

07-14-2000



IN THE UNITED

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MARK OFFICE

IN RE REGISTRATION OF : Blue Magic Inc.  
 MARK : BLUE MAGIC  
 REGISTRATION NO. : 1,393,685  
 REGISTRATION DATE : May 20, 1986  
 ATTORNEY DOCKET NO. : BMI 5 004

JUN 14 2000 10 28 AM  
 MRP  
 OPRA/PATENT OFFICE

Cleveland, Ohio 44114-2518  
 June 8, 2000

RECORDATION FORM COVER SHEET

Hon. Commissioner for Patents  
 and Trademarks  
 Box Assignments  
 Washington, DC 20231

Dear Sir:

Please record the attached original document(s) or copy thereof.

1. Name of conveying Party(ies):

Michael Moshontz

2. Name and Address of receiving Party(ies):

Name: Blue Magic Inc.

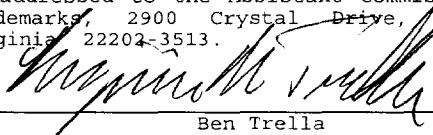
Street Address: 23070 Miles Road

City: Cleveland

State/Country: Ohio ZIP: 44128

"EXPRESS MAIL" Mailing Label Number EL530410515US

Date of Deposit June 8, 2000  
 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

  
 Ben Trella

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3. Nature of Conveyance:

\_\_\_ Assignment \_\_\_ Change of Name  
\_\_\_ Security Agreement \_\_\_ Merger  
X Other Confirmatory Assignment

Execution Date: June 8, 2000

4. Application number(s) or registration number(s).

If this document is being filed together with a new application, the execution date of the application is:

\_\_\_\_\_ Date

A. Trademark Appl. No.(s) B. Trademark No.(s)  
\_\_\_\_\_ 1,393,685

Additional numbers attached? \_\_\_ Yes X No

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

Name: Jay F. Moldovanyi  
(type name of attorney)

Firm: FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

Address: 1100 Superior Avenue  
Suite 700

City: Cleveland

State: Ohio ZIP: 44114-2518

6. Number of applications and trademarks involved: 1

7. Total fee (37 C.F.R. 3.41): \$ 40.00

X Enclosed

\_\_\_ Authorized to be charged to deposit account.

8. Deposit Account Number \_\_\_\_\_

DO NOT USE THIS SPACE

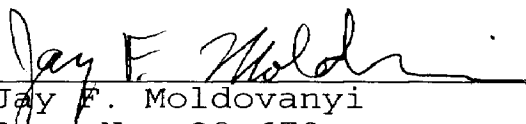
9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

June 8, 2000  
Date

  
Jay F. Moldovanyi  
Reg. No. 29,678  
1100 Superior Avenue  
Suite 700  
Cleveland, OH 44114-2518  
(216) 861-5582

Total number of pages including cover sheet, attachments, and document: 5

CONFIRMATORY ASSIGNMENT

WHEREAS, Michael Moshontz, an individual having a business address at 23070 Miles Road, Cleveland, Ohio, 44128, is the owner of record by assignment of United States Trademark Reg. No. 1,393,685, dated May 20, 1986, for the mark BLUE MAGIC, pursuant to an assignment document recorded by the United States Patent and Trademark Office on January 31, 1995, on reel 1280 beginning at frame 0442;

WHEREAS, Blue Magic Inc., an Ohio corporation, having a business address at 23070 Miles Road, Cleveland, Ohio, 44128, did, by virtue of a prior transfer from Michael Moshontz, acquire the entire right, title, and interest and in and to the hereinbefore recited trademark, the trademark registration and the good will of the business connected therewith; and

WHEREAS both Michael Moshontz and Blue Magic, Inc. now recognize that in order to effect a formal transfer of and to vest title to the hereinbefore recited trademark registration, it is necessary to file with the United States Patent and Trademark Office for purposes of recording a confirmatory instrument specifically enumerating the trademark registration so assigned:

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Michael Moshontz does hereby acknowledge, confirm, and certify that he sold, assigned and transferred, and does hereby sell, assign and transfer, unto the said Blue Magic, Inc., his entire right, title and interest in and to the above listed trademark registration and all renewals thereof together with the good will of the business connected with the use of and

symbolized by said trademark, the same to be held by Blue Magic, Inc. for its own use and behoof and for its successors and assigns to the full end of the term for which said trademark registration has been granted, as fully and entirely as the same would have been held by Michael Moshontz had this assignment and sale not been made.

IN WITNESS WHEREOF, Michael Moshontz, has dully executed this Confirmatory Assignment on this 8<sup>th</sup> day of June, 2000.

  
\_\_\_\_\_  
Michael Moshontz

State of Ohio                    )  
  ) ss  
County of Cuyahoga        )

Personally appeared before me this 8<sup>th</sup> day of June, the above named Michael Moshontz to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I hereunto set my hand and affixed my seal, this 8<sup>th</sup> day of June, 2000.



Notary Public  
CHRISTINE L. BALDWIN  
Notary Public, State of Ohio  
My Commission Expires 12/28/2004

(Seal)