

11/26/03

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Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

102609362

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

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):

The Bank of New York, successor-in-interest to IBJ Whitehall Bank & Trust Company

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

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

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other Release

Execution Date: October 7, 2003

2. Name and address of receiving party(ies)

Name: The Majestic Star Casino, LLC

Internal Address:

Street Address: 301 Fremont Street, 12th Floor

City: Las Vegas State: NV Zip: 89101

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

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) 75/052416

B. Trademark Registration No.(s) 2,157,290

Additional number(s) attached Yes No

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

Name: Jennifer B. Hildebrandt, Esq.

Internal Address:

Paul, Hastings, Janofsky & Walker LLP

Street Address: 515 So. Flower Street

City: Los Angeles State: CA Zip: 90071

6. Total number of applications and registrations involved:

2

7. Total fee (37 CFR 3.41): \$ 65.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number:

16-0752

DO NOT USE THIS SPACE

9. Signature.

Jennifer B. Hildebrandt, Esq. Name of Person Signing

Jennifer B. Hildebrandt Signature

November 25, 2003 Date

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

11/28/2003 610411 00000007 75052416

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

01 FC:0521 40.00 OP 02 FC:0522 25.00 OP

TRADEMARK REEL: 002870 FRAME: 0001

RELEASE OF SECURITY INTEREST IN TRADEMARKS

This Release of Security Interest in Trademarks ("**Release**") is dated as of October 7, 2003. Reference is hereby made to the Trademark Security Agreement dated as of June 18, 1999 (the "**Grant**") by and between The Majestic Star Casino, LLC ("**Assignor**") and IBJ Whitehall Bank & Trust Company, predecessor-in-interest to The Bank of New York, as Trustee ("**Assignee**"), as amended from time to time, recorded with the United States Patent and Trademark Office on Reel/Frame number 1924/0912.

Assignee hereby notifies, acknowledges to and agrees with Assignor that the security interest granted by Assignor in the collateral set forth in the Grant (the "**Trademark Collateral**") including, without limitation, the security interest granted in the Trademarks listed on the attached Schedule A, is terminated and released, and that Assignee hereby releases and forever discharges all of its right, title and interest of any kind or nature granted, assigned or conveyed pursuant to the Grant in the Trademark Collateral.

Assignee hereby releases all of its liens, pledges, security interests, charges and other encumbrances of whatever nature (collectively, "**Encumbrances**") against Assignor including, without limitation, those Encumbrances created under or in connection with the Grant.

Assignee hereby agrees to take such further actions and to execute and deliver such further documents as Assignor may reasonably request to effect and evidence this Release, including, without limitation, the execution and delivery of any filings, statements, amendments, recordations or other instruments required to maintain the applications or registrations of the Trademark Collateral and record the chain of title accordingly with the United States Patent and Trademark Office, subject, in each case to Assignor's prior payment in full to Assignee of its costs and expenses (including reasonable fees and disbursements of counsel) incurred in connection therewith; provided, however, that Assignee shall not be required to take any action which exposes Assignee to personal liability or which is contrary to applicable law.

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, Assignee has caused this Release of Security Interest in Trademarks to be duly executed and delivered by its duly authorized officer as of the date first above written.

THE BANK OF NEW YORK, successor-in-interest to IBJ Whitehall Bank & Trust Company, as Assignee

By: 
Title: Vice President

[Signature page to Release of Trademark Security Interest]

**SCHEDULE A
TO
RELEASE OF SECURITY INTEREST OF TRADEMARKS**

Trademarks

None.

Servicemarks

Name of Mark	Date of Registration	Registration No.
Majestic Star	May 12, 1998	2,157,290

Trademark and Servicemark Applications

Name of Mark	Date of Application	Serial No.
The Majestic Star Casino M (and design)	May 12, 1998	75/052416

License Agreements

None.

Schedule A