

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	Court order transferring all rights in the mark to assignee as beneficiary of constructive trust.		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Yanata, Ltd.		10/26/2004	COMPANY: VIRGIN ISLANDS, BRITISH
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Mr. Gary Kremen		
<b>Street Address:</b>	161 Erie Street		
<b>City:</b>	San Francisco		
<b>State/Country:</b>	CALIFORNIA		
<b>Postal Code:</b>	94103		
<b>Entity Type:</b>	INDIVIDUAL: UNITED STATES		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
Serial Number:	75106638	SEX.COM	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	(202)293-7783		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
<b>Phone:</b>	(202) 429-8970		
<b>Email:</b>	llevy@lsl-law.com		
<b>Correspondent Name:</b>	Louis J. Levy		
<b>Address Line 1:</b>	2000 K Street, N.W.		
<b>Address Line 2:</b>	Suite 600		
<b>Address Line 4:</b>	Washington, DISTRICT OF COLUMBIA 20006-1809		
<b>ATTORNEY DOCKET NUMBER:</b>	8467.0002		
<b>NAME OF SUBMITTER:</b>	Louis J. Levy		
<b>Signature:</b>	/louis j. levy/		

OP \$40.00 75106638

Date:

05/24/2006

**Total Attachments: 6**

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2 IDELL, BERMAN & SEITEL  
3 530 Bush Street, Suite 601  
4 San Francisco, CA 94108  
5 Telephone: (415) 986-2400  
6 Facsimile: (415) 392-9259

7 Attorneys for Plaintiff  
8 GARY KREMEN

FILED  
OCT 26 10 06 AM '04  
RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

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*Q-V*

12 RECEIVED  
13 SEP 14 2004

14 RICHARD W. WIEKING  
15 CLERK, U.S. DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE

18 GARY KREMEN  
19 Plaintiff,

20 vs.

21 STEPHEN MICHAEL COHEN, et al.,  
22 Defendants.

23 ) Case No.: C 98 20718 JW PVT  
24 ) *W*  
25 ) ~~PROPOSED~~ ORDER IN AID OF  
EXECUTION OF JUDGMENT RE:  
TRADEMARK APPLICATION

26 The Court, having issued a judgment in the above matter, on April 3, 2001, in the amount of  
27 *Redacted* Dollars (*Redacted*) and imposing a constructive trust on all of the assets of  
28 Stephen Michael Cohen ("Cohen"), and good cause appearing therefore, the Court makes the following  
29 findings and order:

30 1. Stephen Michael Cohen, at times and places prior to the entry of judgment, to wit, on  
31 May 20, 1996, filed at the United States Patent and Trademark Office Application Serial No. 75/106638  
32 for the mark "SEX.COM". Said application was deemed registrable by the United States Patent and  
33 Trademark Office and approved for publication in connection with "providing access to an electronic  
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1 bulletin board in the field of adult entertainment”, in Class 42. Said application was published for  
2 opposition in the Official Gazette of the USPTO on December 2, 1997.

3 2. Moving party and Ancillary Plaintiff in this action Gary Kremen opposed said  
4 Application Serial No. 75/106638, primarily on the ground that Kremen was the rightful owner of the  
5 trademark “SEX.COM” and of the domain name “sex.com”, and that Cohen had misappropriated the  
6 domain name “sex.com” by making false representations to Network Solutions, Inc.

7 3. On August 14, 1998, Cohen filed a Motion with the USPTO to suspend Gary Kremen’s  
8 Opposition to the Cohen Application pending the outcome of the civil action. On December 2, 1998, the  
9 USPTO suspended Gary Kremen’s Opposition to the Cohen Application.

10 4. On June 3, 2003, the USPTO entered a default judgment against Cohen, refused  
11 registration of the Cohen Application and sustained Kremen’s Opposition to the Cohen Application.

12 5. On July 2, 2003, Gary Kremen petitioned the USPTO to reconsider the default judgment  
13 against Cohen, on the basis that the default judgment would render the Cohen Application worthless,  
14 which would frustrate the judgment for Gary Kremen in the civil action. On March 8, 2004, the USPTO  
15 set aside its order of June 3, 2003, and suspended the proceedings pending the assignment of the Cohen  
16 Application to Gary Kremen in accordance with an order in aid of execution by this Court.

17 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that any and all rights of Stephen  
18 Michael Cohen in and to the certain Trademark Application Serial No. 75/106638, now pending before  
19 the Trademark Office and the subject of pending Trademark Trial & Appeal Board Opposition No.  
20 110,033, are, in accordance with the judgment ordering the imposition of a constructive trust, now the  
21 property of Gary Kremen.

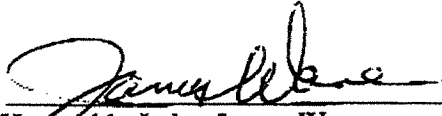
22 The Court further finds that the public use by Stephen Michael Cohen and the goodwill  
23 associated with the prior use of the domain name and of the mark inures to the benefit of Gary Kremen  
24 by virtue of the imposition of the constructive trust as set forth in the judgment of April 3, 2001, on the  
25 assets of Stephen Michael Cohen.

1 Pursuant to the judgment ordering the imposition of a constructive trust, Gary Kremen. is  
2 deemed to have acquired the goodwill associated with the use of the mark.

3 The United States Patent and Trademark Office is hereby ordered to transfer the pending  
4 Application Serial No. 75/106638 for the mark "SEX.COM" to Gary Kremen, and to comply with any  
5 requests by Gary Kremen required to effect full right, title and interest to the Cohen Application to Gary  
6 Kremen, with no rights remaining in the name of Stephen Michael Cohen.

7  
8 It is so ordered.

9 Dated: October 25, 2004

  
Honorable Judge James Ware  
United States District Court Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 **Richard Idell**  
3 **530 Bush Street, Suite 601**  
4 **San Francisco, CA 94108**

4

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6 Dated: 10/26/04

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**Richard W. Wieking, Clerk**

By: 

**Ronald L. Davis**  
**Courtroom Deputy**

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The appeal in No. 01-15899 remains under submission.

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**Richard Idell  
530 Bush Street, Suite 601  
San Francisco, CA 94108**

**Dated:** 10/26/04

**Richard W. Wicking, Clerk**

**By:**   
**Ronald L. Davis  
Courtroom Deputy**