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MSP  
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03-02-2001



101624117

Tab settings → → →

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

1. Name of conveying party(ies): **Joseph E. Seagram & Sons, Inc.**

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

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

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other Withdrawal of Filing of Judgment/Lien Without Prejudice

Execution Date: November 1, 2000

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

Name: St. Maarten Spirits, Ltd.

Internal Address: \_\_\_\_\_

Street Address: 6510 Hinson Street

City: Las Vegas State: NV ZIP: 89118

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State Nevada
- Other \_\_\_\_\_

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

(Designation must be a separate document from Assignment)

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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

**2,031,540 ; 2,058,067 ; 1,971,273 ; 1,948,031**

Additional numbers attached?  Yes  No

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

Name: David W. Ichel, Esq.

Internal Address: Simpson Thacher & Bartlett

Street Address: 425 Lexington Avenue

City: New York State: New York ZIP: 10017

6. Total number of applications and registrations involved: 4

7. Total fee (37 CFR 3.41): ..... \$115.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(Attached 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.*

David W. Ichel, Esq.  
Name of Person Signing

*David W. Ichel*  
Signature

11/3/00  
Date

Total number of pages comprising cover sheet: 3

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

*75.00 OP*

ca FC: 482

**TRADEMARK**  
**REEL: 002242 FRAME: 0489**

# WITHDRAWAL OF FILING OF JUDGMENT/LIEN WITHOUT PREJUDICE

This WITHDRAWAL OF FILING WITHOUT PREJUDICE, dated as of November 1, 2000, is executed by Joseph E. Seagram & Sons, Inc., an Indiana corporation located at 375 Park Avenue, New York, New York 10152 ("Seagram").

## WITNESSETH

WHEREAS, pursuant to a certain Judgment After Trial By Court filed by the Superior Court of the State of California for the County of Los Angeles on September 13, 2000 ("Judgment"), Seagram received a judgment in its favor and against St. Maarten Spirits Ltd., a Nevada corporation ("Judgment Debtor");

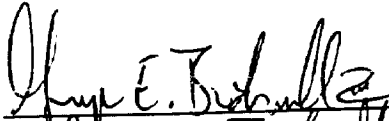
WHEREAS, the Judgment was recorded in the Trademark Division of the United States Patent and Trademark Office as a lien on September 18, 2000, at Reel 002114, Frame 0356 ("Recordation");

WHEREAS, on October 30, 2000, Seagram and the Judgment Debtor executed a Settlement and Forbearance Agreement (the "Settlement Agreement"), pursuant to which Seagram agreed to withdraw recorded liens subject to the right to re-record the liens in the event that payment is not made to Seagram as provided in items 5(a) (i) (ii) and (iii) or subparagraph 5(c) of the Settlement Agreement or cured by John Paul DeJoria as provided in subparagraph 5(b) therein;

NOW, THEREFORE, Seagram hereby withdraws its Recordation without prejudice to, or detrimental effect on, any of its rights to enforce the Judgment with respect to the trademarks listed on Schedule A attached hereto as provided in the Settlement Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Withdrawal of Filing Without Prejudice by its duly authorized officer as of the date first written above.

JOSEPH E. SEAGRAM & SONS, INC.

By:   
Name: George E. Bushnell  
Title: Assistant Secretary

SCHEDULE A

<b>TITLE</b>	<b>REG. NO.</b>
ST. MAARTEN COFFEE	2,031,540
SALON GOURMET	2,058,067
SIETE LEGUAS	1,971,273
TEQUILA MICO	1,948,031



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FEBRUARY 15, 2001

PTAS



\*101547360A\*

SIMPSON THACHER & BARLETT  
DAVID W. ICHEL, ESQ.  
425 LEXINGTON AVENUE  
NEW YORK, NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO.: 101547360

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.

1. THE COVER SHEET SUBMITTED FOR RECORDING IS NOT ACCEPTABLE. THE NAME AND ADDRESS OF THE RECEIVING PARTY(S) MUST BE INDICATED ON THE COVER SHEET.

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

TRADEMARK  
REEL: 002242 FRAME: 0492

SIMPSON THACHER & BARTLETT

425 LEXINGTON AVENUE  
NEW YORK, N.Y. 10017-3954  
(212) 455-2000

FACSIMILE (212) 455-2502

DIRECT DIAL NUMBER

(212) 455-2799

E-MAIL ADDRESS

l\_levy@stblaw.com

BY EXPRESS MAIL

February 28 2001

Re: Notice of Non-Recordation of Document No. 101547360A

Kimberly White, Examiner  
U.S. Patent and Trademark Office  
Assignment Division  
1213 Jefferson Davis Hwy, 3<sup>rd</sup> Floor  
Arlington, VA 22202

Dear Ms. White:

Enclosed for recording please find a Withdrawal of Filing of Judgment/Lien Without Prejudice, in favor of St. Maarten Spirits, Ltd., covering 4 U.S. trademark registrations.

Per your February 15, 2001 Notice of Non-Recordation, a copy of which is attached, the address of the assignee has been completed on the original Recordation Cover Sheet.

I hope the appropriate filing may now be executed. Please call me at (212) 455-2799 if you have any additional questions. Thank you for your consideration.

Respectfully submitted,



Lea B. Levy  
Senior Legal Assistant

Enclosure

COLUMBUS

LOS ANGELES

PALO ALTO

LONDON

HONG KONG

TOKYO

SINGAPORE

RECORDED: 11/06/2000

TRADEMARK  
REEL: 002242 FRAME: 0493