

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:		NEW ASSIGNMENT	
NATURE OF CONVEYANCE:		Quitclaim to Court Appointed Receiver	
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Shawn A Richeson		09/29/2008	INDIVIDUAL: UNITED STATES
RECEIVING PARTY DATA			
Name:	Patricia Nolan		
Street Address:	8117 Preston Road		
Internal Address:	Suite 300		
City:	Dallas		
State/Country:	TEXAS		
Postal Code:	75225-6323		
Entity Type:	INDIVIDUAL: UNITED STATES		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2829994	COMPUTER NERDS	
CORRESPONDENCE DATA			
Fax Number:	(860)286-0115		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	860-286-2929		
Email:	TM-CT@cantorcolburn.com		
Correspondent Name:	Michelle P. Ciotola, Cantor Colburn LLP		
Address Line 1:	20 Church Street,		
Address Line 2:	22nd Floor		
Address Line 4:	Hartford, CONNECTICUT 06103-3207		
ATTORNEY DOCKET NUMBER:	CPN00010		
NAME OF SUBMITTER:	Michelle P. Ciotola		
Signature:	/Michelle P. Ciotola/		

CH \$40.00 2829994

Date:

05/22/2009

Total Attachments: 6

source=2B36352#page1.tif

source=2B36352#page2.tif

source=2B36352#page3.tif

source=2B36352#page4.tif

source=2B36352#page5.tif

source=2B36352#page6.tif

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

FILED

JAN 14 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

WACO DIVISION

NOVELL, INC.,
Plaintiff,

v.

SHAWN E. RICHESON, et al.,
Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO. W-94-CA-334

ORDER

After reviewing the various post-judgment motions filed by the parties in this case, the Court set those matters for a hearing at 9:00 a.m. on Thursday, January 3, 2008. Plaintiff Novell, Inc. appeared as Ordered, but Defendant Shawn Richeson did not. Having considered the motions, the argument of Plaintiff's counsel, and the applicable legal authority, the Court issues the following Orders:

1. Plaintiff's Motion for Writ of Scire Facias to Revive Judgment is **GRANTED**.

2. Defendant's Motions for Relief from Judgment are **DENIED**. Defendant did not appear and prove the value of the property already seized by Plaintiff. He did not, therefore, prove either payment in full or accord and satisfaction. The only evidence before the Court, Plaintiff's Exhibit 1, establishes that the duplicating machines seized by Plaintiff were considered worthless by the Bankruptcy Court. Accordingly, Defendant still owes to Plaintiff the full amount of the Judgment previously entered against him, plus the interest that has accrued since that time.

A true copy of the original, I certify.
Clerk, U. S. District Court

By Christy Willis
Deputy

TRADEMARK

2. Plaintiff's Motion for Turnover Order is **GRANTED**. In regard to this motion, the Court makes the following findings:

- a. This Court has jurisdiction of the subject matter and the parties.
- b. On June 9, 1997, this Court entered final judgment in favor of Plaintiff Novell, Inc. ("Novell") against all Defendants, except Defendant Annette M. Richeson, jointly and severally. The final judgment included an award of damages in the amount of \$200,000 and \$68,576.86 in attorney fees.
- c. To date, no Defendant has paid any amount to Novell to satisfy the final judgment.
- d. Defendant Shawn Richeson owns the service mark "Computer Nerds," the domain name "computernerds.net," and a cause of action against Steven Cohen, et al. for infringement of the service mark "Computer Nerds" as asserted in *Shawn A. Richeson v. Steve Cohen, et al.*, in Case Number W-07-CA-229, filed in the United States District Court for the Western District of Texas, Waco Division. By Judgment dated September 12, 2007, this suit was dismissed for lack of jurisdiction.
- e. Pursuant to TEX. CIV. PRAC. & REM. CODE § 31.002, this Court has the power to appoint a receiver to take possession of a judgment debtor's property, sell it, and pay the proceeds to the judgment creditor, where the judgment debtor owns property that (1) cannot be readily attached or levied on by ordinary legal process; and (2) is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.

f. Service marks, domain names, and causes of action are not exempt from attachment, execution, or seizure, and are property that cannot be readily attached or levied by ordinary legal process.

g. Pursuant to TEX. CIV. PRAC. & REM. CODE § 31.002(e), Novell is entitled to recover reasonable costs, including attorney's fees and receiver's fees, incurred in obtaining this Order.

