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| <b>TRADEMARK ASSIGNMENT</b> |
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Electronic Version v1.1  
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**10/26/2006**  
**900061088**

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| <b>SUBMISSION TYPE:</b>  | NEW ASSIGNMENT  |                        |                      |
| <b>NATURE OF CONVEYANCE:</b>   | Declaration Concerning Improperly Recorded Document at Reel 2818 Frame 0175 |                        |                      |
| <b>CONVEYING PARTY DATA</b>  |   |                        |                      |
| <b>Name</b>  | <b>Formerly</b>   | <b>Execution Date</b>  | <b>Entity Type</b>   |
| Lurzer GmbH  |   | 10/17/2006             | CORPORATION: AUSTRIA |
| <b>RECEIVING PARTY DATA</b>  |   |                        |                      |
| <b>Name:</b>   | Lurzer GmbH   |                        |                      |
| <b>Street Address:</b>   | Glockmuhlstrasse 4  |                        |                      |
| <b>City:</b>   | Salzburg  |                        |                      |
| <b>State/Country:</b>  | AUSTRIA   |                        |                      |
| <b>Postal Code:</b>  | 5023  |                        |                      |
| <b>Entity Type:</b>  | CORPORATION: AUSTRIA  |                        |                      |
| <b>PROPERTY NUMBERS Total: 2</b>   |   |                        |                      |
| <b>Property Type</b>   | <b>Number</b>   | <b>Word Mark</b>       |                      |
| <b>Registration Number:</b>  | 1433848   | ARCHIVE                |                      |
| <b>Registration Number:</b>  | 2667469   | LURZER'S INT'L ARCHIVE |                      |
| <b>CORRESPONDENCE DATA</b>   |   |                        |                      |
| <b>Fax Number:</b>   | (212)775-8800   |                        |                      |
| <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> |   |                        |                      |
| <b>Phone:</b>  | (212) 775-8700  |                        |                      |
| <b>Email:</b>  | jvogel@kilpatrickstockton.com   |                        |                      |
| <b>Correspondent Name:</b>   | Jason M. Vogel / Kilpatrick Stockton LLP                                    |                        |                      |
| <b>Address Line 1:</b>   | 31 West 52nd Street   |                        |                      |
| <b>Address Line 2:</b>   | 14th Floor  |                        |                      |
| <b>Address Line 4:</b>   | New York, NEW YORK 10019  |                        |                      |
| <b>DOMESTIC REPRESENTATIVE</b>   |   |                        |                      |
| <b>Name:</b>   |   |                        |                      |
| <b>Address Line 1:</b>   |   |                        |                      |
| <b>Address Line 2:</b>   |   |                        |                      |

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**TRADEMARK**  
**REEL: 003418 FRAME: 0378**

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Fax Server

Address Line 3:

Address Line 4:

|                    |  |
|--------------------|--|
| NAME OF SUBMITTER: | Jason M. Vogel for Kilpatrick Stockton |
| Signature:         | /Jason M. Vogel/                       |
| Date:              | 10/26/2006                             |

Total Attachments: 13

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Reg. No. 1,433,848 – ARCHIVE

Reg. No. 2,667,469 – LURZER'S INT'L ARCHIVE &amp; Design

Registrant: Lürzer GmbH  
Glockmühlstrasse 4  
5023 Salzburg, Austria

**DECLARATION IN SUPPORT OF CORRECTION TO ASSIGNMENT RECORDS  
UNDER TMEP § 503.06(e)**

I, WALTER LÜRZER, declare under penalty of perjury under the laws of the United States:

1. I am Executive Director of Lürzer GmbH, an Austrian corporation with an address at Glockmühlstrasse 4, 5023 Salzburg, Austria ("Lürzer Austria"). I submit this declaration to correct the improper recordal at Reel 2818, Frame 0175 of a judgment purporting to transfer ownership of Lürzer Austria's Reg. No. 1,433,848 for the ARCHIVE mark and Reg. No. 2,667,469 for the LURZER'S INT'L ARCHIVE mark (collectively, the "Lürzer Trademarks"). As set forth below in greater detail, the Lürzer Austria is the proper owner of the Lürzer Trademarks and, therefore, should be identified as the record owner with clear title in and to the Lürzer Trademarks in the files of the United States Patent and Trademark Office ("USPTO").

2. The information set forth in this declaration is based on my personal knowledge and on records maintained in the ordinary course of business by employees under my supervision.

