

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM362137

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Correction by Declaration of Incorrect Registration Nos. 1952832; 3486879; 2731948; 3847042; 3845281; 4673351 Recorded at Reel No. 005656/Frame 0531		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
ALTVATER GESSLER-J.A. BACZEWSKI INTERNATIONAL (USA) INC.		11/12/2015	CORPORATION: NEW JERSEY
RECEIVING PARTY DATA			
Name:	ALTVATER GESSLER-J.A. BACZEWSKI INTERNATIONAL (USA) INC.		
Street Address:	2179 South Street		
City:	Fort Lee		
State/Country:	NEW JERSEY		
Postal Code:	07024		
Entity Type:	CORPORATION: NEW JERSEY		
PROPERTY NUMBERS Total: 6			
Property Type	Number	Word Mark	
Registration Number:	1952832	ALTVATER GESSLER - J.A. BACZEWSKI	
Registration Number:	3486879	J.A. BACZEWSKI	
Registration Number:	2731948	MONOPOLOWA	
Registration Number:	3847042		
Registration Number:	3845281	JAB	
Registration Number:	4673351	MONOPOLOWA	
CORRESPONDENCE DATA			
Fax Number:	9737399575		
<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>			
Phone:	973-739-9559		
Email:	mreynolds@webbermcgill.com		
Correspondent Name:	Michael J. Reynolds		
Address Line 1:	760 Route 10		
Address Line 4:	Whippany, NEW JERSEY 07981		
NAME OF SUBMITTER:	Michael J. Reynolds		
SIGNATURE:	/Michael J. Reynolds/		

OP \$165.00 1952832

DATE SIGNED:	11/12/2015
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Total Attachments: 6

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Affidavit of Leonie Gessler In Support of Corrected Assignment

LEONIE GESSLER, of full age, does make an oath and states:

1. I am the President and the sole director of Altvater Gessler - J.A. Baczewski International (USA) Inc. ("AGJAB-USA" or the "Company"), a New Jersey corporation with its principal place of business located at 2179 South Street, Fort Lee New Jersey, 07024. I am also the sole shareholder of the Company, although I acknowledge that my son, Rasiel Gessler ("Rasiel"), has raised a spurious claim that he owns stock in the Company. I make this Affidavit in support of the Corrected Assignment (attached hereto), to correct the previously fraudulent assignments (hereinafter, the "Fraudulent Assignments") recorded against AGJAB-USA's Trademark Registration Numbers: 1952832; 3486879; 2731948; 3847042; 3845281; and 4673351. The Fraudulent Assignments were filed by Eric Melzer, Esq., Greenbaum Rowe Smith & Davis, LLP, assigning the AGJAB-USA recorded trademarks listed on the attached Trademark Cover Sheet to Altvater Gessler – J.A. Baczewski Likorerzeugung GMBH ("AGJAB-Vienna").

2. In my capacity as an officer and director of the Company, I have detailed knowledge of, and experience with, the Company's business and financial affairs and its intellectual property assets. Except as may otherwise be indicated herein, all facts set forth in this Affidavit are based on my personal knowledge and/or information gathered from a review of relevant documents. If called upon to testify, I could and would testify competently to the statements and facts set forth herein.

3. The recorded Trademark Registrations listed on the Trademark Cover Sheet submitted with this Affidavit are owned by AGJAB-USA. AGJAB-USA is the registered owner of each trademark. The recorded trademarks of AGJAB-USA have been in continuous use prior to and after the registration and the recording of the trademarks with the Trademark Office.

4. The Fraudulent Assignments referenced herein were recorded on October 30, 2015, and appear at: Reel No. 005656, Frame No. 0531.

5. AGJAB-USA has devoted considerable time, energy, and monetary resources in promoting the products and the brands that are protected by the trademarks. AGJAB-USA has promoted the products and brands by, among other things, publication of marketing and promotional brochures; attending and participating in dealer and consumer trade shows; sponsoring consumer and dealer seminars and training sessions; and advising customers and dealers on store displays and layouts to maximize retail sales volume on the trademarked products.

