

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM639837

SUBMISSION TYPE:	RESUBMISSION		
NATURE OF CONVEYANCE:	Correction to Ownership by Declaration		
RESUBMIT DOCUMENT ID:	900603811		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Dragon Spirits Limited		09/17/2019	Company: HONG KONG
RECEIVING PARTY DATA			
Name:	Dragon Spirits Limited		
Street Address:	Level 12, 28 Hennessy Road		
City:	Wanchai		
State/Country:	HONG KONG		
Entity Type:	Company: HONG KONG		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	5256759	ROYAL DRAGON SUPERIOR VODKA 5X DISTILLED	
CORRESPONDENCE DATA			
Fax Number:	6174430004		
<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:	6174439292		
Email:	trademarks@sunsteinlaw.com		
Correspondent Name:	Steven A. Abreu		
Address Line 1:	100 High Street		
Address Line 4:	Boston, MASSACHUSETTS 02110		
ATTORNEY DOCKET NUMBER:	3803D/2001		
NAME OF SUBMITTER:	Steven A. Abreu		
SIGNATURE:	/Steven A. Abreu/		
DATE SIGNED:	04/16/2021		
Total Attachments: 34			
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United States Patent and Trademark Office

Mark: ROYAL DRAGON SUPERIOR VODKA 5X DISTILLED (plus design)
Registration No: 5,256,759
Owner Name: Dragon Spirits Limited

Internal Reference: 3803D/2001

Filed Electronically via ETAS

Change of Conveyance Type to Correction to Ownership by Declaration

Dragon Spirits Limited submits this Correction to Ownership by Declaration to correct the previously recorded assignment against Registration Number 5,256,759, previously recorded on Reel 007128 Frame 0141. Assignor hereby confirms the prior assignment was void by operation of Hong Kong law, and submits the attached affidavit attesting to this fact. The subsequent assignment recorded on Reel 007224 Frame 0891 is therefore void as well. Assignor asks that the record owner be reverted to the original owner, Dragon Spirits Limited.

/Steven A. Abreu/
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HCCW 214/2019

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
COMPANIES WINDING-UP NO. 214 OF 2019

IN THE MATTER of the Companies (Winding Up and
Miscellaneous Provisions) Ordinance, Chapter 32 of
the laws of the Hong Kong

and

IN THE MATTER of DRAGON SPIRITS LIMITED
(FORMERLY KNOWN AS GOLDEN DRAGON
VODKA LIMITED) (IN LIQUIDATION)

and

IN THE MATTER of US TRADE MARK SERIAL
NO.86617255 ROYAL DRAGON SUPERIOR VODKA
5X DISTILLED WITH DEVICE IN THE NAME OF
HORIZONS GROUP (LONDON) LIMITED

AFFIDAVIT OF DAVID JAMES BENNETT

I, David James Bennett, of Level 12, 28 Hennessy Road, Wanchai, Hong Kong SAR, DO MAKE
OATH AND SAY as follows:

1. I am the Managing Director of Grant Thornton Recovery and Reorganisation Limited and I
am one of the Joint and Several Liquidators of Dragon Spirits Limited (in liquidation) (the
"Company").
2. There is now produced and shown to me marked "DJB-1" a paginated bundle of documents
to which I will refer throughout this affidavit.

Background

3. The current owner of the US Trade Mark Serial No.86617255 Royal Dragon Superior Vodka 5X Distilled with device (the "Trademark") is shown to be Horizons Group (London) Limited ("HGL"), a company incorporated in the United Kingdom. A copy of the Trademark search from the United States Patent and Trademark Office ("USPTO") website can be seen at pages 001 to 005 of "DJB-1".
4. It appears that HGL is registered as the current owner of the Trademark by way of a deed of assignment entered into between Dragon Spirits Limited (formerly known as Golden Dragon Vodka Limited) (In Liquidation) (the "Company") and HGL on 17 September 2019 (the "Assignment"). A copy of the Assignment can be seen at pages 006 to 010 of "DJB-1". As explained further below, this Assignment is invalid and is void.
5. On 12 July 2019, a winding up petition was presented against the Company (the "Winding Up Petition") and an order to wind up the Company was made by the High Court of Hong Kong on 23 September 2019 (the "Winding Up Order"), a copy of which is at pages 011 to 013 of "DJB-1".
6. By virtue of a further order of the High Court of Hong Kong dated 1 December 2020, Ms Chow Tsz Nga Georgia and I were appointed as the Joint and Several Liquidators of the Company (the "Liquidators"). A copy of the appointment order can be seen at pages 014 to 016 of "DJB-1".
7. Upon our appointment as the Liquidators, we took full control of the Company and the powers of the directors and officers of the Company ceased. They are no longer authorised or able to deal with any matters in relation to the Company.

The Assignment is void

8. Section 182 of the Hong Kong Companies (Winding Up Miscellaneous Provisions) Ordinance, Cap.32 (the "Ordinance") provides that:

"In a winding up by the court, any disposition of the property of the company, including things in action, and any transfer of shares, or alteration in the status of the members of the

company, made after the commencement of the winding up, shall unless the court otherwise orders, be void."

9. Section 184(2) of the Ordinance further provides that the commencement of winding up by the court is *"the time of the presentation of the petition for winding up"*. Copies of sections 182 and 184 of the Ordinance can be seen at pages 017 to 018 of "DJB-1".
10. As mentioned above, the Winding Up Petition was presented on 12 July 2019 and the Assignment was entered into on 17 September 2019, which is after the commencement of the winding up of the Company (s184(2) of the Ordinance). Accordingly the Assignment is void in accordance with section 182 of the Ordinance. HGL is not permitted to take any actions with respect to the Trademark, including but not limited to, any attempt to transfer, sell, assign, dispose of or hold itself out to be the owner of the Trademark.
11. Additionally the Assignment was executed by two people holding themselves out to be directors. Neither were. One is K. Srinu, but he was allegedly appointed only on 30 September 2019, after the date of the Assignment. A copy of the relevant Notice of Appointment at Hong Kong Companies Registry ("HKCR") showing this are pages 019 to 021 of "DJB-1".
12. The second purported director who signed is Ramesh Singh, who was also not a director or authorised representative of the Company at the material time. An attempt to register Ramesh Singh as a director of the Company in October 2019 was rejected by the HKCR as it post-dated the commencement date of the winding up of the Company. A letter from the HKCR dated 4 November 2019 states, *"...the court order for the winding up of the Company dated 23-09-2019 has the effect of dismissing the directors and company secretary...the appointment of director, RAMESH SINGH, is therefore not acceptable for registration."* A copy of this letter can be seen at page 022 of "DJB-1".

The unlawful assignment of the Registration with the USPTO and Infringement of the Company's Intellectual Property Rights

13. The Assignment is void and the Company is the proper owner of the Trademark registered with the USPTO. As can be seen from the Trademark search at page 001 of "DJB-1", HGL registered the Assignment, which I have explained is invalid and void. The registration itself