3. The Lürzer Trademarks, prior to 2002, were owned by Lürzer GmbH, a German corporation with an address at Hamburger Alle 45, Frankfurt, Germany ("Lürzer Germany"). On June 30, 2002, Lürzer Germany executed a Contract of Purchase assigning the Lürzer Trademarks from Lürzer Germany to Lürzer Austria.

USPTO FORM 1.1

4. In 2003, Lürzer Germany became involved in an employer/employee litigation in Germany with Mr. Georg Eckardt ("Eckardt"), a former employee of Lürzer Germany who had worked for Lürzer Germany solely in Germany. The German court issued a judgment in this litigation dated February 3, 2004 in favor of Eckardt (the "Judgment") ordering Lürzer Germany to pay to Eckardt certain sums of money plus interest and costs.

5. Eckardt, acting through U.S. counsel, subsequently improperly recorded the Judgment in the Assignment Services Division of the USPTO on March 23, 2004 at Reel 2818, Frame 0175, purporting to convey ownership of the Lürzer Trademarks from Lürzer Germany to Eckardt.

6. The Judgment, however, a) did not concern the trademark rights or any real or personal property of Lürzer Germany; b) did not transfer ownership of the Lürzer Trademarks; and c) did not create any encumbrances upon the trademark rights of Lürzer Germany. Appended is a Declaration of Fabian Sallmann, our German counsel, providing a legal opinion supporting the foregoing.

7. In any event, the ownership of the Lürzer Trademarks had already been transferred on June 30, 2002 to Lürzer Austria prior to the issuance of the Judgment against Lürzer Germany on February 3, 2004. Accordingly, the Judgment could not have effected a transfer of or other encumbrance affecting the Lürzer Trademarks, since the Lürzer Trademarks were no longer the property of Lürzer Germany when the Judgment issued.


8. Lürzer Austria has been and is the owner of all right, title and interest in and to the Lürzer Trademarks, and Eckardt has no rights whatsoever in or to the Lürzer Trademarks. Accordingly, the Judgment recorded at Reel 2818, Frame 0175 is of no legal effect vis-à-vis ownership of the Lürzer Trademarks.

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The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, declares that the facts set forth in this declaration are true; all statements made of his own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: 17/10/06

  
Walter Lürzer  
Executive Director  
LÖRZER GMBH

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Reg. No. 1,433,848 – ARCHIVE  
Reg. No. 2,667,469 – LURZER'S INT'L ARCHIVE & Design  
Assignment Record Reel 2818, Frame 0175

Registrant: Lürzer GmbH  
Glockmuhstrasse 4  
5023 Salzburg, Austria

**DECLARATION OF FABIAN SALLMANN**

I, FABIAN SALLMANN, declare under penalty of perjury under the laws of the United States:

1. I am a lawyer with HERMANN Lawyers, Tax Advisors, Auditors, a law firm located at the city of Frankfurt am Main, Germany, specialized in insolvency law, labour law and tax law. We are also practicing in all other aspects of private law. Our lawyers are accredited at the local courts of Frankfurt am Main, Germany, including the Labour Court of Frankfurt am Main, Germany.

2. We have been asked to give our legal opinion on the question, whether ownership of the trademark rights of Lürzer GmbH has been transferred by the judgment of the Labour Court Frankfurt am Main, file number: 8 Ca 2367100, dated February 3<sup>rd</sup>, 2004 and whether this aforementioned judgment of the Labour Court of the city of Frankfurt am Main did create any encumbrance upon the trademark rights of Lürzer GmbH.

3. Our legal opinion is based on the laws and regulations of the Federal Republic of Germany for the transfer of ownership of rights of any kind, especially

trademark rights, including the regulations on transfer of ownership by way of foreclosure sales.

4. We do give our legal opinion according to the best of our knowledge.

### FACTS

5. Mr. Eckardt (plaintiff) had sued his employer, namely Lürzer GmbH (defendant), at the Labour Court of the city of Frankfurt am Main for debts from wages.

6. The background of this latter lawsuit is another lawsuit of the parties. Some months before, the Labour Court of the city of Frankfurt am Main had made a judgment in the aforementioned other lawsuit, stating, that the cancellation of the working contract of Mr. Eckardt by the Lürzer GmbH had been invalid for formal reasons.

