# TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

Assignment ID: TMI88673

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|---|---|
| **SUBMISSION TYPE:** | NEW ASSIGNMENT |
| **NATURE OF CONVEYANCE:** | COURT ORDER |

**CONVEYING PARTY DATA**

| Name | Formerly | Execution Date | Entity Type |
|---|---|---|---|
| Finanz St. Honore, B.V. | | 10/05/2017 | Corporation: NETHERLANDS |

**RECEIVING PARTY DATA**

| | |
|---|---|
| **Company Name:** | Disney Enterprises, Inc. |
| **Street Address:** | 500 South Buena Vista Street |
| **City:** | Burbank |
| **State/Country:** | CALIFORNIA |
| **Postal Code:** | 91521 |
| **Entity Type:** | Corporation: DELAWARE |

**PROPERTY NUMBERS Total: 8**

| Property Type | Number | Word Mark |
|---|---|---|
| **Registration Number:** | 5733727 | CANOE |
| **Registration Number:** | 5779397 | BRITISH STERLING |
| **Registration Number:** | 5878869 | HEAVEN SENT |
| **Registration Number:** | 6007043 | TOUJOURS MOI |
| **Registration Number:** | 6193477 | MONSIEUR MUSK |
| **Registration Number:** | 5996292 | DD |
| **Registration Number:** | 6007047 | NAVY FOR WOMEN |
| **Registration Number:** | 6002748 | |

OP $215.00.00 88123622

**CORRESPONDENCE DATA**

**Fax Number:** 3053578543

***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.***

**Phone:** 3055398400
**Email:** jzack@bsfllp.com
**Correspondent Name:** Jason Scott Zack
**Address Line 1:** 100 SE 2nd Street
**Address Line 2:** Suite 2800
**Address Line 4:** Miami, FLORIDA 33131

| | |
|---|---|
| **ATTORNEY DOCKET NUMBER:** | 60889.0001 |
| **NAME OF SUBMITTER:** | JASON ZACK |

| | |
|---|---|
| **SIGNATURE:** | JASON ZACK |
| **DATE SIGNED:** | 03/14/2024 |

**Total Attachments: 13**

source=2017-12-18 [00123-001] Exhibit EX. A Restraining Notice to Deft. Finanz#page1.tif
source=2017-12-18 [00123-001] Exhibit EX. A Restraining Notice to Deft. Finanz#page2.tif
source=2017-12-18 [00123-001] Exhibit EX. A Restraining Notice to Deft. Finanz#page3.tif
source=2017-12-18 [00123-001] Exhibit EX. A Restraining Notice to Deft. Finanz#page4.tif
source=2017-12-18 [00123-001] Exhibit EX. A Restraining Notice to Deft. Finanz#page5.tif
source=2017-05-01 [00078-000] ORDER granting 75 Motion for Attachment.. Ordered by Judge#page1.tif
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

| | |
|---|---|
| DISNEY ENTERPRISES, INC.,<br><br>*Plaintiff,*<br><br>– against –<br><br>FINANZ ST. HONORÉ B.V.,<br><br>*Defendant.* | Case No. 13 Civ. 6338 (NG) (SMG)<br><br>**RESTRAINING NOTICE** |

To: **FINANZ ST. HONORÉ B.V.**
400 Lyster Avenue
Saddle Brook, NJ 07663

Re: **FINANZ ST. HONORÉ B.V., Judgment Debtor**
400 Lyster Avenue
Saddle Brook, NJ 07663

**WHEREAS**, in an action in the United States District Court for the Eastern District of New York, Disney Enterprises, Inc. as plaintiff, and Finanz St. Honoré B.V., as defendant, a judgment was entered on October 5, 2017 in favor of Disney Enterprises, Inc., as judgment creditor, and against Finanz St. Honoré B.V. as judgment debtor, in the amount of $865,587.18, of which $865,587.18, together with interest and additional attorneys' fees and expenses thereon from October 5, 2017, remains due and unpaid.

