

04-24-2002

Docket No.:

7949-83855



Tab settings

To the Honorable Commissioner of Patents

102064616

Attached original documents or copy thereof.

1. Name of conveying party(ies):  
 In Re B&K, Inc., an Illinois corporation,  
 Debtor, CH 11 Bankruptcy Case No. 00 B03047  
 (Northern Dist. IL, Eastern Div.)

3-4-02

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

Additional names(s) of conveying party(ies)       Yes    No

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

Name: Joseph Silverberg

Internal Address: d/b/a Bigsby & Kruthers

Street Address: 1730 N. Clark

City: Chicago                                      State: IL      ZIP: 60614

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

If assignee is not domiciled in the United States, a domestic designation is                                       Yes    N  
 (Designations must be a separate document from  
 Additional name(s) & address(es)                                       Yes    N

3. Nature of conveyance:

Assignment                                       Merger  
 Security Agreement                       Change of Name  
 Other

Execution Date: \_\_\_\_\_

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,161,418 - B&K  
1,027,048 - B&K

Yes    No

Additional numbers

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

Name: Thomas W. Tolpin

Internal Address: Welsh & Katz, Ltd.

Street Address: 120 South Riverside Plaza

City: Chicago                                      State: IL      ZIP: 60606

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number: \_\_\_\_\_

04/23/2002 STON11 00000137 230920 1161418  
 01 FC:481 25.00 CH 40.00 DP  
 02 FC:482

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.

ELLIOTT C. BANKENORIS                                      [Signature]                                      2/27/02  
 Name of Person Signing                                      Signature                                      Date

Total number of pages including cover sheet, attachments, and

7

TRADEMARK

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK ) SS

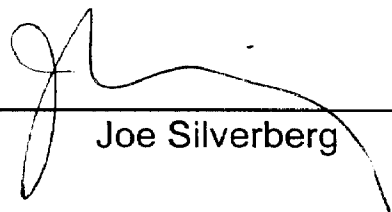
**AFFIDAVIT**

JOE SILVERBERG, being duly sworn upon his oath, deposes and says:

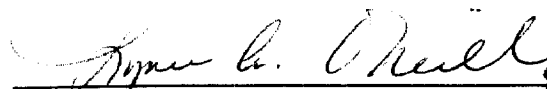
1. That he is the Joseph Silverberg referred to in Item 1 of the Order of the Honorable Eugene R. Wedoff, in the matter of *In re Bigsby & Kruthers, Inc.*, an Illinois corporation, debtor, Chapter 11 bankruptcy case No. 00 B 03047, which arose in the Eastern Division of the United States Bankruptcy Court for the Northern District of Illinois.

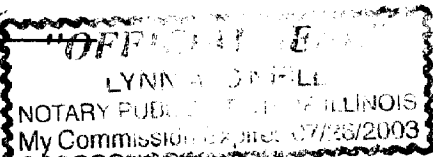
2. That he paid to the representative of said bankruptcy estate the amount of \$12,000.00 for and in consideration of all mark rights to the trade name and trademark BIGSBY & KRUTHERS, including, without limitation, United States Trademark Registration No. 027048, and United States Trademark Registration 161418.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Joe Silverberg

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 25<sup>th</sup> DAY OF February, 2002.

  
\_\_\_\_\_  
NOTARY PUBLIC



MY COMMISSION EXPIRES ON 7/26/03

EOD MAY 19 2000

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:	)	
	)	Chapter 11
BIGSBY & KRUTHERS, INC.,	)	
an Illinois corporation,	)	Case No. 00 B 03047
	)	
Debtor.	)	Honorable Eugene R. Wedoff

**ORDER AUTHORIZING DEBTOR TO SELL ITS TRADE NAME AND  
CUSTOMER LIST FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES**

This matter came before the Court for hearing on the motion of Bigsby & Kruthers, Inc. (the "Debtor"), for an order authorizing the Debtor to sell its trade name, "Bigsby & Kruthers" and its customer list, free and clear of liens, claims and encumbrances, to the highest and best bidders at an auction sale held on May 18, 2000, pursuant to section 363 of the Bankruptcy Code, 11 U.S.C. § 363, the Court having previously entered an order on May 16, 2000 authorizing the Debtor to conduct an auction sale of the trade name and customer list and having approved the terms and conditions of the auction (the "Sale Order"); notice of the Motion and this hearing having been served upon the United States Trustee, the Creditors' Committee, the Debtor's secured creditors, the Landlord (as defined herein) under the Lease (as defined herein) and all other parties who have requested notice of all proceedings.

IT IS HEREBY ORDERED, AS FOLLOWS:

(1) The Debtor is hereby authorized to sell its trade name, "Bigsby & Kruthers" to Joseph Silverberg for \$ 12,000.00 that being the highest and best offer received at the auction sale held on May 18, 2000.

(2) In the event Joseph Silverberg fails to close the purchase of the Debtor's trade

name, Debtor is hereby authorized to sell its trade name to Gruppa Moda ZM for \$ 10,000.00, that being the second highest and best offer received at the auction sale held on May 18, 2000.

Al (3) The Debtor is hereby authorized to sell its customer list to Baskin Co. d/b/a Mark Shale for \$ 11,000.00, that being the highest and best offer received at the auction sale held on May 18, 2000

Al (4) In the event Mark Shale fails to close the purchase of the Debtor's customer list, Debtor is hereby authorized to sell its customer list to Nieman Marcus for \$ 10,000.00, that being the second highest and best offer received at the auction sale held on May 18, 2000.

(5) The Debtor is hereby authorized and directed to execute and deliver all documents and to do all things and take all actions as may be necessary or appropriate to consummate the sales of its trade name and customer list.

(6) Except as expressly provided herein, effective at closing, all of Debtor's right, title and interest in and to its trade name and customer list shall be sold, conveyed, assigned, transferred and delivered to the foregoing purchasers free and clear of any and all liens, claims and encumbrances.

(7) This Order shall be binding upon and shall inure to the benefit of parties hereto and their respective successors and assigns, including, without limitation, any trustee who may be elected or appointed in the Debtor's Chapter 11 Case or any subsequent Chapter 7 Case.

(8) The Court shall retain jurisdiction to enforce the terms of this Order and to adjudicate any disputes concerning lien claims or other claims against, or rights or interests relating to the Debtor's trade name and customer list and the proceeds from the sale of the Lease.

(9) This order shall be effective and enforceable immediately upon entry and shall not be stayed pursuant to Rule 6004(g) of the Federal Rules of Bankruptcy Procedure.

(10) The purchasers identified above are good faith purchasers within the meaning of 11 U.S.C. §363(m), and upon payment of all amounts due, in respect of the purchase of the Debtor's trade name and customer list, purchaser(s) shall be afforded the protections of 11 U.S.C. § 363(m).

(11) All objections to the sale of Debtor's trade name and customer list were either withdrawn or overruled.

Dated: **MAY 18 2000**

ENTERED:

  
UNITED STATES BANKRUPTCY JUDGE

Daniel A. Zazove - 3104117  
Barbara L. Yong - 06184000  
FIELD & GOLAN  
70 West Madison, Suite 1500  
Chicago, Illinois 60602  
(312) 263-2300