

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM406617

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
National Cigar Corporation		11/23/2016	Corporation: DELAWARE
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	FX Smith's Sons, Inc.		
<b>Street Address:</b>	374 North Street		
<b>City:</b>	McSherrytown		
<b>State/Country:</b>	PENNSYLVANIA		
<b>Postal Code:</b>	17344		
<b>Entity Type:</b>	Corporation: PENNSYLVANIA		
<b>PROPERTY NUMBERS Total: 14</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	0522764	BEN BEY	
<b>Registration Number:</b>	0071222	EL VERSO THE D W CO UNE FUMA AGRADABLE	
<b>Registration Number:</b>	0264174	A. KAFKA & CO'S EVERMORE	
<b>Registration Number:</b>	0331968	FARNAM DRIVE	
<b>Serial Number:</b>	87123774	FARNAM DRIVE	
<b>Registration Number:</b>	0663029	HAUPTMANN'S	
<b>Registration Number:</b>	0665289	MARSH WHEELING	
<b>Registration Number:</b>	0655733	MARSH ORIGINAL AND GENUINE WHEELING	
<b>Registration Number:</b>	2700253	R.G.DUN	
<b>Serial Number:</b>	87123798	ADMIRAL	
<b>Registration Number:</b>	2715041	MARSH EST. 1840	
<b>Serial Number:</b>	87123793	MOUNTAINEERS	
<b>Registration Number:</b>	2552316	OLD RELIABLE WHEELING STOGIES	
<b>Registration Number:</b>	2111763	VIRGINIANS	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	7039203399		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
<b>Phone:</b>	703-920-1122		

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**Email:** mail@iplawsolutions.com  
**Correspondent Name:** Stewart Gitler  
**Address Line 1:** 2000 Duke Street  
**Address Line 2:** Suite 100  
**Address Line 4:** Alexandria, VIRGINIA 22314

**NAME OF SUBMITTER:** Stewart L Gitler

**SIGNATURE:** /Stewart L Gitler/

**DATE SIGNED:** 11/28/2016

**Total Attachments: 5**

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# TRADEMARK ASSIGNMENT

THIS TRADEMARK ASSIGNMENT ("Assignment") is effective as of this 23 day of November, 2016, from National Cigar Corporation ("NCC"), a Delaware corporation with offices located at 407 North Main Street, Frankfort, Indiana 46041 (hereinafter referred to as "Assignor"), to FX Smith's Sons, Inc., a Pennsylvania corporation with offices located at 374 North Street, McSherrystown, Pennsylvania 17344 (hereinafter referred to as "Assignee").

WHEREAS, Assignor has adopted, has used, is using, and/or is the owner of the trademarks shown on Exhibit 1 attached hereto, and made a part hereof (the "Trademarks");

WHEREAS, Assignee wishes to acquire from Assignor the entirety of Assignor's right, title and interest in and to such Trademarks, including, but not limited to, the goodwill symbolized thereby, along with substantially all of the assets in connection with which the Trademarks are used and has been used, and Assignor desires to assign such Trademarks, goodwill and assets to Assignee;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns, transfers and conveys to Assignee, its successors and assigns forever, the entire right, title and interest in, to the Trademarks, and the assets and goodwill of the business symbolized thereby. This assignment includes all statutory and/or common law rights for such Trademarks, and any and all trade names, trademarks, and trade dress used therewith, and any and all rights to contest, protest or sue at law or in equity for any infringement, imitation, impairment, distortion, dilution or other unauthorized use or conduct in derogation of the Trademarks, including the right to receive all proceeds and damages therefrom. This Assignment includes all rights to obtain registrations and/or renewals of registration or other legal protections pertaining to the Trademarks.

Assignee, its successors and assigns, shall hold the rights to the foregoing for and during the existence of such Trademarks, and all renewals thereof, as fully and as entirely as the same would have been held and enjoyed by the assigning party had this Assignment not been made.

Assignor hereby agrees to execute all papers and to perform such other proper acts as Assignee or its successors or assigns may deem reasonably necessary to secure for Assignee or its successors or assigns, or to evidence the rights, hereby transferred.

[Signatures on Next Page]

IN WITNESS WHEREOF, the undersigned has caused this Assignment to be duly executed and delivered as of the 23 day of November, 2016.

**ASSIGNOR: National Cigar Corporation:**

Signature: Carl G. Berger  
Printed Name: CARL G. BERGER JR.  
Title: Vice President

State of Ohio )

: SS

County of Allen )

On this 23 day of 11, 2016, before me appeared Carl G. Berger, the person who signed this instrument, who acknowledged that he signed it as a free act on his own behalf.

Mark D. Schluneker  
Signature of Notary Public



**MARK D. SCHLUNEKER**  
Notary Public, State of Ohio  
My Commission Expires  
June 12, 2018

# EXHIBIT 1

<u>Trademark</u>	<u>Type of Right</u>
1. BENBEY	U.S. Trademark Registration no. 522,764 and Common law rights.
2. BLACK HAWK	U.S. Trademark Registration no. 362,780 and Common law rights for cigars (noted that 362,780 registration is not live).
3. CHARLES DENBY	U.S. Trademark Registration no. 633,039 and Common law rights for cigars(noted that 633,039 registration is not live).
4. CUSTOM MADE	Common law rights for cigars.
5. EL VERSO	U.S. Trademark Registration nos. 71,222 and 573,081 along with Common law rights for cigars (noted that 573,081 registration is not live).
6. EVERMORE	U.S. Trademark Registration nos. 264,174 and 281,422 along with Common law rights for cigars (noted that 281,422 registration is not live).
7. FARNAM DRIVE	U.S. Trademark Registration no. 331,968, U.S. Trademark Application serial no.

- 87/123,774, and Common law rights for cigars.
8. HAUPTMANN'S U.S. Trademark Registration no. 663,029 and Common law rights for cigars.
  9. IBOLD Common law rights for cigars.
  10. M. MARSH & SON U.S. Trademark Registration no. 649,583 and Common law rights for cigars (noted that 649,583 registration is not live).
  11. MARSH WHEELING U.S. Trademark Registration no. 665,289 and Common law rights for cigars.
  12. MARSH ORIGINAL AND GENUINE WHEELING U.S. Trademark Registration no. 655,733 and Common law rights for cigars.
  13. R.G. DUN U.S. Trademark Registration no. 2,700,253 and Common law rights for cigars.
  14. R.G. DUN U.S. Trademark Registration no. 153,851 and Common law rights for cigars (noted that 153,851 registration is not live).
  15. ADMIRAL U.S. Trademark Application serial no. 87/123,798 and Common law rights for cigars.

16. MARSH ET. 1840 U.S. Trademark Registration no. 2,715,041  
and Common law rights for cigars and  
stogies.
17. MOUNTAINEERS U.S. Trademark Application serial no.  
87/123,793 and Common law rights for  
cigars.
18. OLD RELIABLE WHEELING  
STOGIES U.S. Trademark Registration no. 2,558,316  
and Common law rights for cigars and  
stogies prepared for smoking.
19. VIRGINIANS U.S. Trademark Registration no. 2,111,763  
and Common law rights for cigars and  
stogies prepared for smoking.