**WHEREAS**, it appears that you owe a debt to the judgment debtor or are in possession or in custody of property in which the judgment debtor has an interest.

**RESTRAINING NOTICE**

**PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure 69 and CPLR 5222(b), which is set forth in full herein, you are hereby forbidden to make or suffer any sale, assignment, or transfer of, or any interference with any property in which you have an interest, except as therein provided.

**PLEASE TAKE FURTHER NOTICE** that this notice also covers all property in which the judgment debtor(s) has an interest hereafter coming into your possession or custody, and all debts hereafter coming due from you to the judgment debtor(s).

**Section 5222(b) Effect of restraint; prohibition of transfer; duration.** A judgment debtor or obligor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he or she has an interest, except as

set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the judgment or order is satisfied or vacated. A restraining notice served upon a person other than the judgment debtor or obligor is effective only if, at the time of service, he or she owes a debt to the judgment debtor or obligor or he or she is in the possession or custody of property in which he or she knows or has reason to believe the judgment debtor or obligor has an interest, or if the judgment creditor or support collection unit has stated in the notice that a specified debt is owed by the person served to the judgment debtor or obligor or that the judgment debtor or obligor has an interest in specified property in the possession or custody of the person served. All property in which the judgment debtor or obligor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor or obligor, shall be subject to the notice except as set forth in subdivisions (h) and (i) of this section. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff or the support collection unit, except as set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the expiration of one year after the notice is served upon him or her, or until the judgment or order is satisfied or vacated, whichever event first occurs. A judgment creditor or support collection unit which has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor or obligor, for any damages sustained by reason of the restraint. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor or obligor in an amount equal to twice the amount due on the judgment or order, the restraining notice is not effective as to other property or money.

**PLEASE TAKE FURTHER NOTICE** that disobedience of this Restraining Notice is punishable as a contempt of court.

Dated: New York, New York
October 26, 2017

PRYOR CASHMAN LLP
*Attorneys for Plaintiff/Judgment Creditor*

By: _____
William J. Thomashower, Counsel
Rebecca L. Matte

7 Times Square
New York, New York 10036-6569
T: (212) 421-4100

wthomashower@pryorcashman.com
rmatte@pyorcashman.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---------- X
DISNEY ENTERPRISES, INC.,

Plaintiff,

- against –

FINANZ ST. HONORE, B.V.,

Defendant.
---------- X

JUDGMENT
13-cv-6338 (NG) (SMG)

An Order of Honorable Nina Gershon, United States District Judge, having been filed on September 19, 2017, granting Disney's motion for summary judgment in its entirety; awarding Disney as to the attorneys' fees Disney incurred in defending itself in related litigation in the amount of $357,450 plus pre-judgment interest at the statutory rate of nine percent per annum from October 28, 2013, the pre-judgment amount being $130,709.18; and awarding Disney as to the attorneys' fees Disney has incurred to date in this litigation, in the amount of $377,428, with no prejudgment interest; it is

ORDERED and ADJUDGED that Disney's motion for summary judgment is granted in its entirety; that As to the attorneys' fees Disney incurred in defending itself in related litigation, it is awarded $357,450 plus prejudgment interest at the statutory rate of nine percent per annum from October 28, 2013, the prejudgment interest amount being $130,709.18; and that as to the attorneys' fees Disney has incurred to date in this litigation, it is awarded $377,428, with no prejudgment interest.

