

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	LIEN		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Tabacalera Popular Cubana, Inc.		03/25/2008	CORPORATION: FLORIDA
RECEIVING PARTY DATA			
Name:	Cuban Cigar Brands, N.V.		
Street Address:	5900 North Andrews Avenue		
City:	Fort Lauderdale		
State/Country:	FLORIDA		
Postal Code:	33309		
Entity Type:	CORPORATION: NETHERLANDS ANTILLES		
Name:	Max Rohr, Inc.		
Street Address:	300 Delaware Avenue		
City:	Wilmington		
State/Country:	DELAWARE		
Postal Code:	19801		
Entity Type:	CORPORATION: DELAWARE		
PROPERTY NUMBERS Total: 3			
Property Type	Number	Word Mark	
Serial Number:	76612016	POPULAR	
Registration Number:	3149225	POPULAR	
Registration Number:	2509096	TABACALERA CUBANA CUBA 1913 REAL FABRICA DE TABACOS TABACALERA POPULAR CUBANA	
CORRESPONDENCE DATA			
Fax Number:	(203)849-9300		
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>			
Phone:	203-849-8300		
Email:	schlesinger@gandb.com		

OP \$90.00 76612016

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REEL: 003747 FRAME: 0492

Correspondent Name: Susan M. Schlesinger
Address Line 1: 488 Main Avenue
Address Line 4: Norwalk, CONNECTICUT 06851

ATTORNEY DOCKET NUMBER: CB007USL74

NAME OF SUBMITTER: Susan M. Schlesinger

Signature: /sms/

Date: 03/27/2008

Total Attachments: 11

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

-----X
ALTADIS U.S.A. INC., a Delaware
Corporation; ALTADIS RETAIL
CORPORATION, a Delaware
Corporation; CUBAN CIGAR
BRANDS, N.V., a Netherlands Antilles
Corporation; and MAX ROHR, INC.,
a Delaware Corporation,

Plaintiffs,

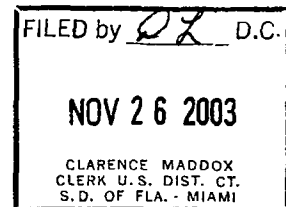
v.

TABACALERA CUBANA CORP.,
a Florida Corporation, TABACALERA
POPULAR CUBANA, INC., a
Florida Corporation, CUBAN REPLICA
CIGAR CO., a partnership, proprietorship
or other business entity, PEDRO F.
GOMEZ, JOEL A. GOMEZ, EDEL GOMEZ,
DAIN INMAN and LEO GUTIERREZ

Defendants.
-----X

CASE NO. 02-23124-CTV-UNGARO-
BENAGES

Magistrate Judge Brown



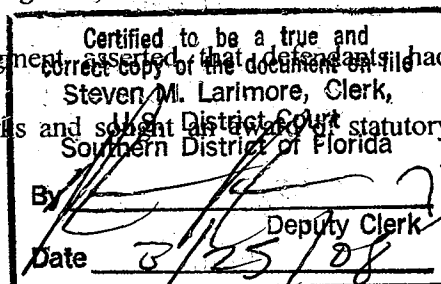
November 24, 2003

**FINAL JUDGMENT AND PERMANENT INJUNCTION AGAINST
DEFENDANTS TABACALERA CUBANA CORP., TABACALERA
POPULAR CUBANA, INC., CUBAN REPLICA CIGAR CO.,
PEDRO F. GOMEZ, JOEL A. GOMEZ AND EDEL GOMEZ**

WHEREAS, this cause has previously come before the Court upon the application of
Plaintiffs, ALTADIS U.S.A. INC. ("Altadis USA"), ALTADIS RETAIL CORPORATION
("Altadis Retail"), CUBAN CIGAR BRANDS, N.V. ("CCB"), and MAX ROHR, INC. ("Max
Rohr") (collectively referred to as "plaintiffs") for summary judgment; and

WHEREAS, plaintiffs' motion for summary judgment asserted that defendants had
willfully used counterfeits of plaintiffs' registered trademarks and sought an award of statutory

