

PATENT ASSIGNMENT

Electronic Version v1.1
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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Patent Assignment and Redacted Orders
CONVEYING PARTY DATA	
Name	Execution Date
Gerald Hutchinson	12/04/2009
RECEIVING PARTY DATA	
Name:	Sharon Hutchinson
Street Address:	1047 Buffalo Ridge Road
City:	Castle Rock
State/Country:	COLORADO
Postal Code:	80108
PROPERTY NUMBERS Total: 27	
Property Type	Number
PCT Number:	US0860856
PCT Number:	US0770145
PCT Number:	US0633529
PCT Number:	US0632488
PCT Number:	US0614300
PCT Number:	US0538211
PCT Number:	US0537837
PCT Number:	US0524726
PCT Number:	US0520744
PCT Number:	US0513150
PCT Number:	US0513078
PCT Number:	US0513332
PCT Number:	US0341445
PCT Number:	US0335949
PCT Number:	US0322333

OP \$1080.00 US0860856

PCT Number:	US0308999
PCT Number:	US0211092
PCT Number:	US0128128
PCT Number:	US0140618
PCT Number:	US0101910
PCT Number:	US0034766
PCT Number:	US0034728
PCT Number:	US0034749
PCT Number:	US0034747
PCT Number:	US0009575
PCT Number:	US9915995
PCT Number:	US9822026


CORRESPONDENCE DATA

Fax Number: (303)607-3600
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Email: alowell@faegre.com
Correspondent Name: Robert A. Bailey
Address Line 1: Faegre & Benson, LLP
Address Line 2: 1700 Lincoln Street, Suite 3200
Address Line 4: Denver, COLORADO 80203

ATTORNEY DOCKET NUMBER: 83330-376694

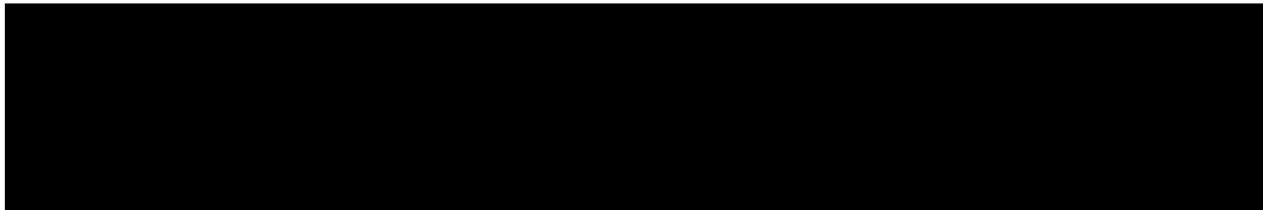
NAME OF SUBMITTER: Robert A. Bailey


Total Attachments: 12
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DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO		DISTRICT COURT City & County of Denver, Colo. Certified to be full, true and correct copy of the original in my custody.
Address: 1437 Bannock St. Denver, Colorado 80202 Telephone: (720) 865-8301		 DEC 4 2009 CLERK OF THE DISTRICT COURT <i>[Signature]</i> Deputy Clerk
In re the Marriage of: SHARON HUTCHINSON Petitioner and GERALD HUTCHINSON Respondent		▲ COURT USE ONLY ▲ Case No. 07 DR 628 Div/Ctrm: 4 15B
ORDER IN AID OF EXECUTION ON JUDGMENT		


This Court, having reviewed the Petitioner's Request for Expedited Relief in Aid of Execution on Judgment, and any response submitted by the Respondent, hereby finds and orders:

1. This court has previously ruled in the Permanent Orders issued on August 14, 2009, that the Respondent was subject to fiduciary duties to provide information concerning the financial affairs of Advanced Plastics Technologies, Ltd., incorporated in the Isle of Man, Advanced Plastics Technologies, S.A., Luxembourg (collectively referred to hereafter as APT) and Plastics Fabrication Technologies, Inc. ("PFT"), for which the primary place of business is California. The Court has found that the Respondent is the sole owner of each of these entities and that Respondent utilized these entities as artifices through a series of sham transactions described in the Permanent Orders, entered into without consideration, to defraud the Petitioner of marital rights and marital property and to conceal income. The Court has previously held that these entities and the assets of each, including the patents filed by APT, are held in a constructive trust resulting for the benefit of the Petitioner. The Court has also previously held that if the Respondent failed to provide information concerning the financial affairs of these entities and failed to make the payment of half the revenue payable by PepsiCo, Inc., to these entities, that the ownership of these entities and of their assets were subject to being transferred to the Petitioner for purposes of liquidation to satisfy her judgment.





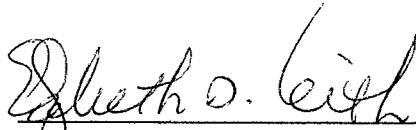
3. Pursuant to Paragraph 36 of the Permanent Orders, and Rule 70, C.R.C.P., the Court hereby directs the Clerk of this Court to execute on behalf of Respondent and APT the Patent Assignment attached hereto to formally transfer the patents held by APT to the Petitioner. Pursuant to the permanent orders, the Petitioner may collect the royalties on the patents, sell the patents, or otherwise liquidate them to collect the judgment entered in her favor.



4. The Court also holds that as the assets of APT and PFT have been deemed to constitute marital property which the Respondent has attempted to conceal through sham and fraudulent conveyances and breaches of his fiduciary duties to the Petitioner and are held by him in a constructive/resulting trust for the benefit of the Petitioner, and that the assets of these entities are to be applied to satisfy the Petitioner's judgment, it is appropriate that the judgment rendered against the Respondent in the permanent orders be formally deemed to constitute a judgment against APT and PFT, both jointly and severally, as well. The assets nominally held in the names of these entities were placed there by clear and convincing evidence and, as a matter of law, the judgment against the Respondent constitutes a judgment against these entities as they are in privity with, or privies of, the Respondent. A judgment against the owner of a corporation who assigns his business to a corporation is binding upon both as the owner is a real party in interest of the corporation. *See Learner v. Stone*, 252 P.2d 533, 537 (Colo. 1952). PFT and APT received their assets by virtue of the sham assignments from the Respondent and an assignee of property is in privity with the assignor so that a judgment against the assignor concerning the property interest assigned serves as a determination of property rights that is binding upon the assignee. *See Argus Real Estate v. E-470 Public Highway*, 97 P.3d 215, 217 (Colo. App. 2003). Thus, for purposes of collection and enforcement of the judgment, the judgment against the Respondent shall be deemed to be a judgment against APT and PFT as well. All subsequent pleadings shall so reflect.

DONE this 4th day of December, 2009.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Robert S. Hyatt", written over a horizontal line.

District Court Judge Robert S. Hyatt

PATENT ASSIGNMENT

WHEREAS, Gerald Hutchinson (“Assignor”), is the sole owner of the patents and patent applications described on Exhibit A hereto (the “Patents”) according to the August 14, 2009 Findings of Fact, Conclusions of Law and Permanent Orders issued by the District Court for the City and County of Denver, Colorado in the matter of *In re the Marriage of Sharon Hutchinson and Gerald Hutchinson*, 07 DR 628 (“Order”); and

WHEREAS, Gerald Hutchinson has been determined by the forgoing order to be the sole beneficial owner of both Advanced Plastics Technologies, Ltd, 24 Athol Street, Douglas, Isle of Man and of Advanced Plastics Technologies, Luxembourg S.A., 82, route d’Arlon, L-1150 Luxembourg, and has been directed by that order to assign all patents owned by both (collectively referred to hereafter as APT) to Sharon Hutchinson.