Dated: Brooklyn, NY
October 5, 2017

Douglas C. Palmer
Clerk of Court

By: /s/Jalitza Poveda
Deputy Clerk

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**OFFICIAL USE**

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Extra Services & Fees *(check box, add fee as appropriate)*
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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
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Total Postage and Fees
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OCT 26 2017
USPS 10001-9998

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Street an

City, Sta

Finanz St. Honore, B.V.
400 Lyster Avenue
Saddle Brook, NJ 07663

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

| | |
|---|---|
| DISNEY ENTERPRISES, INC.,<br><br>*Plaintiff/Counterclaim Defendant,*<br><br>– against –<br><br>FINANZ ST. HONORÉ B.V.,<br><br>*Defendant/Counterclaim Plaintiff.* | Case No. 13 Civ. 6338 (NG) (SMG)<br><br>**ECF Case** |

**ORDER OF ATTACHMENT**

Plaintiff Disney Enterprises, Inc. ("DEI") having filed ~~an *ex parte*~~ a motion pursuant to Rule 64 of the Federal Rules of Civil Procedure and Section ~~6211~~ 6210 of the New York Civil Practice Law and Rules for an Order of Attachment against the property of Defendant Finanz St. Honoré B.V. ("Finanz"), and any interest of Finanz in personal property or any debt to or to become due to Finanz, upon the Declaration of Rachel Schwartz, dated April 26, 2017, and the exhibits thereto, the Memorandum of Law in support of such application, and all other pleadings in the above-captioned action, from which it appears that DEI has met the criteria for prejudgment attachment in that: (1) partial summary judgment has been granted on liability in DEI's favor; (2) DEI will likely be entitled to a money judgment against Finanz in at least the amount of ~~$875,000~~ $700,000, exclusive of accruing interest and attorneys' fees for which Finanz is liable; (3) there are sufficient grounds for an order of attachment pursuant to CPLR § 6201 in that Finanz is a foreign corporation not qualified do to business in New York, which appears to be insolvent, has failed to pay its attorneys in this action and has stopped participating and complying with its obligations in this case, and (4) all counterclaims against DEI in this action have been dismissed;

**NOW**, on ~~ex parte~~ motion of Schwartz & Thomashower LLP, attorneys for DEI, it is hereby NG

**ORDERED**, that DEI's ~~ex parte~~ motion for an Order of Attachment is granted in its entirety, and that the amount to be secured by this Order of Attachment shall be ~~$1,000,000.00~~ $700,000.00, comprised of a reasonable minimal estimate of the amount of the judgment sought and accrued interest, plus fees and expenses of the United States Marshal~~s~~, and it is further NG NG

**ORDERED**, that the United States Marshal~~s~~ for the ~~Southern~~ Eastern District of New York or any person appointed to act in his or her place and stead, or Plaintiff's attorneys, levy upon assets of Defendant at any time before final judgment herein, such as will satisfy the above mentioned sum of ~~$1,000,000.00~~ $700,000.00, and consisting of: NG NG

(1) All assets of Finanz, and any interest of Finanz in personal property, and any debt due or to become due to Finanz, and other property otherwise properly subject to attachment by law;

(2) Finanz's following United States Registered Trademarks (the "Trademarks"):

| Serial Number | Reg. Number | Mark |
|---|---|---|
| 85358303 | 4111357 | NAVY |
| 85358376 | 4204540 | Design Mark: Color is not claimed as a feature of the mark. The mark consists of a three dimensional configuration of fragrance bottle with one curved side and one pointed side with a geometrically shaped cap. The broken lines depicting the spray nozzle, pump and pipe indicate placement of the mark on the goods and are not part of the mark. |
| 85865865 | 4414534 | TABU |
| 85864473 | 4424876 | LOVE'S FRESH LEMON |
| 85813910 | 4442623 | BRITISH STERLING |

