



Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings

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U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

- Individual(s) Association General Partnership Limited Partnership Corporation-State Other Coogi Australia, Inc.

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

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other Temporary Protective Order

Execution Date: October 10, 2002

2. Name and address of receiving party(ies)

Name: JB Industrial Limited Internal Address: Room 1211, Elite Industrial Center No. 883 Cheung Sha Wan Rd. Kln Street Address: Hong Kong City: State: Zip:

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

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) & address(es) attached? Yes No

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

A. Trademark Application No.(s) 73/688411

B. Trademark Registration No.(s) 1,499,662

Additional number(s) attached Yes No

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

Name: Geoffrey M. Gold, Esq. Suite 2700

Internal Address:

Street Address: 1900 Avenue of the Stars

City: Los Angeles State: CA Zip: 90067

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:

DO NOT USE THIS SPACE

9. Signature.

Name of Person Signing Geoffrey M. Gold

Signature

Date October 23, 2002

Total number of pages including cover sheet, attachments, and document: 4

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

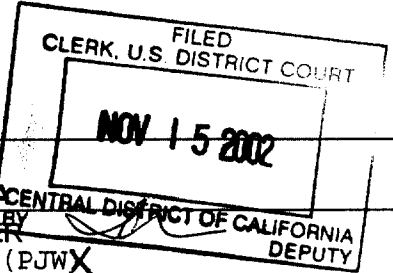


NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S)

Geoffrey M. Gold  
RUTTER HOBBS & DAVIDOFF INCORPORATED  
1900 Avenue of the Stars, Suite 2700  
Los Angeles, California 90067  
(310) 286-1700

BAR NO.: 142625

ORIGINAL



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JB INDUSTRIAL LIMITED, a Hong Kong corporation

PLAINTIFF(S)

VS  
COOGI AUSTRALIA, INC., a California corporation

DEFENDANT(S)

CASE NUMBER  
02-CV-8250 ABC (PJW)

- RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)
- ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)

1. The application and supporting affidavit of plaintiff (name) JB INDUSTRIAL LIMITED hereby attest and certify on 11/12/02

that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

- right to attach order and order for issuance of writ of attachment
- order for issuance of a writ of attachment

has been considered by the court.

CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FINDINGS

DEPUTY CLERK



2. THE COURT FINDS

- a. Defendant is a:
  - corporation
  - partnership
  - unincorporated association
  - natural person
- b.  The claim upon which the application is based is one upon which an attachment may be issued.
- c.  Plaintiff has established the probable validity of the claim upon which the application is based.
- d.  A Right to Attach Order was issued pursuant to  CCP 484.090 (on notice)  CCP 485.220 (ex parte) on (date):
- e.  The court pursuant to CCP 485.240 found plaintiff is entitled to a Right to Attach Order on (date): x 11.14.02
- f.  The affidavit accompanying the application shows that the property sought to be attached is not exempt from attachment.
- g.  The portion of the property sought to be attached described in item 3b is not exempt from attachment.
- h.  An undertaking in the amount of \$ 10,000.00 is required before a writ shall issue, and plaintiff  has  has not filed an undertaking in that amount.
- i. Great or irreparable injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice, based on the following:
  - (1)  There is a danger that the property sought to be attached would be
    - (a)  concealed.
    - (b)  substantially impaired in value.
    - (c)  made unavailable to levy by other than concealment or impairment in value.
  - (2)  A bulk sales notice was recorded and published pursuant to Division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
  - (3)  An escrow has been opened pursuant to the provisions of Bus. & Prof. Code 24074 with respect to the sale by the defendant of a liquor license (specify license number):
  - (4)  Other circumstances (indicate):  
Defendant has failed to pay the debt underlying the requested attachment, and is insolvent as defined in CCP section 485.101(b)(2). PJW
- j.  The attachment is not sought for a purpose other than the recovery on the claim upon which the application is based.
- k.  Other (specify):

(Continued on reverse)

ORDER

3. IT IS ORDERED

a.  Plaintiff has a right to attach property of defendant (name): COOGI AUSTRALIA, INC.

in the amount of \$ 1,065,195.65

b.  The clerk shall issue a writ of attachment  forthwith  upon the filing of an undertaking in the amount of \$ 1,065,195.65 against defendant for

- (1)  any property of a defendant who is not a natural person for which a method of levy is provided.
- (2)  property of a defendant who is a natural person (describe property and identify statute authorizing method of levy):

Where required provide the following additional information:

(a)  The property is in the possession, custody, or control of a nondefendant, or a nondefendant has an interest in the property (state the name and address of the nondefendant):

(b)  The property is a crop, timber, or mineral or the like (describe the real property on which it is located):

(c)  The property is covered by a bulk sales notice.