7. As the working contract had (at least from a legal point of view) not been ended, Mr. Eckardt now sued his employer to pay him his wages for the time from the end of the cancellation period up to the present.

8. On February 3rd 2004, the Labour Court of the city of Frankfurt am Main pronounced her judgment ("Urteil") in the lawsuit concerning the payment of the wages.

9. The defendant was sentenced to pay € 104326.88 gross, less paid unemployment benefits in the amount of € 12083.19 together with interest (the details are laid down in the judgment) to the plaintiff.

10. What is more, the defendant was sentenced to pay € 71324.41 gross together with interest (the details are laid down in the judgment) to the plaintiff.

11. The holdings of the judgment ("Urteil") explain why the defendant has to pay these amounts to Mr. Eckardt.

**LEGAL STATEMENT**

12. The judgment of the Labour Court of the city of Frankfurt am Main does not concern the trademark rights of Lürzer GmbH or in fact any real or personal property of the defendant.

13. The judgment of the Labour Court of the city of Frankfurt am Main did not transfer ownership of the trademark rights of Lürzer GmbH. It did not create any encumbrance upon the trademark rights of Lürzer GmbH either.

**I THE JUDGEMENT OF THE LABOUR COURT**

14. First of all, the judgment does not concern itself with trademark rights or any real or personal property of Lürzer GmbH. This is most clearly shown by the holdings of the judgment. The holdings of the judgment just explain why the defendant has to pay no more and no less than the exact amount of wages laid down in the judgment of the Labour Court.

15. The copy of the judgment filed with the trademark office is not complete. The holdings of the judgment are not included. Please find attached as Exhibit F a copy of the complete judgment, including the facts of the case and the holdings.

**II CHANGE OF OWNERSHIP UNDER GERMAN LAW**

16. What is more, even if the judgment of the Labour Court would concern itself with trademark rights of Lürzer GmbH, it would not change ownership of the trademark rights or even create any encumbrance upon them.



**A. No Change Of Ownership By Judgment Title Case**

17. Under German law, a judgment ("Urteil") of a court by itself does not change the ownership of real or personal property, be it trademark rights, real estate, claims or any other sort of property.

18. The judgment ("Urteil") of a court may be the basis for foreclosure on behalf of the plaintiff however. Until the time, the plaintiff takes out an execution against the defendant, the judgment does not change much and is no more than an order by the court that may or may not be obeyed by the defendant.

19. Therefore, if the defendant does not act according to the judgment of the court, the plaintiff will have to take out an execution against the defendant.

**B. No Change Of Ownership By Foreclosure Title Case**

20. In case of an execution for claims or rights of the defendant, this must be done by way of a formal resolution ("Beschluss") of a court, stating, that some claim or other right of the defendant specially mentioned in the resolution ("Beschluss") of the court (for example: all claims of the defendant against Microsoft Inc.) is deemed as a collateral for the claim of the plaintiff.

21. In case of a claim for money, the claim is simply transferred to the plaintiff by the resolution ("Beschluss") of the court. The plaintiff can claim the money from the debtor of the defendant after this.

22. In case of other rights, be it a trademark right, a patent or something similar, the plaintiff only has the right, to file for a foreclosure sale by the court. In case, the plaintiff is the highest bidder in the auction held at the court, the court would transfer the right to him by way of another, second formal resolution ("Zuschlags-Beschluss").

23. As the plaintiff did not get such a formal resolution ("Beschluss") of the Labour Court, he cannot claim to have any rights on the trademark rights of Lürzer GmbH.

24. The judgment of the Labour Court of the city of Frankfurt am Main therefore did not transfer ownership of the trademark rights of Lürzer GmbH. It did not create any encumbrance upon the trademark rights of Lürzer GmbH either.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, declares that the facts set forth in this declaration are true; all statements made of his own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: 03/28/2006



HERMANN  
Lawyers,  
Tax Advisors,  
Auditors

EXHIBIT F

NO. 0828 P. 3/8

03.MAR.23.2004; 2:41PM 212 484 3880  
03/03 2004 09:55 FAX 40 00 280047

AGENT FOX  
RECHTSANWALT GORBACH

002/004  
000

*Abgeleitete vollstreckbare Ausfertigung*

Arbeitsgericht  
Frankfurt am Main



Verkündet am  
03.02.2004

gez. Huginmann

Umschlagamt der Geschäftsstelle

Aktensachen  
S Co 2387/00

Im Namen des Volkes

Urteil

In dem Rechtsstreit

Georg Eckardt, Freiherr-vom-Stein-Str. 22, 60523 Frankfurt/Main

Kläger

Prozessbevollmächtigt:  
Rechtsanwalt Gerald Gorbach, Brückhofstraße 1, 60311 Frankfurt am Main

