

TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Consent Judgment Settlement

<b>CONVEYING PARTY DATA</b>			
Name	Formerly	Execution Date	Entity Type
Sal N Ortiz		10/02/2013	INDIVIDUAL: UNITED STATES

<b>RECEIVING PARTY DATA</b>	
Name:	School of Design
Doing Business As:	Rex Organization, Rex
Street Address:	PO Box 50820
City:	New Orleans
State/Country:	LOUISIANA
Postal Code:	70150-0820
Entity Type:	Non-profit Corporation: LOUISIANA

<b>PROPERTY NUMBERS Total: 6</b>		
Property Type	Number	Word Mark
Serial Number:	85690239	KING REX
Serial Number:	85666010	KING REX BOURBON
Serial Number:	85665987	KING REX TEQUILA
Serial Number:	85488865	REX SPIRITS
Registration Number:	4322239	KING REX VODKA
Registration Number:	4335968	KING REX SPIRITS

<b>CORRESPONDENCE DATA</b>	
Fax Number:	9096065539
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>	
Phone:	9096065509
Email:	info@kingrexsprits.com
Correspondent Name:	Sal N Ortiz
Address Line 1:	14606 Pipeline Avenue
Address Line 4:	Chino, CALIFORNIA 91710

OP \$165.00 85690239

**TRADEMARK**

NAME OF SUBMITTER:	Sal N Ortiz
Signature:	/Sal N Ortiz/
Date:	10/02/2013
<b>Total Attachments: 7</b> source=Consent Judgement Signed (1)#page1.tif source=Consent Judgement Signed (1)#page2.tif source=Consent Judgement Signed (1)#page3.tif source=Consent Judgement Signed (1)#page4.tif source=Consent Judgement Signed (1)#page5.tif source=Consent Judgement Signed (1)#page6.tif source=Consent Judgement Signed (1)#page7.tif	

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

SCHOOL OF DESIGN d/b/a  
THE REX ORGANIZATION

VS.

SAL N. ORTIZ and  
REX SPIRITS, INC.

CIVIL ACTION NO. 2:13-cv-00094

SECTION "H"  
JUDGE JANE T. MILAZZO

DIVISION 4  
MAGISTRATE KAREN WELLS ROBY

**CONSENT JUDGMENT**

Considering the Complaint filed on January 17, 2013, the Motion for Preliminary Injunction filed on January 24, 2013, and the mutual desire of the parties to avoid additional litigation costs; and

Considering that the parties have agreed that, upon this Court's entry of the Consent Judgment, the Plaintiff, School of Design (also known as the Rex Organization), will dismiss its claims for trademark infringement with prejudice, with each party to bear its own attorneys' fees, but the Defendants to pay all costs of these proceedings, and that Defendants, Sal N. Ortiz and Rex Spirits, Inc., on or before May 10, 2013, will contribute \$1,000 in cash to the Pro Bono Publico Foundation, a Louisiana non-profit corporation, which Plaintiff has acknowledged in its press release;

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants, Sal N. Ortiz and Rex Spirits, Inc., shall irrevocably and permanently:

- (1) Immediately upon entry of this consent judgment, but in no event later than May 10, 2013, cease to use and remove all references in the media and websites under their control the words "Rex," "King Rex" (except for use on existing King REX

vodka inventory of not more than 7,500 cases, less any qualities already sold or otherwise disposed of, until liquidated as provide herein), and any variation of the word “Rex,” “King of Carnival,” “King of Mardi Gras,” “1872,” “Monarch of Merriment,” “Pro Bono Publico”, “purple, green and gold,” “faith, power and justice,” “Alexei Romanov,” “Mardi Gras” and any references or citations to, or associations with, the history, symbols, trademarks or traditions of the School of Design, and

- (2) Cease immediately the manufacture of products with the name King REX or any variation thereof (with the exception of the current inventory of less than 7,500 cases); and
- (3) Cease immediately the marketing, distribution and sales of any King REX (and products using any variation of this name) products in Louisiana, Mississippi, and Alabama; and
- (4) Cease the marketing, distribution and sales of all King REX products (and products using any variation of this name) in the United States of America within twelve (12) months of February 15, 2013; and on or before February 22, 2014, provide to the School of Design a written certification by Defendants that Defendants have not manufactured, distributed or sold any additional products with the name “King Rex” or any variation thereof above the initial inventory of 7,500 cases and that the Defendants have completely ceased and will never resume the marketing, distribution or sale of any products with the name “King Rex” or any variation thereof in the United States of America; and

