

04-12-2001

FORM PTO-1618A
Expires 08/30/99
OMB 0651-0027



101643249

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

1.23.01

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

Conveying Party

☐ Mark if additional names of conveying parties attached

Name

Execution Date
Month Day Year

Formerly

- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association
- ☐ Other
- ☐ Citizenship/State of Incorporation/Organization

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 Assignment.)

01/31/2001 GT0N11 00000254 75796293

FOR OFFICE USE ONLY

01 FC:481
02 FC:482

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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: 002228 FRAME: 0458

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)

75796293	75796294	

Registration Number(s)

1102913	1323533	1341662
910244	1806061	
1871436	1818909	910758

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.

Michael H. Gibbs, Esq.

Name of Person Signing

[Signature]

Signature

1/14/01

Date Signed

RECORDATION FORM COVER SHEET
CONTINUATION
TRADEMARKS ONLY

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

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DBA/AKA/TA

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☐ Mark if additional numbers attached

Trademark Application Number(s)

Registration Number(s)

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1680330	1823393	913601
935453	944155	2059156
2090105	1166686	1230137
1230170	1230569	1230570
1300991	1568926	1467732
1375215	1009275	2233020
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Assignment of Trademarks**

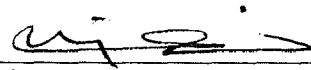
Assignor: Elias Brothers Restaurants, Inc.
4199 Marcy Avenue
Warren, Michigan 48091

Assignee: Liggett Restaurant Enterprises LLC
D/b/a Elias Brothers Restaurants LLC
4199 Marcy Avenue
Warren, Michigan 48091

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231 on

1/19/01
(Date of deposit)

By: Michael H. Gibbs
(Attorney)


(Signature)


TRANSMITTAL LETTER

Enclosed for filing please find the following:

1. Recordation Cover Sheet for the Assignment of Trademark Registrations and Applications (28 properties in total)
2. Nine page conveyance document (including attachments)
3. Check in the amount of \$715.00

Please date-stamp and return the enclosed postcard to confirm receipt of the above materials. A copy of this Transmittal Letter is enclosed.

Respectfully submitted,


Michael H. Gibbs, Esq.
Timmis & Inman, LLP
300 Talon Centre
Detroit, Michigan 48207
313.396.4200

ASSIGNMENT OF TRADEMARKS AND TRADEMARK REGISTRATIONS

WHEREAS, Elias Brothers Restaurants, Inc. ("Assignor"), a Michigan Corporation, with an address of 4199 Marcy Avenue, Warren Michigan, owns, has adopted, used and is using the marks referenced in Schedule A attached hereto, which are registered in the United States Patent and Trademark Office, the marks referenced in Schedule B attached hereto which are registered in the respective states, and the marks referenced in Schedule C attached hereto, which are registered in the respective foreign countries ("Marks"); and

WHEREAS, Liggett Restaurant Enterprises, LLC ("Assignee"), a Michigan limited liability company, with an address of 4199 Marcy, Warren Michigan, is desirous of acquiring said Marks and the registrations thereof, and all other common law trademarks and service marks used by Assignor in this or any other country ("Intellectual Property");

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign, transfer and set over to Assignee, its successors and assigns;

1. all world-wide right, title and interest of Assignor in and to the said Intellectual Property, together with the goodwill of the business symbolized by the Intellectual Property, and any of the above-identified registrations thereof; and
2. all claims, demands, and rights of action, both statutory and based upon common law, that Assignor has or might have in connection with said Intellectual Property, together with the right to prosecute such claims, demands, and rights of action, including future infringement claims.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Assignor, expressly intending to be legally bound hereby, has caused this Assignment of Trademarks and Trademark Registrations to be duly executed this 22nd day of December, 2000.

ELIAS BROTHERS RESTAURANTS, INC.

By: Gabriel Kassab
Gabriel Kassab, President

State of Michigan)
) SS
County of Wayne)

On this 22nd day of December, 2000, before me personally appeared the foregoing individual, being duly sworn that he is the Chief Executive Officer of Elias Brothers Corporation, a Michigan corporation, and that such instrument was signed on behalf of the corporation by authority of its Board of Directors, and acknowledged such instrument to be the free act and deed of the corporation.