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damages from the defendants pursuant to Section 35(c) of the Lanham Act, 15 U.S.C. § 1117(c), in the amount of \$150,000.00 per registered trademark for each of the four registered marks owned by plaintiff CCB – namely, MONTECRISTO (Reg. No. 1,173,547), the Crossed-Sword Design (Reg. Nos. 332,324 and 1,459,466), H. UPMANN (Reg. No. 2,435,147) and H.UPMANN & Sunburst Design (Reg. No. 89,518) – and two registered marks owned by plaintiff Rohr – namely, ROMEO Y JULIETA (Reg. No. 1,047,827) and ROMEO Y JULIETA Design (Reg. No. 2,551,977); and

WHEREAS, plaintiffs' summary judgment papers included evidence showing that defendants' use of counterfeits of plaintiffs' registered trademarks was willful and that defendants TABACALERA CUBANA CORP. ("Tabacalera"), PEDRO F. GOMEZ ("Pedro Gomez"), JOEL A. GOMEZ ("Joel Gomez"), and EDEL GOMEZ ("Edel Gomez") had misrepresented in their interrogatory answers that they did not know the identities of any of the sources from which they obtained counterfeit cigars and/or packaging materials; and

WHEREAS, plaintiffs subsequently submitted additional evidence of additional bad faith litigation conduct on the part of these defendants in the form of a Declaration from defendant Leo Gutierrez with supporting documentation showing that these defendants' sworn statements in this litigation that they sold fewer than 50 boxes of counterfeits of plaintiffs' cigar brands were patently false and that they sold at least 155 boxes of fake "Montecristo" cigars, 29 boxes of fake "H. Upmann" cigars and 99 boxes of fake "Romeo y Julieta" cigars through their telephone sales operation alone; and

WHEREAS, plaintiffs' motion for summary judgment was granted; and

WHEREAS, judgments on consent have been entered against defendants Leo Gutierrez and Dain Inman; and

WHEREAS, plaintiffs have moved for the entry of a final judgment against the remaining defendants in the amount of \$600,000.00 in favor of plaintiff CCB and in the amount of \$300,000.00 in favor of plaintiff Rohr, representing an award of \$150,000.00 per counterfeited registered trademark;

In accordance with Rule 54(b) of the Federal Rules of Civil Procedure, it is **ORDERED, ADJUDGED AND DECREED THAT JUDGMENT IS ENTERED:**

(1) In favor of plaintiff CCB and against defendants Tabacalera, Popular, Cuban Replica, Pedro Gomez, Joel Gomez and Edel Gomez, jointly and severally, in the amount of \$600,000.00 in statutory damages. Post-judgment interest thereon shall begin to accrue as of the date of this Final Judgment at the statutory rate, under Florida law, and shall continue to accrue until the Judgment is paid in full.

(2) In favor of plaintiff Rohr and against defendants Tabacalera, Popular, Cuban Replica, Pedro Gomez, Joel Gomez and Edel Gomez, jointly and severally, in the amount of \$300,000.00 in statutory damages. Post-judgment interest thereon shall begin to accrue as of the date of this Final Judgment at the statutory rate, under Florida law, and shall continue to accrue until the Judgment is paid in full.

It is further **ORDERED, ADJUDGED AND DECREED** that

(1) Defendants Tabacalera, Popular, Cuban Replica, Pedro Gomez, Joel Gomez, and Edel Gomez., their agents, servants, employees, successors and assigns and all others in concert and privity with them are hereby permanently enjoined from directly or indirectly:

(a) importing, manufacturing, distributing, promoting, advertising, offering for sale, selling, or exporting any tobacco product, packaging material and/or other item which

uses, copies or imitates Plaintiffs' trademarks MONTECRISTO, MONTE CRISTO & Crossed-Sword Design, Crossed-Sword Design, H. UPMANN, H.UPMANN & Sunburst Design, H.UPMANN & Medals Design, ROMEO Y JULIETA or ROMEO Y JULIETA Design, or any trademark confusingly similar thereto, and/or Plaintiffs' MONTECRISTO, H.UPMANN and/or ROMEO Y JULIETA trade dress as more fully identified in the Amended Complaint in this action, or any trade dress confusingly similar thereto, including, without limitation, any "Cuban replica" Montecristo, H. Upmann or Romeo y Julieta cigars, packaging materials or promotional materials; and/or

(b) offering or agreeing to do any of the aforesaid acts; and/or

(c) causing, aiding, abetting, encouraging, inducing or contributing to the doing of any of the aforesaid acts by a third party; and/or

(d) making any other use of any trademark or trade dress that is identical or confusingly similar to Plaintiffs' trademarks MONTECRISTO, MONTE CRISTO & Crossed-Sword Design, Crossed-Sword Design, H. UPMANN, H.UPMANN & Sunburst Design, H.UPMANN & Medals Design, ROMEO Y JULIETA or ROMEO Y JULIETA Design and/or Plaintiffs' MONTECRISTO, H.UPMANN and/or ROMEO Y JULIETA trade dress except as authorized by Plaintiffs.

