

07-02-2001

FORM PTO-1594 (Rev. 6-93)

RECORDED



U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

101766193

To the Honorable Commissioner of Patents

...nal documents or copy thereof:

1. Name of conveying party(ies):

**Day 1 Apparel, Inc.** *6-25-01*

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

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

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

Name: **Pointe Noir Pty. Ltd.**  
Internal Address: n/a  
Street Address: **5/6 McLachlan Avenue  
Artarmon N.S.W. 2064  
Australia**

3. Nature of conveyance:

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

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

Execution Date: January 25, 2001

Domestic Representative Designation Required?  Yes  No  
Additional name(s) and address(es) attached? Yes  No

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

If this document is being filed together with a new application, the execution date is : n/a  
F. Trademark Application No.(s)

B. Trademark Registration No(s):

**2,168,207**

Additional numbers attached? Yes  No

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

Name: **Andrew D. Price**  
**Venable, Baetjer, Howard & Civiletti, LLP**  
**1201 New York Avenue, N.W., Suite 1000**  
**Washington, DC 20005-3917**  
**Telephone: 202-962-4800**  
**Facsimile: 202-962-8300**

6. Total number of applications/registrations involved: **1**

7. Total Fee (37 CFR 3.41) **\$40.00**  
 Enclosed  
 Authorized to be charged to deposit account, Including deficiencies

8. Deposit Account number: **22-0261**

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

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.*

Andrew D. Price

*ALMA*

June 25, 2001

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 7 (see \* below)

Attorney Docket No.: **37287-164753 (gen.)**

DC2DOCS1/253961(06)

**\*Including duplicate copy of this page, assignment document, and POA w/ Designation Domestic Rep.**

**TRADEMARK  
REEL: 002321 FRAME: 0736**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Trademark Registration	)	
	)	
Mark: <b>DWD</b>	)	
	)	
Registration No.: 2,168,207	)	Examining Attorney:
	)	n/a
Registrant: Day 1 Apparel, Inc.	)	
Assignee: <i>Pointe Noir Pty. Ltd.</i>	)	
	)	Law Office: n/a
Registration Date: June 23, 1998	)	
	)	
International Class: 25	)	

**POWER OF ATTORNEY**  
**& DESIGNATION OF DOMESTIC REPRESENTATIVE**

BOX POST REG NO FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

VENABLE, BAETJER, HOWARD & CIVILETTI, L.L.P., whose postal address is 1201 New York Avenue, N.W., Suite 1000, Washington, D.C. 20005-3917, is hereby designated as Assignee's domestic representative upon whom notices or process in proceedings affecting the registered mark may be served.

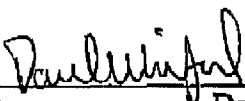
Assignee hereby appoints Andrew D. Price, Mark B. Harrison, Barbara L. Waite, Janet F. Satterthwaite, Marcia A. Auberger, John W. McGlynn, Jacqueline E. Patt and Tonya D. Horton, all members of the bar of the District of Columbia or of their respective states, and the law firm of Venable, Baetjer, Howard & Civiletti, LLP, and all having the address 1201 New York Avenue, NW, Suite 1000, Washington DC, 20005-3917, as

Assignee's attorneys with full powers of association, substitution and revocation, to transact all business in the U.S. Patent and Trademark Office associated with the present registration, and to maintain and renew the registration. All Powers previously granted are hereby revoked. Please address all correspondence as follows:

**Andrew D. Price**  
**Venable, Baetjer, Howard & Civiletti, LLP**  
**1201 New York Avenue, N.W., Suite 1000**  
**Washington DC 20005-3917**

Respectfully signed this 25<sup>th</sup> day of June 2001.

POINTE NOIR PTY. LTD.