- (5) Cease all marketing, distribution and sales of all King REX products (and products using any variation of this name) internationally (outside of the United States) within eighteen (18) months of February 15, 2013; and on or before August 22, 2014, provide to the School of Design a written certification by Defendants that the Defendants have completely ceased and will never resume the marketing, distribution or sale of any products with the name “King Rex” or any variation thereof anywhere in the world; and
- (6) By agreeing to this Consent Judgment through their attorney, ipso facto, withdraw and disavow and apologize for the defense of unclean hands alleged in their pleadings in this matter against the School of Design, its officers, directors, agents and attorneys; and
- (7) Never use the names “Rex,” “King of Carnival,” “King of Mardi Gras,” “King Carnival” or “King Rex” (except as permitted herein for a limited period), or any variations thereof, or any of the trademarks or trade names of the School of Design; provided, however, Rex Spirits, Inc., may retain the right to use the name “Rex Spirits, Inc.” solely in its corporate name but not in any way in any web site, advertising, publicity, promotional material or on any products or product labels. Any use of the corporate name, where such limited use is allowed hereunder, shall be limited to use only where the use of such name by Rex Spirits, Inc., is required by law or under the terms of its existing state or federal liquor licenses and even such limited use shall never be in print or writing larger than 8 point font; and
- (8) Transfer and assign all federal trademarks owned by Sal N. Ortiz, including “King Rex,” being registered under serial number 85690239; “King Rex Vodka,”

being registered under serial number 85665970; “King Rex Bourbon,” being registered under serial number 85666010; “King Rex Tequila,” registered under serial number 85665987; “Rex Spirits,” being registered under serial number 85488865; “King Rex Spirits,” being registered under serial number 85538604, and any other trademarks registered in the name of Sal N. Ortiz or Rex Spirits, Inc., for the name “Rex” and “King Rex” and deliver good and merchantable title to those trademarks, without any lien or encumbrance, to the School of Design. The assignment of these trademarks to the School of Design will be prepared and filed properly by Defendants with the United States Department of Commerce, Office of Patents and Trademarks, and paid for by Defendants on or before May 10, 2013, and the official confirmation of such assignments promptly delivered to the School of Design. The Defendants shall pay all expenses, including all attorneys’ fees, and costs of preparing, filing and delivering to the Plaintiff the trademark assignments and other documents.

Plaintiff shall not re-sell or convey the assigned trademarks. The restrictions set forth herein on the School of Design apply only to the registered trademarks listed herein and are without prejudice to any existing rights or trademarks of the School of Design; and

- (9) Contribute the sum of \$1,000.00 in cash to the Pro Bono Publico Foundation, a Louisiana non-profit corporation, on or before May 10, 2013; and

Additionally, it is hereby ordered, adjudged and decreed that:

- (10) In the event of a breach of this Consent Judgment, Plaintiff reserves all rights and remedies available and described in Plaintiff’s Complaint against the Defendants; and

(11) This Court shall maintain jurisdiction over this action for the purpose of implementing and enforcing this Consent Judgment and

(12) In all other respects, except as specified in paragraphs (10) and (11) above, this action is dismissed with prejudice, each side to bear its own attorneys' fees, the Defendants to pay or reimburse Plaintiff for all court filing fees and costs.

**SO ORDERED** this \_\_\_\_\_ day of May, 2013

The Honorable \_\_\_\_\_, **United States District Court Judge**

*Signatures of counsel appear on page 6*

Respectfully submitted by:  
*Counsel for the Plaintiff, School of Design d/b/a the Rex Organization*

*s/ Stephen B. Murray, Jr.*


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General Counsel for School of Design d/b/a the Rex Organization

*Defendants, Sal Naldo Ortiz and Rex Spirits, Inc.*

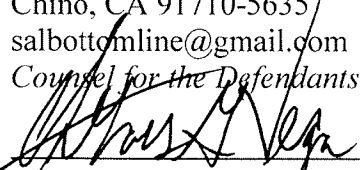
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SAL NALDO ORTIZ  
REX SPIRITS, INC.

By:   
\_\_\_\_\_  
Sal N. Ortiz  
President

By:   
\_\_\_\_\_  
Secretary

14606 Pipeline Avenue  
Chino, CA 91710-5635/  
salbottomline@gmail.com  
*Counsel for the Defendants, Sal N. Ortiz and Rex Spirits, Inc.*

  
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