Richard Mark Miettinen
Notary Public,

____ County, State of ____
My Commission Expires:

RICHARD MARK MIETTINEN
Notary Public, Macomb County, Michigan
Acting in Wayne, County, MI
My Commission Expires January 31, 2002

SCHEDULE A**ASSIGNMENT OF FEDERAL TRADEMARK REGISTRATIONS**

MARK	REGISTRATION NUMBER	REGISTRATION DATE
Elias Brothers	1102913	1978-09-19
Fresh Magic	1323533	1985-03-05
Fresh Magic	1341662	1985-06-11
Big Boy (drawing, words)	910244	1971-03-16
Big Boy Restaurant & Bakery (drawing, words)	1806061	1993-11-23
Big Boy (drawing, words)	1871436	1995-01-03
Big Boy (drawing only)	1818909	1994-02-01
Big Boy (drawing, words)	910758	1971-03-30
Big Boy Express (drawing, words)	1680330	1992-03-24
Big Boy	1823393	1994-02-22
Big Boy	913601	1971-06-08
Big Boy (drawing , words)	935453	1972-06-06
Big Boy	944155	1972-10-03
Big Boy Diner (drawing, words)	2059156	1997-05-06
Big Boy (drawing only)	2090105	1997-08-19
Bob's	1230137	1983-03-08
Bob's Big Boy	1230170	1983-03-08
Bob's Big Boy Family Restaurants (drawing, words)	1230569	1983-03-08
Bob's Big Boy Restaurants (drawing, words)	1230570	1983-03-08
Bob's	1300991	1984-10-16
Health...Smart	1568926	1989-11-28
Top Hat (drawing, words)	1467732	1987-12-01
Operation Can Do!	1375215	1985-12-10
FLJ Foods	2233020	1999-03-16
Big Boy	1166686	1981-08-25

SCHEDULE B**ASSIGNMENT OF STATE TRADEMARK REGISTRATIONS**

STATE	MARK/CLASS	REGISTRATION #
Arizona	Words "Big Boy" - Class 46	019847
California	Big Boy - Class 100	1188-1/2
Colorado	Big Boy - Class 100 Big Boy - Class 46	T16917 T16916
Florida	Big Boy - Class 46	922062
Georgia	Big Boy - Class 46 Big Boy - Class 1	T-276 S-277
Idaho	Big Boy - Class 46 Big Boy - Class 100	8745 8746
Illinois	Big Boy - Class Big Boy (Service Mark)	39,608 39,609
Indiana	Big Boy - Class 46 Big Boy - Class 53 Big Boy - Class 46	5001-256 5009-2385 5009-2386
Iowa	Big Boy - Class 46	W00216558
Kansas	Big Boy - Class 1 Big Boy - Class 46	
Kentucky	Big Boy - Class 42	11633
Louisiana	Big Boy - Class 46	
Maryland	Big Boy - Class 53 Big Boy - Class 46 Design of Running Big Boy - Class 46 Design of Running Big Boy - Class 53	1999/00795 1999/00794 1999/00747 1999/00746
Massachusetts	Mark expired - 1995 Now registered to: Boiyee-Fassetts, Inc. White Plains, NY	

STATE	MARK/CLASS	REGISTRATION #
Montana	Big Boy (prior mark - Big Boy Drive Inn - expired 10/29/91)	16471-9914(06)
Nevada	Big Boy	
North Carolina	Big Boy - Class 46 Big Boy - Class 100	T-10,110 T-10,109
Ohio	Big Boy Hamburger - Class 29	TM3272
Oklahoma	Big Boy	30609
Pennsylvania	Big Boy - Class 100	775209
Tennessee	Big Boy - Class 100 Big Boy - Class 46	
Texas	Big Boy - Class 29	37620
Utah	Big Boy - Class 46 Big Boy - Class 100	TM024751 TM024750
Virginia	Big Boy - Class 42 Big Boy - Class 29 and 30	2305 4871
Washington	Big Boy - Class 46	6770-R

