

07/17/2013

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

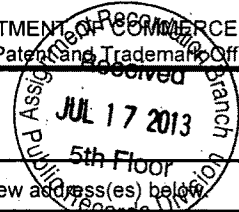
MD 07-17-13



103660336

To the Director of the U.S. Patent and Trademark Office

Documents or the new address(es) below



CORR

1. Name of conveying party(ies)

Spigot Resources, Inc.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) July 9, 2013

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☒ Other Release of Assignment of Future Pmts Pat

2. Name and address of receiving party(ies)

Name: Marc Radow

Internal Address:

Street Address: 18124 Wedge Parkway

Unit 1

City: Reno

State: NV

Country: USA

Zip: 89511

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

11/077559
10/807947
10/797401

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: David C. McElhinney, Esq.

Internal Address: LEWIS AND ROCA LLP

Street Address: 50 W. Liberty Street, Suite 410

City: Reno

State: NV Zip: 89501

Phone Number: (775) 823-2900

Docket Number:

Email Address: dmcelhinney@lrlaw.com

6. Total number of applications and patents involved: 3

7. Total fee (37 CFR 1.21(h) & 3.41) \$120.00

- ☐ Authorized to be charged to deposit account
☒ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

Deposit Account Number

Authorized User Name: NGUYEN1 00000004 10007947

01 FC:0021

120.00

9. Signature:

David C. McElhinney
Signature

Date

DAVID C. McELHINNEY, ESQ

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

16

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

10-02-2008

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office



103527734

To the Director of the U.S. Patent and

Documents or the new address(es) below.

1. Name of conveying party(ies)

Marc Radow

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) September 15, 2008

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☒ Other Assignment of Future Payments Under Pat

2. Name and address of receiving party(ies)

Name: Spigot Resources Inc.

Internal Address: _____

Street Address: 5030 Carnoustie Drive

City: Reno

State: Nevada

Country: USA

Zip: 89511

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

11/077559
10/807947
10/797401

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Julia Vohl Islas, Esq.

Internal Address: _____

Street Address: 608 Lander Street

City: Reno

State: Nevada

Zip: 89509

Phone Number: 775-348-8877

Fax Number: 775-348-8351

Email Address: jislase@markwraylaw.com

6. Total number of applications and patents involved:

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 120.00

- ☐ Authorized to be charged to deposit account
☒ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

Deposit Account Number 10701/2008 DEVRNE 88888842 11077559

Authorized User Name 120.00

120.00 OP

9. Signature:

Julia Vohl Islas
Signature

9-25-08
Date

Julia Vohl Islas

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: ☐

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

PATENT

REEL: 030872 FRAME: 0688

RELEASE OF ASSIGNMENT OF FUTURE PAYMENTS UNDER PATENT

NOTICE IS HEREBY GIVEN THAT: On October 2, 2008, the law office of Mark Wray, caused to be recorded, on behalf of SPIGOT RESOURCES, INC., an Assignment of Future Payments Under Patent against MARC RADOW, with the United States Patent and Trademark Office, Reel: 021622, Frame: 0398-0410, Document Number 103527734. See **Exhibit "A"** attached hereto. Once recorded, said Assignment created an Assignment against the following Patent Applications/Patents listed below:


11/077559
10/807947
10/797401

NOW THEREFORE, for valuable consideration, **SPIGOT RESOURCES, INC.** hereby releases the above-referenced Patents/Patent Applications from any and all effects of the Assignment created by the recordation of the Assignment of Future Payments Under Patent.

Dated this 9th day of July 2013.


LAW OFFICE OF MARK WRAY

By:


Mark Wray, Esq.
608 Lander Street
Reno, Nevada 89509

STATE OF NEVADA)
)ss.
COUNTY OF WASHOE)

On this 9th day of July 2013, personally appeared before me, a Notary Public, MARK WRAY, Esq. personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.


Notary Public

WHEN RECORDED RETURN TO:
David C. McElhinney, Esq.
Lewis and Roca LLP
50 W. Liberty Street, Suite 410
Reno, Nevada 89501

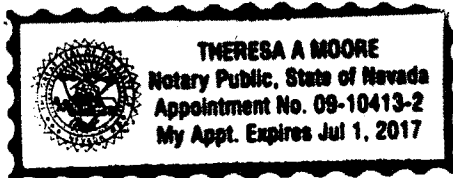


EXHIBIT A

EXHIBIT A

CODE: 3025

SEP 15 2008

HOWARD M. CONYERS, CLERK
By: Howard
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

**MARC RADOW; PACIFIC WEST HOMES,
INC.,**

Plaintiff,

CASE NO: CV05-02489

VS.

DEPT. NO.: 10

SPIGOT RESOURCES, INC., a Nevada corporation,

Defendant.

ORDER DENYING MOTION FOR ASSIGNMENT OF PATENT APPLICATIONS; AND
GRANTING ASSIGNMENT OF FUTURE PAYMENTS UNDER PATENT; AND FOR
INJUNCTION

Spigot Resources, Inc. (hereafter "Defendant") has filed a Motion with this Court on June 27, 2008, seeking various forms of relief. Plaintiff Marc Radow (hereafter "Plaintiff") has filed an Opposition on July 11, 2008, and Defendant has filed a Reply in Support of their Motion on July 21, 2008.