Ger. 0043901

gegen

LÖTZER GmbH, vertrat.d. OF W. LÖTZER, Hamburger Allee 45, 60486 Frankfurt/Main

Prozessbevollmächtigt:  
Rechtsanwälte Eckhard Sachse u. Kolb, Goetheplatz 1, 60313 Frankfurt

hat das Arbeitsgericht Frankfurt am Main

Kammer 8

auf die mündliche Verhandlung vom

05.01.2004

durch

Richter

Selmon - Vorsitzender -

ehrenamtlichen Richter

Baldus

ehrenamtlichen Richter

Ambos

für Recht erkannt:

Die Beklagte wird verurteilt, an den Kläger EUR 104.326,88 brutto abzugleich gezahlten  
Arbeitslosengeldes in Höhe von EUR 12.083,10 zu zahlen, nebst Zinsen in Höhe von  
fünf Prozentpunkten über dem Basiszinssatz

aus EUR 4.090,33 seit dem 03. Mai 2000

aus EUR 4.090,33 seit dem 03. Juni 2000

aus EUR 4.090,33 seit dem 03. Juli 2000

aus EUR 2.747,75 seit dem 03. August 2000

aus EUR 2.747,75 seit dem 03. September 2000

aus EUR 2.747,75 seit dem 03. Oktober 2000

aus EUR 2.747,75 seit dem 03. November 2000

aus EUR 2.747,75 seit dem 03. Dezember 2000

aus EUR 2.747,75 seit dem 03. Januar 2001

aus EUR 2.747,75 seit dem 03. Februar 2001

aus EUR 2.747,75 seit dem 03. März 2001

aus EUR 2.747,75 seit dem 03. April 2001

sowie aus EUR 65.242,86 seit dem 03. April 2001 zu zahlen.

TRADEMARK  
REEL: 002818 FRAME: 0176

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NO. 0828 P. 4/8

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03/03 2004 08:55 FAX -49 89 264837

ARENT FOX  
RECHTSANWALT GMBH

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Die Beklagte wird verurteilt, an den Kläger EUR 71.324,41 brutto nebst Zinsen in Höhe von fünf Prozentpunkten über dem Basiszinssatz aus EUR 4.000,00 seit dem 03. Mai 2001 aus EUR 4.000,00 seit dem 03. Juni 2001 aus EUR 4.000,00 seit dem 03. Juli 2001 aus EUR 4.000,00 seit dem 03. August 2001 aus EUR 4.000,00 seit dem 03. September 2001 aus EUR 4.000,00 seit dem 03. Oktober 2001 aus EUR 4.000,00 seit dem 03. November 2001 aus EUR 4.000,00 seit dem 03. Dezember 2001 aus EUR 4.000,00 seit dem 03. Januar 2002 sowie aus EUR 84.611,39 zu zahlen.

Im Übrigen wird die Klage abgewiesen.

Die Widerklage wird abgewiesen.

Von den Kosten des Rechtsstreits haben der Kläger 28 % und die Beklagte 72 % nebst der Kosten hinsichtlich des Teilurteils vom 19. Dezember 2000 zu tragen.

Der Wert des Streitgegenstandes wird auf EUR 365.436,06 festgesetzt.

Die Berufung wird nicht zugelassen. Die Zulässigkeit der Berufung nach dem Wert des Beschwerdegegenstandes bleibt davon unberührt.

gez. Salmon



Ausgefertigt:  
Von Amtsinspektorin  
als Urkundenbesitzer für Gerichtsurteile des Amtsgerichts

abgegeben

Vorstehende Ausfertigung wird dem / der  
Kläger / Beklagten  
zum Zwecke der Zwangsvollstreckung erteilt.  
Anfertigung des Urteils wurde dem / der  
Jugendschutzbeauftragten  
ausgegeben.