SCHEDULE C**INTERNATIONAL TRADEMARKS**

COUNTRY	TRADEMARK	REGISTRATION NUMBER
Argentina	Running Big Boy	1538433
	Big Boy	1538434
Australia	Mac's Famous Big Boy Hamburgers (Original Big Boy)	A123578
	Big Boy Character Device	624188
	Big Boy	624191
	Big Boy	624192
	Bob's	624194
	Bob's	624196
	Big Boy Character Device	624189
	Bob's	624195
Bahrain	Big Boy Restaurant & Bakery	1204/94
Brazil	Running Big Boy	800062892
	Big Boy	800060369
Canada	Big Boy	TMA 105,286
	Big Boy Drive-In	TMA 103,521
	Child-Boy, Running; Design	TMA 258,132
	Child-Boy, Standing; Design	TMA 259,196
	Running Big Boy and words	TMA 392,846
	Elias Brothers and Design	TMA 245,573
	Elias Brothers Restaurants	TMA 243,660
Chile	Not Registered	
China	Bob's Big Boy & Device	782996
	Bob's Big Boy & Device	791068
	Bob's Big Boy & Device	791140
Denmark	Big Boy	1894/63
Egypt	Big Boy Restaurant and Bakery	94308
	Big boy Restaurant and Bakery	91142
European Economic Comm*	Big Boy	107.144
France	Big Boy	1,402,017
	Big Boy	1,243,560
Germany	See European Economic Community trademark	
Hong Kong	Bob's Big Boy	121
	Bob's Big Boy	122

COUNTRY	TRADEMARK	REGISTRATION NUMBER
India	Not Registered	
Indonesia	Big Boy	338556
	Bob's Big Boy	333114
	Top Hat and Device	376980
Israel	Big Boy	105736
Italy	Big Boy	396,367
Japan	All Japanese Trademarks held by Daiei - Big Boy of Japan	
Jordan	Big Boy & Design & Running Character	42066
	Big Boy & Design & Running Character	42068
	Big Boy & Design & Running Character	42088
	Big Boy & Design & Running Character	42067
	Big Boy (words)	43951
	Big Boy (words)	43952
	Big Boy (words)	43950
	Big Boy (words)	43921
Korea	Bob's and Device	27,501
	Running Big Boy Device	149,823
	Running Big Boy Device	151,082
	Running Big Boy with Burger	364,802
	Standing Big Boy	364,803
	Standing Big Boy	20952/1997
	Running Big Boy with Burger	20,951/1997
Lebanon	Big Boy (words)	68855
	Big Boy Restaurant & Bakery & design	68855
	Big Boy Restaurant & Bakery & design	68855
	Big Boy Restaurant & Bakery & design	68855
	Big Boy Restaurant & Bakery & design	68855
	Big Boy Restaurant & Bakery & design	68855
	Big Boy	71061
	Big Boy	71061
	Big Boy	71061
	Big Boy	71061
	Big Boy	71061
Malaysia	Not Registered	
Mexico	Big Boy	371856
	Big Boy	418511
Mexico	Big Boy Design	456874
	Big Boy design	478860
		478413
	Big Boy	509182
Oman	Big Boy Restaurant & Bakery & Design	File No. 10247

COUNTRY	TRADEMARK	REGISTRATION NUMBER
Philippines	Bob's Big Boy Restaurants	63777
Qatar	Big Boy Restaurant & Bakery & Design	File No. 12342
Saudi Arabia	Big Boy (with Running design)	59/480
	Big Boy & Design	34813
Singapore	Big Boy	T94/01116B
Spain	Running Big Boy	1.779.547/8
	Big Boy Design	1.779.547/7
	Big Boy design	1.779.542/X
	Big Boy design	1.957.356/1
	Big Boy design	1.957.355/3
	Big Boy design	1.957.358/8
	Big Boy design	1.957.353/7
	Big Boy design	1.957.357/X
	Big Boy design	1.957.352/9
	Big Boy design	1.957.351/10
	Big Boy design	1.957.354/5
Taiwan	Bob's Big Boy	76931
Thailand	Big Boy	No. Kor 40794
	Big Boy	No. Kor 40793
	Big Boy	No. Kor 44303
	Running Big Boy & oval	No. Kor 52132
	Running Big Boy & oval	No. Kor 52011
	Running Big Boy & oval	No. Kor 53099
	Running Big Boy	No. Kor 52133
	Running Big Boy	No. Kor 52016
	Running Big Boy	No. Kor 53100
	Running Bob's Big Boy	No. Kor 40796
	Running Bob's Big Boy	No. Kor 40795
	Running Bob's Big Boy	No. Kor 43708
United Arab Emirates	Big Boy	5125
	Big Boy	4142
United Kingdom	Big Boy device	1014153
	Big Boy	1283648
Vietnam	Big Boy	24544
	Big Boy	24547
	Big Boy	24550
	Big Boy	24553
	Running Big Boy	24545
	Running Big Boy	24548
	Running Big Boy	24551

COUNTRY	TRADEMARK	REGISTRATION NUMBER
	Running Big Boy	24554
Vietnam	Big Boy & Running Character	24546
	Big Boy & Running Character	24549
	Big Boy & Running Character	29552
	Big Boy & Running Character	24555
Yemen	Big Boy & device	7077