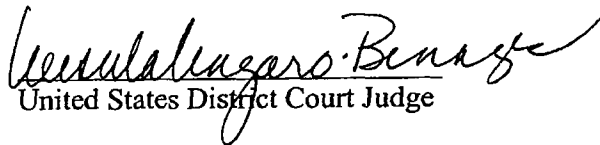
(2) Pursuant to 15 U.S.C. §§1116 and 1118, defendants Tabacalera, Popular, Cuban Replica, Pedro Gomez, Joel Gomez, and Edel Gomez shall immediately deliver up to plaintiff or (with the consent of Plaintiff) destroy all items bearing trademarks or trade dress identical or confusingly similar to the plaintiffs' trademarks and trade dress or used to promote or advertise same including without limitation all "Cuban replica" Montecristo, H. Upmann or Romeo y

Julieta cigars and packaging or promotional materials.

(3) This Court shall retain jurisdiction of this action for a period of 180 days from the date of this Final Judgment for the purpose of overseeing and enforcing Defendants' compliance with the terms of the permanent injunction and for granting appropriate relief, including such relief as is set forth therein, in the event of a breach.

(3) The Court reserves jurisdiction to award, attorneys' fees, costs and prejudgment interest upon further submission by Plaintiffs pursuant to the applicable Rules.

IT IS SO ORDERED, ADJUDGED AND DECREED this 26 day of November 2003.


United States District Court Judge

Copies furnished to:

Jorge Espinosa, Esq. – Fax: 305-379-3428

Leora Herrmann, Esq. – Fax: 203-849-9300

Nicolas Gutierrez, Esq. – Fax: 305-285-0257

Dain Inman (*envelope enclosed*)
6980 East Sahurao Drive, Apt. 1116
Scottsdale, AZ 85254

Leonardo Gutierrez (*envelope enclosed*)
11532 N.W. 43rd Street
Coral Springs, Florida 33071

Judgment Lien Certificate

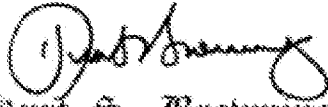
I certify the attached is a true and correct copy of the JUDGMENT LIEN CERTIFICATE, filed on March 25, 2008 reflecting TABACALERA POPULAR CUBANA, INC., PEDRO F GOMEZ, JOEL A GOMEZ, and EDEL GOMEZ as the judgment debtor(s), as shown by the records of this office.

The document number of this lien is J08000088832.

Authentication Code: 080326092200#1J08000088832

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this the
Twenty Sixth day of March, 2008




Kurt S. Browning
Secretary of State

ELECTRONIC JUDGMENT LIEN CERTIFICATE

FOR PURPOSES OF FILING A JUDGMENT LIEN, THE FOLLOWING INFORMATION IS SUBMITTED IN ACCORDANCE WITH s. 55.203, F.S..

JUDGMENT DEBTOR (DEFENDANT) NAME(S) AS SHOWN ON JUDGMENT LIEN:

TABACALERA POPULAR CUBANA, INC.
12745 S.W. 72 TERRACE
MIAMI, FL. 33183
FEI#: 65-0804449 DOS DOCUMENT#: P98000002728

GOMEZ, PEDRO F
12745 S.W. 72 TERRACE
MIAMI, FL. 33183

GOMEZ, JOEL A
12745 S.W. 72 TERRACE
MIAMI, FL. 33183

GOMEZ, EDEL
12745 S.W. 72 TERRACE
MIAMI, FL. 33183

J08000088832
FILED

Mar 25, 2008 04:04 P.M.

