

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM446112

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Court Order of Attachment		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Finanz St. Honore, B.V.		05/01/2017	Corporation: NETHERLANDS
RECEIVING PARTY DATA			
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: 9			
Property Type	Number	Word Mark	
Serial Number:	87035829	VALOR	
Serial Number:	86824137	BRITISH STERLING H.I.M.	
Serial Number:	86830662	LOVES	
Serial Number:	86830322	EAU SO LOVE'S FEARLESS	
Serial Number:	86830309	EAU SO LOVE'S GLAMOROUS	
Serial Number:	86830295	EAU SO LOVE'S SPECTACULAR	
Serial Number:	86830284	EAU SO LOVE'S FABULOUS	
Serial Number:	86830270	EAU SO LOVE'S ADORABLE	
Serial Number:	86830246	EAU SO LOVE'S PRETTY	
CORRESPONDENCE DATA			
Fax Number:	2127106097		
<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:	212-326-0811		
Email:	wthomashower@pryorcashman.com		
Correspondent Name:	William Thomashower, Esq.		
Address Line 1:	7 Times Square		
Address Line 4:	New York, NEW YORK 10036		
ATTORNEY DOCKET NUMBER:	22586.00002		

CH \$240.00 87035829

NAME OF SUBMITTER:	William Thomashower
SIGNATURE:	/williamthomashower/
DATE SIGNED:	10/05/2017
Total Attachments: 8 source=DISNEY_ Dkt 78 Executed Attachment Order#page1.tif source=DISNEY_ Dkt 78 Executed Attachment Order#page2.tif source=DISNEY_ Dkt 78 Executed Attachment Order#page3.tif source=DISNEY_ Dkt 78 Executed Attachment Order#page4.tif source=DISNEY_ Dkt 78 Executed Attachment Order#page5.tif source=DISNEY_ Dkt 78 Executed Attachment Order#page6.tif source=DISNEY_ Dkt 78 Executed Attachment Order#page7.tif source=DISNEY_ Dkt 78 Executed Attachment Order#page8.tif	

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

DISNEY ENTERPRISES, INC.,

Plaintiff/Counterclaim Defendant,

– against –

FINANZ ST. HONORÉ B.V.,

Defendant/Counterclaim Plaintiff.

Case No. 13 Civ. 6338 (NG) (SMG)

ECF Case

ORDER OF ATTACHMENT

Plaintiff Disney Enterprises, Inc. (“DEI”) having filed ^a ~~an ex parte~~ motion pursuant to Rule 64 of the Federal Rules of Civil Procedure and Section ⁶²¹⁰ ~~6211~~ 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 ^{\$700,000} ~~\$875,000~~, 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;

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

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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, *a reasonable minimal estimate of* comprised of the amount of the judgment sought and accrued interest, plus fees and expenses of the United States Marshall, and it is further

\$700,000.00

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ORDERED, that the United States Marshall for the Southern 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, and consisting of:

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(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

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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

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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 ^{my} ~~the~~ ^S garnishee; and it is further

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~~**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~~

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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~~

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~~**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.~~

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SO ORDERED.

Mia Mevins

UNITED STATE DISTRICT JUDGE

Dated: Brooklyn, New York

~~April~~ __, 2017

May 1

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