(d)  The property is plaintiff's share of proceeds from an escrow in which defendant's liquor license is sold (specify license number):

- (e)  The property is money of a defendant who is a natural person, and the property is
  - (i)  located on the premises where a trade, business, or profession is conducted by defendant;
  - (ii)  in excess of \$1,000 located elsewhere than on the premises where a trade, business, or profession is conducted by defendant and not in deposit accounts;
  - (iii)  located in a deposit account in excess of \$1,000;
  - (iv)  in excess of an aggregate amount of \$1,000 located
    - in deposit accounts.
    - in a deposit account and money located elsewhere than on the premises where a trade, business, or profession is conducted by defendant.

c.  Defendant (name): Coogi Australia, Inc.

shall transfer to the levying officer possession of

- any documentary evidence in defendant's possession of title to any property described in item 3b;
- any documentary evidence in defendant's possession of debt owed to defendant described in item 3b;
- the following property in defendant's possession (specify):

NOTICE TO DEFENDANT: Failure to comply with this order may subject you to arrest and punishment for contempt of court.

d.  Special Appointment for service by a private person pursuant to Local Rule 19.2 and 19.3 granted.

e.  Other:

f.  Total number of boxes checked in item 3:

8

Date: 11-15-02

*Patrick J. Walsh*  
(Signature of Magistrate)

(TYPE OR PRINT NAME)

**PROOF OF SERVICE BY HAND**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is American Delivery Service, 1458 S. Robertson Boulevard, Los Angeles, California 90035.


On October 30, 2002, I served the foregoing document described as **EX PARTE RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT); ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)** In the interested parties in this action and by personally delivering a true copy thereof enclosed in a sealed envelope addressed as follows:

Paul A. Beck, Esq.  
Ben-Zvi & Beck, LLP  
611 West Sixth Street, Suite 2620  
Los Angeles, California 90017

Executed this 30<sup>TH</sup> day of October, 2002, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dimitri Keller  
Print Name

  
Declarant

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): DUANE KUMAGAI, SBN 125063 / GEOFFREY M. GOLD, SBN 142625 ERIC C. PETERSON, SBN 206578 RUTTER HOBBS & DAVIDOFF INCORPORATED 1900 Avenue of the Stars, Suite 2700 Los Angeles, California 90067 TELEPHONE NO.: (310) 286-1700 FAX NO.: (310) 286-1728 ATTORNEY FOR (Name): Plaintiff JB INDUSTRIAL LIMITED	FOR COURT USE ONLY  <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> LOS ANGELES SUPERIOR COURT OCT 10 2002 JOHN A. CLARKE, CLERK <i>S. Ritchey Humber</i> S. RITCHEY HUMBER, DEPUTY
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1. The court has considered the application of plaintiff for
- a.  a right to attach order, order for issuance of writ of attachment pursuant to Chapter 4 (beginning with Code Civ. Proc., § 484.010), and a temporary protective order.
  - b.  an ex parte right to attach order and order for issuance of writ of attachment under Chapter 5 (beginning with Code Civ. Proc., § 485.010).

**FINDINGS**

2. THE COURT FINDS
- a. Defendant is a  natural person  partnership  unincorporated association  corporation  other (specify):
  - b. The amount sought to be secured by the attachment under the application for the right to attach is: \$ 2,855,480
  - c. The claim upon which the application for attachment is based is one upon which an attachment may be issued under Code of Civil Procedure section 483.010.
  - d. Plaintiff has established the probable validity of the claim upon which the application for the attachment is based.
  - e. The order is not sought for a purpose other than the recovery upon the claim on which the application for the attachment is based.
  - f. Great or irreparable injury will result to the plaintiff if this order is not issued, based on the following:
    - (1)  There is a danger that the property sought to be attached would be
      - (a)  concealed.
      - (b)  substantially impaired in value.
      - (c)  made unavailable to levy by other than concealment or substantial impairment in value.
    - (2)  Defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010, subdivision (b)(2).
    - (3)  A bulk sales notice was recorded and published pursuant to Division 6 (beginning with section 6101) of the Commercial Code with respect to a bulk transfer by the defendant.
    - (4)  An escrow has been opened pursuant to the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant of a liquor license. The liquor license number is:
    - (5)  Other circumstances:
  - g.  The requirements of Code of Civil Procedure section 485.220 are satisfied, but a temporary protective order should issue instead of an ex parte right to attach order and order for issuance of writ of attachment.
  - h. Plaintiff must file an undertaking in the amount of: \$ 10,000.00 before a temporary protective order shall issue, and plaintiff has filed an undertaking in that amount.
  - i. The property subject to the following order is:

All of the property of Coogi Australia, Inc. subject to attachment, including but not limited to all trademarks owned by Coogi Australia, Inc.