In light of the foregoing findings, it is **ORDERED** that Defendant Shawn A. Richeson turn over all trademarks, service marks, domain names, and causes of action, including the service mark "Computer Nerds," the domain name "computernerds.net," and any cause of action existing against Steve Cohen for infringement of the service mark "Computer Nerds," to a receiver who shall sell or otherwise pursue the maximum benefit of such property on behalf of Novell. It is further

ORDERED that Plaintiff Novell provide the name of the Receiver to whom the foregoing shall be delivered within ten (10) days from entry of this Order. Defendant Shawn Richeson shall have ten (10) days to turn over the previously noted property after receiving notification of the identity of the Receiver. It is further

ORDERED that Defendant Shawn Richeson shall pay Novell's reasonable costs, including attorney's fees, incurred in obtaining this Order, which Novell shall present to the Court also within ten (10) days from entry of this Order. It is further

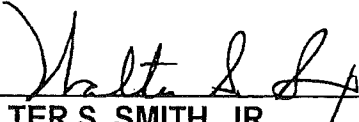
ORDERED that Defendant Shawn Richeson shall pay the Receiver's fees, which shall be submitted to the Court for approval within ten (10) days of the disposition of the previously identified property.

3. Plaintiff's Emergency Request for Expedited Submission of Application for Temporary Restraining Order is **GRANTED** as the Court set a hearing on this matter within two weeks of its filing.

4. Plaintiff's Verified Application for Temporary Restraining Order and For Preliminary and Permanent Injunction Against State Court Proceedings is **DENIED**. Plaintiff presented no extraordinary circumstances which would justify this Court enjoining a state court lawsuit.

It is further **ORDERED** that any additional post-judgment motions not ruled upon by the Court are **DENIED**.

SIGNED this 14th day of January, 2008.



WALTER S. SMITH, JR.
Chief United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION


NOVELL, INC.,	§	
Plaintiff,	§	
	§	
v.	§	
	§	
SHAWN RICHESON, Individually	§	Civil No. W-94-CA-334
and d/b/a RICHESON ENTERPRISES,	§	
INC., d/b/a STAR SOFT SOFTWARE,	§	
d/b/a ADVANCED MEDIAL RESEARCH,	§	
d/b/a RTI & ACS, d/b/a ADVANCED	§	
COMPUTER SERVICES, d/b/a ACS	§	
d/b/a RTI/SOLUTIONS ENGINEERING,	§	
d/b/a RTI CERTIFIED ELECTRONICS,	§	
d/b/a RTI CERTIFIED ELECTRONIC	§	
TECHNICIANS and TRJ CERTIFIED	§	
ELECTRONICS,	§	
Defendants.	§	

ORDER

Before the Court is the Plaintiff's Notice of Proposed Receiver. The Court, having considered the Plaintiff's request, finds that it has merit and should be granted. Accordingly, it is

ORDERED that Patricia A. Nolan, Esq. is appointed as a receiver in this matter.

SIGNED on this 15th day of September, 2008.



WALTER S. SMITH, JR.
CHIEF UNITED STATES DISTRICT JUDGE

A true copy of the original, I certify.
Clerk, U. S. District Court

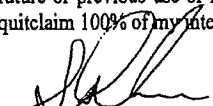
By 
_____ Deputy

EXHIBIT 3

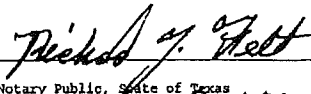
QUITCLAIM - SERVICE MARK

COMPUTER NERDS

Come now this Monday the 29th Day of September 2008 - I, Shawn A. Richeson (Individually) - do hereby release any and all claims I have or may have to the service mark COMPUTER NERDS unto Patricia Nolan (Receiver for Novell, Inc. in cause #W94-CA-334). I do not know of any liens or encumbrances against said service mark and I am transferring as much title as I have. I will not be responsible for any current, future or previous use or misuse of the service mark COMPUTER NERDS and forever quitclaim 100% of my interest therein.


Shawn A. Richeson

SUBSCRIBED AND SWORN TO BEFORE ME by the said Shawn A. Richeson, on this Monday September 29th 2008, certifies which witness my hand and seal of office.


Notary Public, State of Texas
Notary's printed name: RICHARD J. FELT
My commission expires: OCT. 27, 2009

