

Form PTO-1594 (Rev. 01-09)
 OMB Collection 0651-0027 (exp. 02/28/2009)

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

RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):

Corporacion Cimex, S.A.

- Individual(s) Association
 General Partnership Limited Partnership
 Corporation- State: CUBA
 Other _____

Citizenship (see guidelines) _____

Additional names of conveying parties attached? Yes No

3. Nature of conveyance /Execution Date(s) :

Execution Date(s) _____

- Assignment Merger
 Security Agreement Change of Name
 Other SEE ATTACHED SHEET

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?

- Yes
 No

Name: Corporacion Cimex, S.A.

Internal

Address: Corner of O Street

Street Address: Edificio Sierra Maestra, First Avenue

City: Miramar, Havana

State: _____

Country: CUBA

Zip: _____

- Association Citizenship _____
 General Partnership Citizenship _____
 Limited Partnership Citizenship _____
 Corporation Citizenship CUBA
 Other _____ Citizenship _____

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)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

77/435,546

B. Trademark Registration No.(s)

3,717,280

Additional sheet(s) attached? Yes No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

EL SABOR DE CUBA
CUBITA CAFE CUBANO CUBAN COFFEE MOLIDO GROUND

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

Name: Jenifer deWolf Paine

Internal Address: Trademark File Room

Street Address: 1585 Broadway

City: New York

State: NY Zip: 10036-8299

Phone Number: (212) 969-3000

Fax Number: (212) 969-2900

Email Address: trademark@proskauer.com

6. Total number of applications and registrations involved:

2

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 65.00

- Authorized to be charged to deposit account
 Enclosed

8. Payment Information:

Deposit Account Number 162500

Authorized User Name Jenifer deWolf Paine

9. Signature:



Signature

February 18, 2010

Date

Jenifer deWolf Paine

Name of Person Signing

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

5

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
 Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22304-1450

TRADEMARK

Nature of Conveyance

This submission is to correct an error made in a previously recorded document at Reel/Frame No. 4109/0975 that erroneously affects the identified application(s) or registration(s).

Declaration of Guillermo Ferriol Molina. Under TMEP § 503.06(c)

1. I am, the Secretary of Corporacion Cimex, S.A. ("Cimex"), which has its principal place of business at Edificio Sierra Maestra, First Ave., Corner of O Street, Miramar, Havana, Cuba. I have authority to speak for that entity on the topics covered in this Declaration. All statements made herein of my own knowledge are true. Statements made in this declaration concerning legal proceedings in the United States are upon information provided by United States counsel and are believed to be true.

2. Cimex is the owner of U.S. Trademark Reg. No. 3,717,280 for the mark CUBITA CAFÉ CUBANO CUBAN COFFEE MOLIDO GROUND and U.S. Trademark SN 77/435,546 for the mark EL SABOR DE CUBA (the "Cimex Marks"). Cimex filed the applications for the Cimex Marks on August 10, 2007 and March 31, 2008, respectively, and at no time thereafter has Cimex assigned its rights to the Cimex Marks to any party.

3. On December 8, 2009, an "Assignment Cover Sheet" with an accompanying document was filed, purporting to transfer the Cimex Marks to Mr. Nllo Jerez of Coral Gables, Florida ("Jerez"). This recorded document was submitted with erroneous information, as detailed below.

4. The accompanying document was an *ex parte* Writ of Attachment on Judgment ("Writ") that Jerez obtained from the Clerk of the United States District Court for the District of Columbia without Court order, in violation of United States law.

5. Jerez then purported to execute the Writ of Attachment against the Cimex Marks by recording the Writ under Reel/Frame Number 4109/0975.

6. By recording the Writ, Jerez sought to seek satisfaction of a default judgment issued by a Florida state court (the Eleventh Judicial Circuit In and For Miami-Dade County, Florida) against the Republic of Cuba on January 30, 2007, Case No. 05-18719 CA9 ("State Default Judgment"). On May 6, 2009, the United States District Court for the Southern District of Florida, in Case No. 08-23405, issued a judgment upon default giving "full faith and credit" to the State Default Judgment ("Federal Florida Default Judgment"). Jerez registered the "full faith and credit" default judgment in the United States District Court for the District of Columbia on September 1, 2009 pursuant to 28 U.S.C. § 1963 ("Registered Judgment"), with docket number 09-00466. On October 2, 2009, Jerez obtained from the Clerk of this Court the Writ in satisfaction of the Registered Judgment.

7. Cimex was not named in the State Default Judgment, the Federal Florida Default Judgment or the Registered Judgment (hereafter sometimes collectively "Judgments") Cimex was not a party to the lawsuits and proceedings resulting in said Judgments, did not participate with any of those lawsuits or proceedings, and was not given any notice of those lawsuits and proceedings.

8. No court has ever authorized execution upon Cimex's property, including the Cimex Marks, to satisfy the Judgments. No court has ever determined or held Cimex liable for the Judgments.

9. On November 19, 2009, Cimex filed a motion in the United States District Court for the District of Columbia, Case No. 09-mc-00466, to vacate the Writ as invalid and contrary to law. On December 21, 2009, Jerez filed papers in opposition to that motion to vacate. Cimex's reply papers will be filed shortly. The Court has not yet decided Cimex's motion to vacate the Writ.

11. Cimex remains the true and correct owner of the Cimex Marks. The chain of title for the Cimex Marks should not be considered altered by the incorrect "Assignment" recorded. Cimex has been and continues to be the owner of the Cimex Marks.

12. United States counsel for CIMEX in this matter has contacted counsel for Jerez, William John McKeague, and asked him to file corrective documents. Mr. McKeague refused.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on 22 January, 2010.



Guillermo Ferriz Molina
Secretary of Corporacion Cimex, S.A.



Proskauer Rose LLP 1585 Broadway New York, NY 10036-8299

American and International Lawyers

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Date: February 19, 2010

Client-Matter: 21684-001-^{#7}

Total Pages (Including Cover): ⁶

From: Stephen R. Dwyer, Senior Trademark Paralegal

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Sender's Email: sdwyer@proskauer.com

Sender's Room Number: 18-102

Main Fax Number: 212.969.2900

Fax Transmittal

To:	Company:	Fax No.:	Voice No.:
Assignment Recordation Services	United States Patent and Trademark Office	(571) 273-0140	(571) 272-3350

Re: Recordation To Correct An Error In A Trademark Assignment

To Whom It May Concern:

Attached for recordation is a Trademark Recordation Cover Sheet with attached affidavits reflecting the request to correct an error made in a previously recorded document that erroneously affects the identified application(s) or registration(s).

Thank you for your prompt processing of this matter. Please contact me directly at (212) 969-4431 if you have any questions.

Respectfully submitted,

Stephen R. Dwyer

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Assignment Division of the U.S. Patent and Trademark Office on February 19, 2010.

Stephen R. Dwyer

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Resident Partners: Yuval Tal (Member of the New York Bar), Joseph Seuk Cha (Member of the New York Bar) and Ying Li (P.R.C.)

TRADEMARK

RECORDED: 02/19/2010

REEL: 004152 FRAME: 0223