6. Moreover, AGJAB-USA, in conjunction with its exclusive authorized importer, has also devoted considerable time, energy, and monetary resources to establish and increase the

network of dealers authorized to sell its trademarked products in the United States, and has worked closely with its authorized importer in planning and market analysis in order to increase sales of the trademarked products throughout in the United States. Indeed, because of those efforts in the last four years the retail distribution network has increased by more than five hundred (500) retail outlets in the New York metropolitan area alone.

7. AGJAB-USA, in conjunction with its exclusive importer, has also devoted substantial time, effort, and monetary resources in maintaining a strict quality control program to ensure that the quality and purity of the products meet the highest standard for the goods that are sold to the consumer under the AGJAB-USA Trademarks.

8. AGJAB-USA has also retained a highly competent law firm that specializes in intellectual property law to monitor the trademarks and to ensure that the trademarks are not cancelled, infringed, or diluted by competitors.

9. AGJAB-USA was formed in 1983 by my husband Elek Gessler. Elek Gessler served as the President of the Company until his untimely passing on May, 9, 2008. I was appointed and served as Vice President and Secretary of the Company on September 18, 2002. I served in those roles until my husband died. After my husband's passing, I became the President and sole shareholder of the Company. I have served as President since that time.

10. The Assignment and Assumption of Trademark Agreement (the "Assignment Agreement"), attached to and filed with the Fraudulent Assignments referenced above, was recorded allegedly supporting the assignments of AGJAB-USA's trademarks. The Assignment Agreement was acknowledged and executed on behalf of AGJAB-USA by my son, Rasiel Gessler (hereinafter "Rasiel"). Rasiel executed the Assignment Agreements claiming to be the Chief Executive Officer of AGJAB-USA. By executing and acknowledging the Assignment Agreements as the Company's Chief Executive Officer, Rasiel has falsely and intentionally misrepresented his position within the Company and has falsely and intentionally misrepresented his authority to bind the Company.

11. Rasiel is not, and has never been the Chief Executive Officer of AGJAB-USA, and Rasiel does not, and never had, any authority to cause the Company to assign and/or transfer AGJAB-USA's intellectual property assets or the Company's goodwill.


12. Although Rasiel was appointed by me as a Vice President of the Company on June 17, 2015, I limited his authority to bind the Company. Rasiel's authority to bind the Company was restricted to *de minimis* matters only. Pursuant to the Unanimous Consent and Resolution of the Sole Shareholder, Officers and Directors of Altvater Gessler – J.A. Baczewski International (USA) Inc., approved by the Company's Director, Rasiel's authority to bind the Company was limited to nominal matters involving expenditures of less than \$10,000. Any other matter or contract above that threshold required my consent and approval to be valid or

bind the Company. Attached hereto as Exhibit A is a true and correct copy of the June 17, 2015 Unanimous Resolution.

13. Rasiel had no authority to execute the Assignment Agreement on behalf of AGJAB-USA. He had no authority to bind the Company to an assignment which transferred substantially all of the Company's valuable intellectual property assets and the Company's goodwill. Rasiel knew he did not have the authority to bind the Company. He committed an *ultra vires* act which irreparably harmed AGJAB-USA. When this matter was brought to the attention of the transferee AGJAB-Vienna, that company refused to file corrective assignments to rescind the unlawfully recorded assignments. Accordingly, that I am now forced to file these Corrective Assignments.

14. AGJAB-USA did not agree to assign or transfer any of its trademarks and goodwill to AGJAB-Vienna. Accordingly, AGJAB-USA will seek a judicial determination that the previously recorded Fraudulent Assignments must be cancelled of record and the pointers to the recorded Fraudulent Assignments must be similarly removed from the record.

Dated: November 12, 2015

By: 

Leonie Gessler, President

ALTAVER GESSLER-J.A. BACZEWSKI
INTERNATIONAL (USA) INC.

