

CONSENT AGREEMENT

This Consent Agreement ("Agreement") is entered into by and between Kaloud, Inc., a corporation organized under the laws of California ("Kaloud"), and Shenzhen Coolsonic Technology Co., Ltd., a corporation organized under the laws of China. ("SCTC");

WHEREAS, SCTC owns U.S. Trademark Application Registration No. 4889345 to the mark SCTC (hereafter referred to as "SCTC's CYRUS mark");

WHEREAS, Kaloud has filed U.S. Trademark Application Serial No. 88256060 to register the mark CYRIS (hereafter referred to as "Kaloud's CYRIS mark");

WHEREAS, SCTC's CYRUS mark been cited by the United States Patent and Trademark Office as bar to registration of Kaloud's CYRIS mark in U.S. Trademark Application Serial No. 88256060;

NOW THEREFORE, in consideration of mutual covenants set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. SCTC consents to the registration of Kaloud's CYRIS mark, as set forth in Application Serial No. 88256060, in connection with "hookah parts, namely, bowls and containers for housing charcoal separate from bowls while permitting heat transfer to tobacco placed in the bowl," in International Class 034.
2. The parties agree that there is unlikely to be any consumer confusion between SCTC's CYRUS mark and Kaloud's CYRIS mark.
3. CYRUS is distinct and creates a separate commercial impression than CYRIS.
4. The parties agree that their goods are substantially different and have substantially different uses.
  - a. SCTC provides the following goods: Ashtrays for smokers; Cartomizers, namely, combination electronic cigarette refill cartridges sold empty and atomizers, sold as a component of electronic cigarettes; Cigar and cigarette boxes not of precious metal; Cigarette cases not of precious metal; Cigarette papers; Cigarettes containing tobacco substitutes not for medical purposes; Electronic cigarettes; Filter-tipped cigarettes; Lighters for smokers; Matches; Smokers' mouthpieces for electronic cigarettes, cigars, cigarettes; Smoking pipe racks; Smoking pipes; Snuff; Snuff boxes; Snuff boxes, not of precious metal; Tobacco jars; Tobacco pouches.
  - b. Kaloud provides the following goods: hookah parts, namely, bowls and containers for housing charcoal separate from bowls while permitting heat transfer to tobacco placed in the bowl.
5. The parties agree that their goods and services are distributed through different channels of trade.
6. The parties agree that their respective consumers are knowledgeable and sophisticated enough to be able to distinguish between SCTC's CYRUS mark and Kaloud's CYRIS mark.
7. The parties agree that the differences between SCTC's goods and Kaloud's goods are significant enough to eliminate any likelihood of consumer confusion.
8. Each party agrees not to represent that they are related to the other or that their goods and/or services stem from the same source or partake of any common qualities or attributes. Each party agrees to identify itself as the source of their respective goods and/or services.



9. The parties agree not to use any advertising, promotional, or marketing materials that could lead purchasers to believe that their goods and/or services are sponsored or endorsed by the other party.

10. The parties do not anticipate that any confusion or mistakes will arise from their simultaneous use of their respective marks. However, in the event that any confusion does arise, or appears likely, the parties agree to communicate to each other all details of each instance of actual confusion or facts which suggest that confusion is likely, and to cooperate to take steps to abate the confusion, and to prevent confusion from recurring.

11. The parties agree that the forgoing substantiates their position that there is no likelihood of confusion between their respective marks.

WHEREFORE the parties have caused this Agreement to be duly executed and become effective on the last date of execution indicated below.

KALOUD, INC.

Signature

Reza Bavar

Print

President

Title

November 27, 2019

Date

SHENZHEN COOLSONIC TECHNOLOGY CO., LTD.

Signature

Print

General Manager

Title

2019-11-21

Date

有限公司  
2019-11-21