By:   
Name: David Wilkenfeld  
Title (officer): Managing Director

DC2DOCS1/296083

**ASSIGNMENT OF TRADEMARK  
AND REGISTRATION**

WHEREAS, Day 1 Apparel, Inc. (hereinafter "Day 1"), a California corporation, located at 18 Latimer Road, Santa Monica, California 90402, has adopted and used in commerce in or with the United States the trademark set forth in Exhibit A attached hereto (hereinafter "the Mark"), and owns a registration in the U.S. Patent and Trademark Office for the Mark, as identified in Exhibit A attached hereto (hereinafter "the Registration"), for use of the Mark on or in connection with the goods set forth in Exhibit A attached hereto (hereinafter "the Goods");

WHEREAS, Pointe Noir Pty. Ltd. (hereinafter "PN"), an Australian corporation, located at 5/6 McLachlan Avenue, Artarmon N.S.W. 2064, Australia, is desirous of acquiring the Mark in the United States, the Registration and the goodwill of the business symbolized by the Mark in the United States (hereinafter "the Goodwill");

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. Day 1 does hereby irrevocably sell, convey, assign, transfer and deliver to PN all of Day 1's right, title and interest in the DWD Trademark and its registration. As used herein, "Trademark" shall mean all trademarks, trademark applications, service marks, service mark applications, brand name, the Business Name, trade and other names (either registered, common law or registration applied for), any and all proprietary appearance of any product, packaging or outlet, logos, slogans and similar rights owned by Day 1 that relate to DWD, together with the goodwill pertaining thereto, and the right to sue for past

and future infringements, whether within or outside the United States of America, including but not limited to those listed on Exhibit A hereto.

2. Any term or provision of this Assignment may be amended only by a writing signed by Day 1 and PN. The observance of any term or provision of this Assignment may be waived (either generally or in a particular instance and either retroactively or prospectively) only by a writing signed by the party to be bound by such waiver. No waiver by a party of any breach of this Assignment will be deemed to constitute a waiver of any other breach or any succeeding breach.
3. This Assignment shall be governed by and construed in accordance with the laws of the State of California.

IN WITNESS WHEREOF, Day 1 and PN have caused this Assignment to be executed as of January 25, 2001.

Day 1 Apparel, Inc.

Pointe Noir Pty. Ltd.

  
David Wilkenfeld, Director

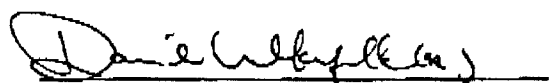
  
David Wilkenfeld, Managing Director

Exhibit AThe Mark and Registration

DWD - Reg. No: 2168207  
Registration June 23, 1998  
Filed: September 18, 2000

The Goods

Primary Class: 25 - Clothing, footwear and headgear  
Classes: 25 - Clothing, footwear and headgear  
Goods & Services: COATS, ANORAKS, BLAZERS, OVERCOATS, RAINCOATS, SPORT COATS, SUIT COATS, JACKETS, LEATHER JACKETS, WIND RESISTANT JACKETS, OVERCOATS, PARKAS, CARDIGANS, HOUSECOATS, JERSEYS, SHAWLS, DUNGAREES, JUMPERS, JUMPSUITS, OVERALLS, PANTS, JEANS, ROMPERS, SHORTS, SLACKS, BLOUSES, BODYSUITS, UNDERWEAR, BRIEFS, CAMISOLES, CHEMISES, HALTER TOPS, SHIRTS, KNIT SHIRTS, POLOSHIRTS, SPORT SHIRTS, T-SHIRTS, TANK TOPS, SARONGS, MINISKIRTS, BOLEROS, SKIRTS, SKORTS, DRESSES, SANDALS, BOOTS, GALOSHES, GARTER BELTS, GLOVES, VESTS, BELTS, BANDANAS, SCARVES, HOSIERY, KNEE HIGHS, GOWNS, ATHLETIC UNIFORMS, GYM SUITS, JOGGING SUITS, SWEAT SHORTS, GYM SHORTS, SWEAT PANTS, SKI SUITS, WARM-UP SUITS, SWEAT SUITS, SWEAT SHIRTS, SWIMWEAR, SWIMSUITS, BATHING SUITS, BIKINIS, BEACH COVERUPS, LEOTARDS, UNITARDS, SHOES, WOMEN'S SHOES, ATHLETIC FOOTWEAR, ATHLETIC SHOES, SNEAKERS, HEAD BANDS, NECK BANDS, SWEAT BANDS, WRIST BANDS, THERMAL SOCKS, SOCKS, SPORT SOCKS, LEG WARMERS, LEGGINGS