

11/5/03

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(Rev. 10/02)
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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):
Iwan Ries & Company

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

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

2. Name and address of receiving party(ies)
Name: Consolidated Cigar Corporation
Internal
Address: _____
Street Address: Harmon Meadow-400 Plaza Drive
City: Secaucus State: NJ Zip: 07096

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

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

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 11.24.1998

4. Application number(s) or registration number(s):
 A. Trademark Application No.(s) 1,162,135

Additional number(s) attached Yes No

B. Trademark Registration No.(s) _____

5. Name and address of party to whom correspondence concerning document should be mailed:
 Name: Charles W. Grimes
 Internal Address: _____

 Street Address: Grimes & Battersby LLP
 488 Main Avenue, Third Floor
 City: Norwalk State: CT Zip: 06851-1008

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:
 07-2162

DO NOT USE THIS SPACE

9. Signature.
 Jessica L. Elliott
 Name of Person Signing
 Signature
 Date 10/28/03

Total number of pages including cover sheet, attachments, and document: 3

OFFICE OF PATENT RECORDS
2003 NOV -5 PM 3:58
FINANCE SECTION

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

11/06/2003 LMUELLER 00000008 1162135
01 FC:8521 40.00 DP

TRADEMARK
REEL: 002858 FRAME: 0160

CONSENT AGREEMENT

This Consent Agreement is entered into this 24th day of November, 1988 by and between CONSOLIDATED CIGAR CORPORATION, a Delaware corporation with offices at Harmon Meadow - 400 Plaza Drive, Secaucus, New Jersey 07096 (hereinafter called "CCC"), and IWAN RIES & COMPANY, an Illinois corporation with offices at 19 S. Wabash Avenue, Chicago, Illinois (hereinafter called "RIES").

WITNESSETH

WHEREAS, RIES is in the retail and distributor business as it relates to smoking tobacco, smoking articles, accessories, retail store services, pipes, fudge candy and related products; and

WHEREAS, CCC is a manufacturer and wholesaler of cigars, smoking tobacco and tobacco pouches; and

WHEREAS, on or about March 30, 1988 RIES sold and assigned to CCC certain intellectual property rights of its wholesale smoking tobacco business including the assignment of all of RIES' rights in the trademark "IRC" and Three Star Design, U.S. Registration No. 1,162,135 together with the good will symbolized by the mark; and

WHEREAS, RIES has certain rights in the mark "IRC" formerly Trademark Registration No. 1,162,114 which was cancelled by the Commissioner of Patents and Trademark on February 2, 1988 as a result of RIES' inadvertent failure to file appropriate Affidavits under Sections 8 and 15 of the Trademark Act; and

WHEREAS, RIES on August 18, 1988 filed a new Application for Trademark Registration of said mark identified as Serial No. 73/746858 for:

Fudge candy, in Class 30; and

Smoking tobacco; cigars; pipes; pipe filters; pipe care kits containing pipe stem cleaners, pipe sweetener, pipe shiner and pipe bowl carbon cutter; pouches and cases for smoking pipes, in Class 34; and

Retail store services in the field of candy and smoking articles and accessories, in Class 42.

WHEREAS, the Trademark Examiner has cited said Trademark Registration No. 1,162,135 against RIES' Application.

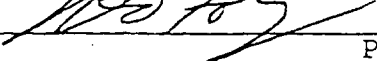
NOW THEREFORE, CCC and RIES agree as follows:

1. CCC is primarily a manufacturer of cigars, smoking tobacco and pouches and is the owner of U.S. Trademark Registration No. 1,162,135 for the trademark "IRC" and Three Star Design.
2. CCC does not sell its products at retail.
3. RIES is a distributor of tobacco and tobacco products and is neither a manufacturer nor a wholesaler. RIES does not manufacturer cigars, smoking tobacco or pouches, but sells such items at the retail level.
4. RIES is the owner of the mark "IRC" which is the subject matter of an Application for Trademark Registration Serial No. 73/746858 as identified above.
5. RIES and CCC do not compete with each other for customers, but RIES is a customer of CCC.
6. The wholesale and distributor customers of CCC and the retail customers of RIES are sophisticated purchasers who are aware of the products which they purchase and their sources of origin.
7. CCC and RIES each believe and acknowledge that there is no likelihood of confusion between RIES's mark IRC and CCC's mark IRC (and Three Star Design).

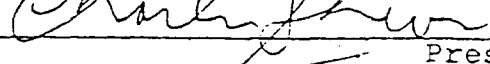
This Consent Agreement is made and entered into for the express and sole purpose of inducing the United States Patent and Trademark Office to withdraw its rejection in the examination of Trademark Application Serial No. 73/746858 under Section 2(d) of the Trademark Act based upon the citation of CCC's trademark Registration No. 1,162,135.

DATED THIS 24th of NOVEMBER, 1988

CONSOLIDATED CIGAR CORPORATION,
a Delaware Corporation

By:  President

IWAN RIES & COMPANY, an Illinois
corporation

By:  President