Secretary of State
KBAYER

JUDGMENT CREDITOR (PLAINTIFF) NAME AS SHOWN ON JUDGMENT LIEN OR CURRENT OWNER OF JUDGMENT IF ASSIGNED:

CUBAN CIGAR BRANDS, N.V. AND MAX ROHR, INC,
201 S. BISCAYNE BLVD.
MIAMI CENTER - 1700
MIAMI, FL 33131
DOS DOCUMENT#: N/A

NAME AND ADDRESS TO WHOM ACKNOWLEDGMENT/CERTIFICATION IS TO BE MAILED:

JASON S. OLETSKY, ESQ.
JOLETSKY@KPKB.COM

AMOUNT DUE ON MONEY JUDGMENT: \$900,000.00

APPLICABLE INTEREST RATE: 6.00%

NAME OF COURT: UNITED STATES DISTRICT COURT

CASE NUMBER: 02-23124-CIV-UNGARO-BENAGES

DATE OF ENTRY: 11/26/03

WAS A WRIT OF EXECUTION DOCKETED ON THIS JUDGMENT LIEN WITH ANY SHERIFF PRIOR TO OCTOBER 1, 2001?

() YES (IF YES, A "CREDITOR AFFIDAVIT CERTIFICATION" FORM MUST BE ATTACHED TO THIS CERTIFICATE.)

(X) NO

UNDER PENALTY OF PERJURY, I hereby certify that: (1) The judgment above described has become final and there is no stay of the judgment or its enforcement in effect; (2) All of the information set forth above is true, correct, current and complete; (3) I have not previously filed a Judgment Lien Certificate regarding the above judgment with the Department of State; and, (4) I have complied with all applicable laws in submitting this Electronic Judgment Lien Certificate for filing.

Electronic Signature of Creditor or Authorized Representative: /S/ JASON S. OLETSKY, ESQ.

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Judgment Lien Certificate

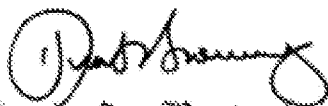
I certify the attached is a true and correct copy of the JUDGMENT LIEN AMENDMENT STATEMENT, filed on March 26, 2008 reflecting TABACALERA POPULAR CUBANA, INC., PEDRO F GOMEZ, JOEL A GOMEZ, and EDEL GOMEZ as the judgment debtor(s), as shown by the records of this office.

The document number of this lien is J08000107038.

Authentication Code: 080327090957#1J08000107038

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this the
Twenty Seventh day of March, 2008




Kurt S. Browning
Secretary of State

ELECTRONIC JUDGMENT LIEN AMENDMENT STATEMENT

FOR PURPOSES OF FILING AN AMENDMENT TO A FILED JUDGMENT LIEN, THE FOLLOWING INFORMATION IS SUBMITTED IN ACCORDANCE WITH s. 55.206, FLORIDA STATUTES.

JUDGMENT DEBTOR (DEFENDANT) NAME(S) AS SHOWN ON THE RECORDS OF THE DEPARTMENT OF STATE:

TABACALERA POPULAR CUBANA, INC.
12745 S.W. 72 TERRACE
MIAMI, FL. 33183
FEI#: 65-0804449 DOS DOCUMENT#: P98000002728

GOMEZ, PEDRO F
12745 S.W. 72 TERRACE
MIAMI, FL. 33183

GOMEZ, JOEL A
12745 S.W. 72 TERRACE
MIAMI, FL. 33183

GOMEZ, EDEL
12745 S.W. 72 TERRACE
MIAMI, FL. 33183

J08000107038
FILED

Mar 26, 2008 03:40 P.M.

Secretary of State
KBAYER

JUDGMENT CREDITOR (PLAINTIFF) NAME AS SHOWN ON THE RECORDS OF THE DEPARTMENT OF STATE:

CUBAN CIGAR BRANDS, N.V. AND MAX ROHR, INC.
201 S. BISCAYNE BLVD.
MIAMI CENTER - 1700
MIAMI, FL 33131
DOS DOCUMENT#: N/A

FILE NUMBER ASSIGNED TO ORIGINAL JUDGMENT LIEN BY DEPARTMENT OF STATE: J08000088832
DATE JUDGMENT LIEN FILED WITH DEPARTMENT OF STATE: 03/25/08

(X) AMENDMENT: The judgment lien bearing the file number indicated above is amended as set forth below.

() PARTIAL RELEASE: The judgment lien bearing the file number indicated above has been partially released and the value of the lien remaining unpaid as of the date of this statement is:

() ASSIGNMENT: All of the judgment creditor's rights under the judgment lien certificate indicated above have been assigned to the new judgment lienowner whose name and address are listed below.

() CONTINUATION: The judgment lien bearing the file number indicated above is for itemized property, a list of which was delivered prior to the lapse of the lien to the sheriff for levy in the county where the property is located. The lien is continued for 90 days after the lapse.