Acknowledgment of Corporation

State of New Jersey

County of Bergen, ss:

I CERTIFY that on November 12, 2015, Leonie Gessler personally came before me and Ms. Gessler acknowledged under oath, to my satisfaction, that:

- a) Leonie Gessler is the President and sole Director of Altvater Gessler – J.A. Baczewski International (USA) Inc., the corporation named in this document; and
- b) This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Director; and
- (c) Leonie Gessler signed this proof to attest to the truth of these facts.

Signed and sworn to before me on November 12, 2015.

Michele A. Lynch 11/12/2015

Notary Public

Print Name: Michele A. Lynch

My commission expires:

November 15, 2019



UNANIMOUS CONSENT AND RESOLUTION OF THE SOLE SHAREHOLDER,
OFFICERS AND DIRECTORS OF ALTVATER GESSLER-J.A. BACZEWSKI
INTERNATIONAL (USA) INC.

WHEREAS, Leonie Gessler, (hereinafter the "Shareholder") is the owner of 100% of the issued and outstanding shares of Altvater Gessler-J.A. Baczewski International (USA) Inc. ("the Corporation"); and there are no other valid, existing, issued and outstanding shares of the Corporation that are owned by any other person or entity.

WHEREAS There were One Thousand (1000) shares of par value stock of the Corporation that were originally issued. Subsequent to such shares having been issued, they were lost, destroyed, stolen or otherwise misplaced.

NOW THEREFORE it is agreed and resolved by and between the parties hereto as follows:

RESOLVED that the Corporation shall cause new shares of stock to be reissued and such shares shall be released to Leonie Gessler who is and has been the 100% shareholder of the Corporation.

RESOLVED that Leonie Gessler, is hereby authorized and empowered in the name of and on behalf of the Corporation and in her capacity as President of the Corporation to execute and acknowledge such reissued shares of stock of the Corporation and any additional documents which may be necessary in connection with said shares being reissued as set forth above.

RESOLVED that Leonie Gessler is appointed as President of the Corporation, Rasiel Gessler is appointed as Treasurer of the Corporation, Tom Itamar Gessler is appointed as the Secretary of the Corporation and Rasiel Gessler and Tom Itamar Gessler are appointed as Co-Vice Presidents of the Corporation. Leonie Gessler as President of the Corporation is authorized to take any and all actions on behalf of the Corporation in such amounts and obligations as she sees fit and/or appropriate in her sole discretion. Rasiel Gessler and Tom Itamar Gessler are authorized, jointly and/or individually, to take action on behalf of the Corporation not to exceed the amount of \$10,000.00 per annum, per item/issue. Any obligation, employment, contract, lease or check in the amount of \$10,000 or more per annum that is desired to take place by Rasiel Gessler or Tom Itamar Gessler shall require the signature of Leonie Gessler, Rasiel Gessler and Tom Itamar Gessler for such act to be valid and binding on the Corporation. Failure to obtain all three (3) authorized signatures shall invalidate such action and the Corporation shall not be bound or obligated upon any such act or instrument.

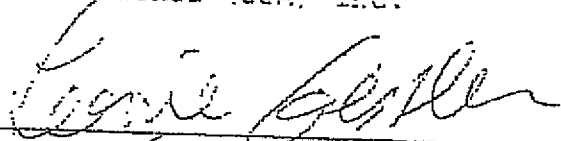
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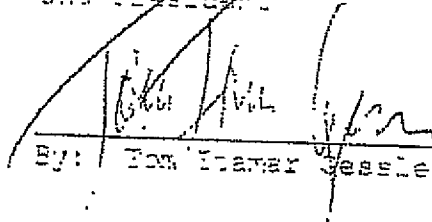
TRADEMARK

IN WITNESS WHEREOF, we set our names, as the Shareholder and
Officers of Altwater Gessler-U.A. Baczewski International (USA)
Inc. , on June 17, 2015.

Altwater Gessler-U.A. Baczewski
International (USA) Inc.



By: Leola Gessler, Sole Shareholder,
and President



By: Tom Altwater Gessler, Secretary