WHEREAS, pursuant to the terms of the forgoing order APT and Gerald Hutchinson (collectively referred to as the assignor) has been directed to assign to Sharon Hutchinson (Hutchinson) all of Assignors’s right, title, and interest in and to Patents; and

WHEREAS, Hutchinson now desires Assignor to execute and deliver to Hutchinson this Patent Assignment to effect the assignment of the Patents to Hutchinson;

NOW THEREFORE, for the consideration set forth in the Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Assignor hereby sells, transfers, conveys, assigns, and sets over unto Hutchinson, her successors and assigns, Assignor’s entire right, title and interest in and to the Patents, including, without limitation, all registrations and applications therefore (including, without limitation, all continuations, continuations-in-part, divisionals, reissues, re-examinations, extensions and any other domestic or foreign application or registration claiming priority there from), and the right to apply for, register, prosecute and enforce the Patent, in the United States of America and all foreign countries, including, without limitation, the right to recover damages and profits for past infringements thereof.

2. From time to time, Assignor will, at Hutchinson’s request and without further consideration, execute and deliver such instruments of sale, transfer, conveyance, assignment and confirmation, and perform any other reasonable acts Hutchinson may reasonably request in order to sell, transfer, convey, and assign to Hutchinson all of Assignor’s right, title, and interest in and to the Patents and to protect, enforce and defend the Patents.

3. This Patent Assignment will be governed by and construed in accordance with the laws of the State of Colorado.

[Signature Page Follows]

Executed as of 12-4, 2009.

Gerald Hutchinson, Individual and as sole beneficial owner of Advanced Plastics Technologies Luxembourg S.A. and Advanced Plastics Technologies, Ltd., Isle of Man

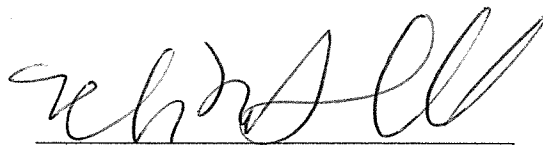


By: Gerald Hutchinson, Individual and as sole beneficial owner of Advanced Plastics Technologies Luxembourg S.A. and Advanced Plastics Technologies, Ltd., Isle of Man by Sabra Millett, Clerk Denver District Court per Order dtd. 12-4-09 in 07DR628

State of Colorado)
County of Denver) ss.

Before me, a Notary Public within and for said County, personally appeared

Sabra Millett the person described in and who executed the foregoing instrument and acknowledged that ~~he~~/she executed the same as ~~his~~/her free act and deed on this 4 day of December 2009.