() TERMINATION: The judgment creditor no longer claims a lien on the personal property under the judgment lien bearing the number indicated above.

NAME AND ADDRESS OF ASSIGNEE AND/OR AMENDMENT INFORMATION HERE:

Please amend this Judgment Lien Certificate as follows: Judgment Creditor: Cuban Cigar Brands, N.V. Address: 5900 North Andrews Avenue, Ft. Lauderdale, FL 33309 Amount of Judgment: \$600,000.00.

UNDER PENALTY OF PERJURY, I hereby certify that: (1) All of the information set forth above is true, correct, current and complete; and (2) I have complied with all applicable laws in submitting this Electronic Judgment Lien Amendment Statement for filing.

Electronic Signature of Creditor or Authorized Representative: /S/ JASON S. OLETSKY

NAME AND ADDRESS TO WHOM ACKNOWLEDGMENT/CERTIFICATION IS TO BE MAILED:

JASON S. OLETSKY
JOLETSKY@KPKB.COM

Judgment Lien Certificate

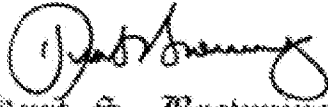
I certify the attached is a true and correct copy of the JUDGMENT LIEN CERTIFICATE, filed on March 26, 2008 reflecting TABACALERA POPULAR CUBANA, INC., PEDRO F GOMEZ, JOEL A GOMEZ, and EDEL GOMEZ as the judgment debtor(s), as shown by the records of this office.

The document number of this lien is J08000107053.

Authentication Code: 080327091043#1J08000107053

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this the
Twenty Seventh day of March, 2008




Kurt S. Browning
Secretary of State

ELECTRONIC JUDGMENT LIEN CERTIFICATE

FOR PURPOSES OF FILING A JUDGMENT LIEN, THE FOLLOWING INFORMATION IS SUBMITTED IN ACCORDANCE WITH s. 55.203, F.S..

JUDGMENT DEBTOR (DEFENDANT) NAME(S) AS SHOWN ON JUDGMENT LIEN:

TABACALERA POPULAR CUBANA, INC.

12745 S.W. 72 TERRACE

MIAMI, FL. 33183

FEI#: 65-0804449 DOS DOCUMENT#: P98000002728

GOMEZ, PEDRO F

12745 S.W. 72 TERRACE

MIAMI, FL. 33183

GOMEZ, JOEL A

12745 S.W. 72 TERRACE

MIAMI, FL. 33183

GOMEZ, EDEL

12745 S.W. 72 TERRACE

MIAMI, FL. 33183

J08000107053
FILED

Mar 26, 2008 03:54 P.M.

Secretary of State

KBEYER

JUDGMENT CREDITOR (PLAINTIFF) NAME AS SHOWN ON JUDGMENT LIEN OR CURRENT OWNER OF JUDGMENT IF ASSIGNED:

MAX ROHR, INC.

300 DELAWARE AVENUE

WILMINGTON, DE 19801

DOS DOCUMENT#: N/A

NAME AND ADDRESS TO WHOM ACKNOWLEDGMENT/CERTIFICATION IS TO BE MAILED:

JASON S. OLETSKY

JOLETSKY@KPKB.COM

AMOUNT DUE ON MONEY JUDGMENT: \$300,000.00

APPLICABLE INTEREST RATE: 6.00%

NAME OF COURT: UNITED STATES DISTRICT COURT

CASE NUMBER: 02-23124-CIV-UNGARO-BENAGES

DATE OF ENTRY: 11/26/03

WAS A WRIT OF EXECUTION DOCKETED ON THIS JUDGMENT LIEN WITH ANY SHERIFF PRIOR TO OCTOBER 1, 2001?

() YES (IF YES, A "CREDITOR AFFIDAVIT CERTIFICATION" FORM MUST BE ATTACHED TO THIS CERTIFICATE.)

(X) NO

UNDER PENALTY OF PERJURY, I hereby certify that: (1) The judgment above described has become final and there is no stay of the judgment or its enforcement in effect; (2) All of the information set forth above is true, correct, current and complete; (3) I have not previously filed a Judgment Lien Certificate regarding the above judgment with the Department of State; and, (4) I have complied with all applicable laws in submitting this Electronic Judgment Lien Certificate for filing.

Electronic Signature of Creditor or Authorized Representative: /S/ JASON S. OLETSKY

RECORDED: 03/27/2008

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