the foreclosure sale with  
 13 such costs deducted from the proceeds of the sale.

14  
 15 2. Plaintiff is granted a Writ of Possession of the inventory and equipment in the  
 16 possession of NICHE RESOURCES, INC., or its affiliated entities, which it acquired from  
 17 PHEASANT INTERNATIONAL pursuant to the Exchange Agreement dated December 2, 1998,  
 18 between NICHE RESOURCES, INC., and RALPH GOMEZ (including but not limited to those  
 19 items set out in the May 20, 1999 letter from the law firm of SYLVESTER & POLEDNAK, LTD.  
 20 to RALPH GOMEZ).

21  
 22 3. The Court hereby appoints a Master to review NICHE RESOURCES, INC.'s  
 23 corporate books, customer lists and records and determine the status of the parties' positions  
 24 under that Exchange Agreement dated December 2, 1998 between NICHE RESOURCES, INC.  
 25 and RALPH GOMEZ. The Master is also charged with determining what assets remain in the  
 26 possession of NICHE RESOURCES, INC., or its related entities, that it acquired under the terms  
 27 of the Exchange Agreement and, subject to further order of the Court, to assist Plaintiff locating,  
 28 recovering and delivering to Plaintiff those assets including customer lists, records, receivables,

1 inventory and equipment for purposes of liquidating them in a commercially reasonable manner.  
 2 The Master shall have all access he or she deems necessary to all books and records of the parties  
 3 to the Exchange Agreement between NICHE RESOURCES, INC. and RALPH GOMEZ to  
 4 determine the use of the assets involved in these transactions and the involvement of any other  
 5 related businesses to these assets. Before July 30, 1999, the parties, RALPH GOMEZ, JOHN  
 6 MENDEZ and NICHE RESOURCES, INC. may either (i) agree on the special master by so  
 7 advising the Court in a writing signed by the parties or (ii) each submitting to the Court two (2)  
 8 names of persons that they would request be appointed Master and the Court will choose the  
 9 Master.  
 10

11 4. NICHE RESOURCES, INC. is to pay the obligations owed to Sprint/TeleImagine;  
 12 Landmark Financial Corporation; and Nevada Trust Deed Services forthwith, as these  
 13 obligations were required to be paid pursuant to the Court's order dated May 10, 1999.  
 14

15 5. NICHE RESOURCES, INC. is required to pay to Plaintiff the monthly payments  
 16 due on the \$370,000.00 promissory note for the months of March, April, May and June of 1999,  
 17 and until such time as this Court enters any further orders regarding NICHE RESOURCES,  
 18 INC.'s claim that they are entitled to a rescission of the Exchange Agreement.

19 6. Until further order of the Court, NICHE RESOURCES, INC. and any of its  
 20 related entities, including Old Scottsdale Cigar Co., is restrained and enjoined from any further  
 21 use of the trade name PHEASANT INTERNATIONAL, or use of its trademark. The right to use  
 22 the trade name and trademark of PHEASANT INTERNATIONAL is granted exclusively to  
 23 Plaintiff, including the exclusive right to use the trade name and trademark with regard to  
 24 telephone numbers, toll-free or otherwise, and mailing addresses. This will include rights to the  
 25 telephone numbers for the retail store at 2800 W. Sahara, Las Vegas, Nevada. NICHE  
 26 RESOURCES, INC. shall deliver to Plaintiff any and all documents or certificates evidencing  
 27 ownership of the trademark or trade name.  
 28

Gordon & Silver, LPA  
 ATTORNEYS AT LAW  
 NORTH FLORIDA  
 3000 HOWLAND BLVD  
 LAS VEGAS, NEVADA 89109  
 (702) 942-2555

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. Pursuant to NRCP 42(a), this Court will consolidate Case No. A 402359 and any other lawsuit concerning payments not being made under the Exchange Agreement dated December 2, 1998, between RALPH GOMEZ and NICHE RESOURCES, INC. and businesses related to NICHE RESOURCES, INC., which have an interest in or possession of the collateral and inventory involved in the Exchange Agreement dated December 2, 1998, i.e., the Old Scottsdale Cigar Co.

DATED this ~~14~~<sup>23rd</sup> day of ~~July~~<sup>September</sup>, 1999.

*[Signature]*  
DISTRICT COURT JUDGE

PREPARED AND SUBMITTED BY  
GORDON & SILVER, LTD.

By *[Signature]*  
BRADLEY J. RICHARDSON, ESQ.  
Nevada Bar No. 001159  
3960 Howard Hughes Parkway, 9<sup>th</sup> Floor  
Las Vegas, Nevada 89109  
Attorneys for Plaintiff

Gordon & Silver, Ltd.  
ATTORNEYS AT LAW  
3960 HOWARD HUGHES PARKWAY  
LAS VEGAS, NEVADA 89109  
(702) 744-2888