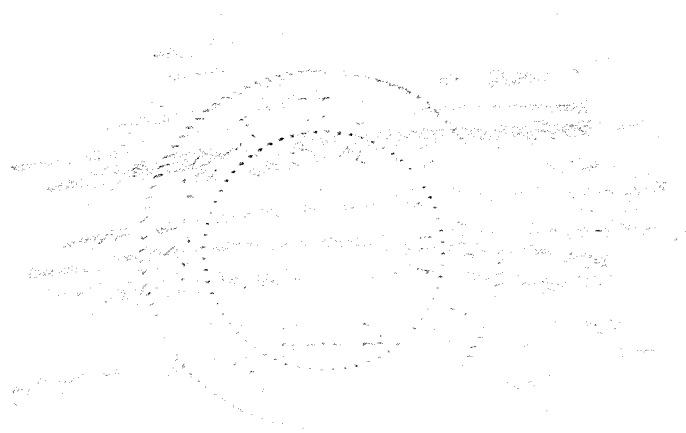


Notary Public
exp 05/15/2010

EXHIBIT A

<u>Title</u>	<u>Serial No./PUB APP. No.</u>	<u>Date Filed</u>
Mono and multi-layer articles and injection molding methods of making the same	7,588,808	April 18, 2005
Mold assembly having a pressure reducing device	7,578,668	November 30, 2007
Multilayer containers and preforms having barrier properties utilizing recycled material	7,531,226	October 18, 2004
Process for coating paper, paperboard, and molded fiber with a water-dispersible polyester polymer	7,435,483	April 4, 2002
Injection mold having a wear resistant portion and a high heat transfer portion	7,367,795	November 3, 2003
Coated polyester preforms and articles	7,332,204	January 24, 2003
System for controlling mold temperatures	7,303,387	June 10, 2005
Preform molds incorporating high heat conductivity material	7,261,551	February 26, 2004
Polyester laminate materials	6,939,591	March 4, 2002
Multilayer containers and preforms having barrier properties utilizing recycled material	6,808,820	September 5, 2001
Methods for preparing coated polyester articles	6,676,883	May 20, 2002
Recycling of articles comprising hydroxy-phenoxyether polymers	6,528,546	December 20, 2000
Coated polyester preforms and method of making same	6,391,408	October 19, 1998
Mold for injection molding multilayer preforms	6,352,426	April 21, 1999
Method of making containers and preforms incorporating barrier materials	6,312,641	October 17, 1997
Process for making extruded pet containers	6,109,006	July 14, 1998
Injection mold having a wear resistant portion and a high heat transfer portion	20080203617	May 5, 2008
Methods and systems for controlling mold temperature	20080138455	November 30, 2007
Mono and multi-layer labels	20080063858	August 20, 2007
Coated polyester preforms and articles	20080061476	August 20, 2007
Multilayer containers and preforms having barrier properties	20080044605	July 2, 2007
Dip, spray, and flow coating process for forming coated articles	20080044604	July 2, 2007

Plastic multi-piece containers and methods and systems of making same	20080044603	June 1, 2007
Dip, spray, and flow coating process for forming coated articles	20080041304	July 2, 2007
Dip, spray, and flow coating process for forming coated articles	20080032051	July 2, 2007
Molds and methods for injecting molding preforms	20080029929	August 20, 2007
Mono and multi-layer labels	20070196600	August 18, 2006
Methods and systems for controlling mold temperature	20070108668	August 29, 2006
Methods of forming multilayer articles by surface treatment applications	20070087131	October 12, 2006
Water-resistant coated articles and methods of making same	20060292323	April 17, 2006
Apparatus and method of molding preforms having a crystalline neck	20060159797	October 21, 2005
Method and apparatus for producing bottles and preforms having a crystalline neck	20060157896	October 21, 2005
Mono and multi-layer articles and extrusion methods of making the same	20060073298	April 18, 2005
Mono and multi-layer articles and injection methods of making the same	20060073294	April 18, 2005
Mono and multi-layer articles and compression methods of making the same	20060065992	April 18, 2005
Methods and systems for controlling mold temperature	20060051451	June 10, 2005
Multilayer containers and preforms having barrier properties utilizing recycled material	20050053739	October 18, 2004
Preform molds incorporating high heat conductivity material	20040247735	February 26, 2004
Process for manufacture and filling of flexible pouches	20040187444	December 29, 2003
Injection mold having a wear resistant portion and a high heat transfer portion	20040151937	November 10, 2003
Process for coating paper, paperboard, and molder fiber with a water-dispersible polyester polymer	20040131871	October 2, 2003
Dip, spray, and flow coating process for forming coated articles	20040071885	July 3, 2003
Compatibilized polyester/polyamide blends	20040013833	March 21, 2003
Laminates and coated materials comprising hydroxyl-phenoxyether polymers	20030220036	February 26, 2003
Coated polyester preforms and articles	20030219555	January 24, 2003
Bottles and preforms having a crystalline neck	20030031814	April 27, 2001
Polyester laminate materials	20030012904	March 4, 2002
Methods for preparing coated polyester articles	20030001315	May 20, 2002
Multi-layer containers and preforms having barrier properties utilizing recycled material	20020090473	September 5, 2001
Recycling of articles comprising hydroxyl-phenoxyether polymers	20020019449	December 20, 2000



DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Address: 1437 Bannock St. Denver, Colorado 80202 Telephone: (720) 865-8301	EFILED Document CO Denver County District Court 2nd JD Filing Date: Aug 14 2009 2:09PM MDT Filing ID: 26604412 Review Clerk: Linda L Gibbs ▲ COURT USE ONLY ▲
In re the Marriage of: SHARON HUTCHINSON Petitioner and GERALD HUTCHINSON Respondent	Case No. 07 DR 628 Div/Ctrm: 4
FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT ORDERS	

THIS COURT, having conducted the trial in this matter on June 8-13 and June 25-28, 2009, and having heard the testimony of the parties, the lay and expert witnesses offered by each of the parties, and having considered the exhibits admitted into evidence hereby makes the following findings of fact, conclusions of law and orders.

1.

[REDACTED]

2.

[REDACTED]

36. In Colorado, when one pays for property and causes title to be placed in the name of another without consideration, a trust results in favor of who paid for the property. *Cortez Land and Securities Co. v. Stabler*, 84 Colo. 64,68 P. 2d 526 (Colo. 1928). The remedy for such circumstances is a resulting trust. *Valley State Bank v. Dean*, 47 P. 2d 944, 926 (Colo. 1935); *Page v. Clark*, 592, P. 2d. 792, 797 (Colo. 1979) (citing *Scott on Trusts*, Section 404.1) See also *Martinez v. Gutierrez-Martinez*, 77 P.3rd 827 (Colo. App. 2003). California law is in accord. *In Re Marriage of Ruelas*, 154, Cal. App. 4th 339, 64 Cal. Rptr. 3rd 600 (Cal. App. 2007). The court therefore finds that Respondent is the sole owner of PFT, APT, ABS and CEL and the assets he has placed in each should be deemed to be the subject of the resulting trust for the benefit of the Petitioner and of the Respondent by virtue of the Respondent's transfer of the assets to those entities under the circumstances described herein. The court further finds that the fraudulent intent attending the transfer of these assets gives rise to a constructive trust under *Page v. Clark, supra*, for the benefit of the Petitioner until this court's order is fully satisfied. As trustee, the Respondent is and shall be chargeable and accountable to the Petitioner to provide information requested by her and to act to protect her interests as a fiduciary subject to the Colorado Uniform Fiduciaries Act, C.R.S. Section 15-1-101, et seq., until the judgment of this court is satisfied. As trustee the Respondent shall also direct no less than half the payments made by Pepsi under its various agreements, commencing with the payments made in July 2009, be paid to Petitioner until this order is fully satisfied. Should the Respondent fail to comply with these duties and such other duties of trustees acting as fiduciaries as are imposed by law or equity, the trust shall be terminated and ownership of each of these entities and the assets of each is to be immediately vested in the Petitioner. If the judgment of this court concerning the payments to be made to the

Petitioner is not fully satisfied as of December 30, 2009, then Petitioner is deemed the owner of these entities and their assets as well. In either situation, the Petitioner shall proceed to collect royalties or other payments to these entities or may liquidate the assets of these entities, including the patents should she so elect, to satisfy this court's judgment and the Respondent's interests shall be limited to what is left of these entities and their assets after Petitioner satisfies the judgment in her favor, at which point the entities and remaining assets of each shall be returned to Respondent. The Respondent shall execute such documents, stock transfer certificates or assignments as may be necessary to implement these orders and should he fail to do so, the clerk of this court may do so on his behalf pursuant to Rule 70, C.R.C.P. Moreover, on account of the extreme, deliberate and fraudulent efforts to conceal assets which the Respondent has engaged in to date; all fees and costs incurred by the Petitioner to collect her judgment shall be the responsibility of the Respondent.

37. 



DONE AND ORDERED this 14th day of August, 2009.

BY THE COURT

A handwritten signature in black ink, appearing to read "R. S. Hyatt", is written over a rectangular area with a fine grid pattern.

Judge Robert S. Hyatt