| Serial Number | Reg. Number | Mark |
|---|---|---|
| 85810431 | 4438894 | EVERYBODY LOVES LOVE'S |
| 85745414 | 4342394 | Design Mark: The color(s) gold and red is/are claimed as a feature of the mark. The mark consists of a gold saddle trimmed in red surrounding by a red box. |
| 85356918 | 4117791 | INCOGNITO |
| 85356626 | 4178084 | ENGLISH LEATHER |
| 85339603 | 4407497 | ENGLISH LEATHER |
| 85338471 | 4120932 | ENGLISH LEATHER |
| 78112610 | 2666677 | Design Mark: The mark consists of five nautical flags spelling C-A-N-O-E, containing colors. Top flag is black/white/red/white/black lines, second flag is white on left and black on right, third flag is white and black checks, fourth flag is yellow in lower left and red in upper white triangle, and bottom flag is black on top and red on bottom. |
| 78224663 | 3274142 | Design Mark: Color is not claimed as a feature of the mark. Stylized heart design. |
| 77980296 | 3868722 | LOVE'S HEART THROB |
| 76352136 | 2941060 | RUNWAY |
| 76550643 | 3361155 | DANA |
| 76199727 | 2722094 | CALIFORNIA FOR WOMEN |
| 75071473 | 2032286 | NAVY |
| 74039075 | 1626590 | DANA |
| 74278311 | 1746723 | LOVE'S BABY SOFT |
| 74236474 | 1728816 | LOVE'S |
| 74069703 | 1756000 | CALIFORNIA FOR MEN |
| 73828458 | 1639407 | Design Mark: The mark consists of a fanciful oversized rectangular shaped container. The stippling shown in the drawing is for shading purposes only. |
| 73655638 | 1497338 | Design Mark: The mark consists of the shape of a barrel-shaped bottle closure. |
| 71492824 | 0426323 | TABU |

| Serial Number | Reg. Number | Mark |
|---|---|---|
| 71495044 | 0425306 | "CANOE" |
| 72197500 | 0846774 | Design Mark: The mark consists of a conformation of a square bottle together with a wooden or simulated wooden barrel shaped closure thereon, used as a container for the goods. |
| 71579875 | 0535318 | DANA |
| 72293658 | 0870209 | BRITISH STERLING |
| 72264156 | 0841770 | ENGLISH LEATHER |
| 72229449 | 0816263 | TOUJOURS MOI |
| 72212161 | 0804836 | BRITISH STERLING |
| 71495038 | 0425304 | "AMBUSH" |
| 71475295 | 0414146 | Design Mark |

and it is further

**ORDERED**, that DEI shall post a bond in the amount of ~~$500.00~~ $3500.00 as security for attachment, within ten (10) business days of this Order of Attachment; and it is further

**ORDERED**, that the garnishee statement required by CPLR 6219 shall be filed with this Court and served, via hand delivery, on Rachel Schwartz, Esq., of Schwartz & Thomashower LLP, 15 Maiden Lane, Suite 705, New York, New York 10038 within 10 days after service of this Order of Attachment upon ~~the~~ any garnishees; and it is further

**ORDERED**, that Plaintiff shall move within 10 days after the levy hereunder, or on such other date as the Court may set, for an order confirming this Order of Attachment, and shall give notice to Finanz by serving its counsel, Amiad Kushner, Esq., Lowenstein Sandler LLP via hand delivery, and give notice to the garnishee and the Marshall via hand delivery and certified mail, return receipt requested; and if no such motion is made, this Order and any levy made hereunder shall have no further effect and shall be vacated on motion; and it is further

**ORDERED**, that Defendant, its agents, employees, attorneys, affiliated entities, including without limitation Dana Classic Fragrances, Inc., IMG Holdings, Inc., and Patriarch Partners LLC and all persons in possession of property in which Finanz has an interest, and all persons in active concert or participation with any of the foregoing, and all persons who receive actual notice of this Order by personal service or otherwise, are hereby ENJOINED AND RESTRAINED, from directly or indirectly transferring, requesting, or directing the transfer of any such property on deposit with them or held under their control, including the Trademarks and any royalties generated therefrom and owed to Finanz~~, and it is further~~ NG

**ORDERED**, that a service of a copy of this Order and the papers upon which it is granted by Federal Express upon Defendant and its attorneys, Lowenstein Sandler, LL, no later than ___ days after the date hereof, shall be deemed good and sufficient service. NG

**SO ORDERED**.

Nina Gershon
UNITED STATE DISTRICT JUDGE

Dated: Brooklyn, New York
~~April~~ May 1 ___, 2017 NG

# EXHIBIT A