18 FEB 2004

Frankfurt (M.), den  
von  
Amtsinspektorin  
als Urkundenbesitzer für Gerichtsurteile des Amtsgerichts



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REEL: 002818 FRAME: 0177

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REEL: 003418 FRAME: 0389

212 484 3880  
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ARENT FOX  
RECHTSANWALT GOMBACH

NO. DB28 P. 5/8  
004/004  
18/001

6019/021.00

Zustellungskarte

In Sachen Erhard / Linzer GmbH  
Anwaltsfirma: ARENT FOX  
gericht: Frankfurt/Main  
du .02 Prozessverfahremschritten de 3  
RECHTS

GERALD GOMBACH  
RECHTSANWALT  
Göschelstraße 1  
60311 Frankfurt/Main  
Telefon 089 - 20 36 89

- Anklage - Best. Abrechn. - Best. Abrechnung - Dep.
- Vollstreckung - abgekürzten - Urteil - Beschlüsse
- Vergleich - mit Vollstreckungsbescheid - Eintragungen

von ARENT FOX  
ist Anwalt zu Anwalt zugeordnet worden,  
zu ARENT FOX

Dur/Die RECHTS Schritte de ARENT FOX  
Rechtsanwälte  
Göschelplatz 1  
D 60311 Frankfurt am Main  
Tel. (069) 2898980 - Fax (069) 2898950

TRADEMARK  
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NO. 0828 P. 6/8

Public Hearing  
of the Labour Court Frankfurt am Main

Place, Date  
Frankfurt am Main, 2/3/2004

File Reference: 8 Ca 2376/04  
(please note always)

Presiding judge Judge Salmon

Clerk of the court J. (of consultation was refrained)

In the litigation

Georg Eckardt, Freiherr-vom-Stein-Strasse 22, 60323 Frankfurt am Main Plaintiff

Counsel: Attorney Gerald Gorbach, Bruckhofstrasse 1, 60311 Frankfurt am Main Reference GdL 00/130/01

versus

Luerzer GmbH, repres. by the manag. Dir. W. Luerzer, Hamburger Allee 45, 60486 Frankfurt Defendant

Counsel: Attorneys Eckhard Sachse and colleagues, Goetheplatz 1, 60313 Frankfurt am Main

attended

- 1. plaintiff
- 2. for the defendant
- nobody

Thereupon the following

**Sentence  
IN THE NAME OF THE PEOPLE**

was pronounced by reading:

The defendant is sentenced to pay to plaintiff 104,329.85 EUR gross less paid unemployment benefit in the amount of EUR 12,083.19, together with interest at a level of 8% per cent above the basis interest rate

out of EUR 4,090.39 since May 3, 2000

out of EUR 4,090.33 since June 3, 2000

out of EUR 4,090.33 since July 3, 2000

out of EUR 2,747.75 since August 3, 2000

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IN. 23. 2004<sup>3</sup> 2:42PM

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out of EUR 2,747.75 since September 3, 2000  
 out of EUR 2,747.75 since October 3, 2000  
 out of EUR 2,747.75 since November 3, 2000  
 out of EUR 2,747.75 since December 3, 2000  
 out of EUR 2,747.75 since January 3, 2001  
 out of EUR 2,747.75 since February 3, 2001  
 out of EUR 2,747.75 since March 3, 2001  
 out of EUR 2,747.75 since April 3, 2001  
 as well as out of EUR 56,242.66 since April 3, 2001.

The defendant is sentenced to pay to plaintiff 71,324.41 EUR gross together with interest at a level of five per cent above the basis interest rate

out of EUR 4,090.33 since May 3, 2001  
 out of EUR 4,090.33 since June 3, 2001  
 out of EUR 4,090.33 since July 3, 2001  
 out of EUR 4,090.33 since August 3, 2001  
 out of EUR 4,090.33 since September 3, 2001  
 out of EUR 4,090.33 since October 3, 2001  
 out of EUR 4,090.33 since November 3, 2001  
 out of EUR 4,090.33 since December 3, 2001  
 out of EUR 4,090.33 since January 3, 2002  
 as well as out of EUR 34,511.39.

The rest of the complaint is dismissed.

The cross action is dismissed.

From the costs of the litigation plaintiff has to carry 25 per cent and the defendant 72 per cent together with the costs with regard to the partial ruling of December 19, 2000.

The value of the subject matter of the proceedings is set at EUR 365,496.60.

RECORDED: 03/23/2004

TRADEMARK  
 REEL: 002818 FRAME: 0180

RECORDED: 10/26/2006

TRADEMARK  
 REEL: 003418 FRAME: 0392