

MTRD

12-08-2000

11-20-00



To the Honorable Commissioner of P

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ched original documents or copy thereof.

1. Name of conveying party(ies):
Top Star Distribution Group, Inc.
19 Killarney Street
Richmond Hill Ontario Canada L4B 3G4

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

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

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other Restraining Order
- Merger
- Change of Name

Execution Date: 10/30/00

2. Name and address of receiving party(ies):

Name: Kusha, Inc.

Street Address: 17352 Murphy Avenue

City: Irvine State: California ZIP: 92614

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State California
- 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) and address(es) attached? Yes No

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

A. Trademark Application No.(s)
75585255

B. Trademark Registration No.(s)
2342491
2344643
2156123
2315825

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: 05

7. Total fee (37 CFR 3.41)..... \$140.00

- 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)

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

November 6, 2000
Date

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

4

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KUSHA, INC.

Plaintiff,

v.

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

Defendants.

ORDER

This matter came before this Court via an Order to Shorten Time for the Court to hear the motion of plaintiff, Kusha, Inc. ("Kusha") requesting that this Court issue an Order: (1) placing a lien against four United States Trademark Registrations and one United States Application that belong to defendant Top Star Distribution Group Inc. ("Top Star"); (2) placing a value on those marks; and (3) assigning those marks to Kusha in partial satisfaction of the Judgment entered by this Court on January 31, 2000 against Top Star in favor of Kusha in the amount of \$1,000,000.

Kusha's motion was scheduled to be heard before this Court on Friday, October 27, 2000 at 3:00 p.m. at Part III, 7th Floor, U.S. Courthouse, 68 Court Street, Buffalo, New York. Defendants Top Star, Hossein Missaghi and Arash Missaghi appeared through counsel, Kavinoky & Cook, LLP (Joel Welter, of Counsel) before the Court on Friday, October 27 and requested that the

*Filed: U.S.D.C., W.D.N.Y., Buffalo
October 30, 2000 at 5:40 p.m.
John T. Elfi, S.U.S.D.J.*

motion be adjourned. The Court adjourned the matter until Monday pending the preparation and entry of a Stipulation and Order, agreed upon by the parties, restraining Top Star from transferring the United States Top Star trademarks at issue in the Kusha motion to any other party. Kavinoky & Cook have now withdrawn as counsel for Top Star.

Now, upon the reading of the papers submitted by Kusha and its requests for immediate relief that the defendants be restrained from transferring the Top Star trademarks at issue in the Kusha motion, it is hereby:

ORDERED, that until Kusha's motion as to the assignment of Top Star's United States Trademarks, specifically (1) United States Trademark Registration No. 2,342,491 for the mark TOP TEA; (2) United States Trademark Registration No. 2,344,643 for the mark MAHRAM; (3) United States Trademark Registration No. 2,156,123 for the mark 1&1; (4) United States Trademark Registration No. 2,315,825 for the mark TRUST BASMATI RICE PRODUCE OF INDIA; and (5) United States Trademark Application Serial No. 75/585,255 for the mark 1&1 (collectively hereinafter referred to as the "Marks"), is finally resolved by the Court, Top Star, Top Star's directors, officers, employees and agents, including, but not limited to Arash Missaghi and Hossein Missaghi, and all other entities owned, controlled, or operated in whole or in part by the defendants, Top Star, Arash Missaghi, or Hossein Missaghi, which may have obtained some interest in the Marks, are temporarily restrained from assigning, transferring ownership of, or licensing the

Marks and are temporarily restrained from granting any security interests in the Marks; and it is further

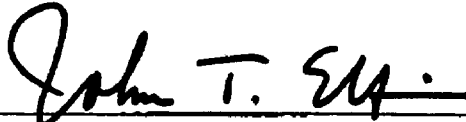
ORDERED that Kusha shall record this Order with the Commissioner of United States Patents and Trademarks against each of the Marks thereby officially recording this Court's Order that the Marks shall not be assigned, transferred, licensed and that no security interests shall be granted in the Marks while Kusha's motion is pending, and it is further

ORDERED, that Kusha will serve a copy of this Order upon Top Star Distribution Group Inc. by Federal Express at 346 Rexdale Boulevard, Etobicoke, Ontario M9W 1R6 and will serve copies of this Order upon Jay Chauhan, Top Star's Canadian counsel, by Federal Express at Chauhan & Associates, 330 Highway 7 East, Suite 309, Richmond Hill Ontario Canada L4B 3P8 and by facsimile at 905-771-1235 and such service shall be deemed sufficient.

Dated: October 30, 2000

Buffalo, N.Y.

SO ORDERED:



John T. Elfvin, S.U.S.D.J.

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