(Continued on reverse)

- 2. j.  The following property of defendant is inventory or farm products held for sale and may be transferred in the ordinary course of business (specify):
- k.  Other (specify):

**ORDER**

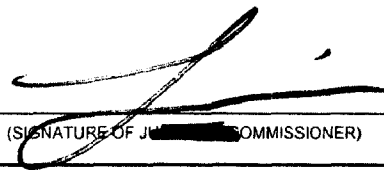
**3. THE COURT ORDERS**

- a. Defendant shall not transfer, directly or indirectly, any interest in the property described in item 2i of the findings.
- b.  Defendant shall not dispose of the proceeds of any transfer of inventory or farm products held for sale except under the following restrictions:
- c.  Other (specify):
- d. This order shall expire at the earliest of the following times:
  - (1) when plaintiff levies upon specific property described in this order,
  - (2) after (date): \_\_\_\_\_, or
  - (3) 40 days after the issuance of this order.

4. Number of pages attached: 0

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

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF J. \_\_\_\_\_ COMMISSIONER)

**NOTICE TO DEFENDANT:** An undertaking has been filed with the court by plaintiff. You may object to the undertaking.

- a. You may issue any number of checks against any of your accounts in a financial institution in this state in any amount for the following purposes:
  - (1) Payment of any payroll expense (including fringe benefits and taxes and premiums for workers' compensation and unemployment insurance) falling due in the ordinary course of business prior to the levy of a writ of attachment.
  - (2) Payment for goods thereafter delivered to you C.O.D. for use in your trade, business, or profession.
  - (3) Payment of taxes if payment is necessary to avoid penalties which will accrue if there is any further delay in payment.
  - (4) Payment of reasonable legal fees and reasonable costs and expenses required for your representation in the action.
- b. In addition, you may issue any number of checks for any purpose so long as the total amount of such checks does not exceed the greater of the following:
  - (1) The amount by which the total amount on deposit exceeds the sum of the amount sought to be secured by the attachment and the amounts permitted to be paid pursuant to this notice.
  - (2) One thousand dollars (\$1,000).
- c. If the property is farm products held for sale or is inventory, the temporary protective order may not prohibit you from transferring the property in the ordinary course of business, but may impose appropriate restrictions on the disposition of the proceeds from such transfer.



**CLERK'S CERTIFICATE**

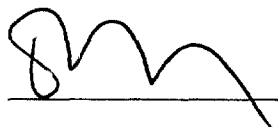
I certify that the foregoing is a correct copy of the original on file in my office.

Date:

John A. Clarke

**OCT 10 2002**

Clerk, by

  
 \_\_\_\_\_

**E. MARTINEZ**

, Deputy

73688411

**DESIGNATION OF DOMESTIC REPRESENTATIVE**

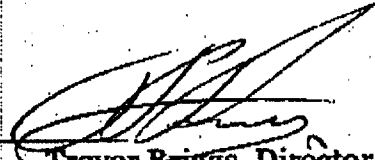
Recording Party: JB Industrial Limited  
Mark: COOGI  
Registration No.: 1,499,662

Geoffrey M. Gold, Esq., whose postal address is Rutter Hobbs & Davidoff Incorporated, 1900 Avenue of the Stars, Suite 2700, Los Angeles, California 90067, is hereby designated the undersigned's domestic representative upon whom notice or process in proceedings affecting the mark may be served.

Date: October 23, 2002  
corporation

JB Industrial Limited, a Hong Kong

By:

  
Trevor Briggs, Director

{5530.001-00172647.DOC}



**DESIGNATION OF DOMESTIC REPRESENTATIVE**

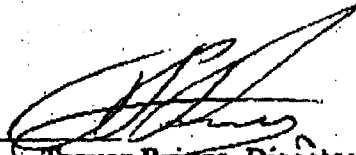
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**Date: October 23, 2002**  
**corporation**

**JB Industrial Limited, a Hong Kong**

**By:**

  
**Trevor Briggs, Director**

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