Pursuant to N.R.C.P. 69(a), Defendant is seeking satisfaction of an August 20, 2007, judgment entered in its favor against Plaintiff. Defendant has requested that the Court issue an order requiring Plaintiff to assign to Defendant certain patent applications which he caused to be filed. In the alternative, Defendant has requested that the Court order

1 Plaintiff to assign to the Defendant future payments which are due under these patents
2 until the judgment is satisfied. Lastly, Defendant requests that the Court enjoin Plaintiff
3 from assigning or otherwise disposing of his rights to payment and title in connection with
4 the patents at issue. Plaintiff's lone argument is that he has no right, title or interest in
5 either the patent applications or any income which might be derived therefrom as the
6 patents have been owned by the Roxi Group since the time the applications were filed. On
7 April 28, 2008, Defendant placed judgment liens on all three patents at issue.

8 The Court has determined that Plaintiff's sole argument lacks merit. Other than
9 Plaintiff's own assertion that he has no interest in either the patent applications or the
10 royalties generated therefrom, Plaintiff provides absolutely no evidence from which the
11 Court can conclude that Plaintiff is not the owner of the patents at issue. Furthermore,
12 upon review of the United States Patent and Trademark Office website, the only
13 assignments noted are the judgment liens placed by Defendant on the three patents.
14 There is absolutely no other mention of Roxi Group and nothing in the record supports the
15 Plaintiff's assertion.

16 Defendant cites an 1896 decision by the California Supreme Court for the notion
17 that a creditor of the patent owner can have the patent right subjected to the satisfaction
18 of his judgment only by a court of equity, acting in personam, and compelling the patentee
19 to make an assignment. *Peterson v. Sheriff of City and County of San Francisco*, 115 Cal.
20 211, 46 P. 1060 (1896). Furthermore, the Court's own research failed to yield any such
21 examples. However, the Court has found recent California case law which the Court finds
22 persuasive.

23
24 **1. Assignment of Plaintiff's Patents**

25 In *Sleepy Hollow Inv. Co. No. 2 v. Prototek, Inc.*, 2006 WL 279349 (N.D. Cal.
26 2/3/06), the United States District Court for the Northern District of California, under similar
27 facts, denied Sleepy Hollow's motion for assignment of the subject patents due to the fact
28 that no evidence was presented corroborating Sleepy Hollow's valuation of the patents.

1 Under the current facts, Defendant fails to provide any information concerning the value of
2 the patents at issue. As such, Defendant's motion for an assignment of the subject
3 patents shall be denied.

4
5 **2. Assignment of Payments Due Under Patents**

6 In *Sleepy Hollow*, the California court granted Sleepy Hollow's motion for
7 assignment of payments due under the subject patents. Pursuant to California Code of
8 Civil Procedure §708.510, the Court was expressly authorized to assign all or part of a right
9 to payment due or to become due, including payment due from a patent or other
10 intangible. *Id.* at 2. The Court finds that such relief is also available in Nevada. As such,
11 Defendant's motion for assignment of payments due under patents will be granted.

12
13 **3. Motion to Restrain Plaintiff From Assigning or Otherwise Disposing**
14 **of Right to Payment and Title to the Patents**

15 In light of the fact that the Court is inclined to grant Defendant's Motions for
16 an assignment of payments, the Defendant's motion to restrain Plaintiff from assigning or
17 otherwise disposing of his right in the patents will also be granted.

18
19 **NOW, THEREFORE, IT IS HEREBY ORDERED** that payments due under the
20 United States Patent and Trademark Office Patent Application Serial Numbers 11077559,
21 110807947 and 10797401 are assigned to Defendant Spigot Resources, Inc.

22 **IT IS FURTHER ORDERED** that Plaintiff is enjoined and restrained from assigning
23 or otherwise disposing of his rights in the subject patents.

24
25 **DATED** this 14 day of September, 2008.

26
27 
28 STEVEN P. ELLIOTT
District Judge

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, In and for the County of Washoe; that on the 15 day of ~~August~~^{September}, 2008, I deposited for mailing a copy of the foregoing document addressed to:

James Beasley, Esq.
Law Offices of James Shields Beasley
P.O. Box 2936
Reno, NV 89505

Mark Wray, Esq.
Julia Vohl Islas, Esq.
Law Offices of Mark Wray
608 Lander St
Reno, NV 89509

Jerry Galow, Esq.
Galow & Smith
1204 Nueces St
Austin, TX 78701

DATED this 15 day of September, 2008.



HEIDI HOWDEN
Administrative Assistant

CV05-02489 DC-9900004 109-005
MARC RADOW VS SPIGOT RESOURCES, INC.
District Court 09/15/2008 09:55 AM
Washoe County 3025
HARDEN

CODE: 3025

FILED

SEP 15 2008

HOWARD W. CONYERS, CLERK
By: *[Signature]*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MARC RADOW; PACIFIC WEST HOMES,
INC.,

Plaintiff,

vs.

SPIGOT RESOURCES, INC., a Nevada
corporation,

Defendant.

CASE NO: CV05-02489

DEPT. NO.: 10

ORDER DENYING MOTION FOR ASSIGNMENT OF PATENT APPLICATIONS; AND
GRANTING ASSIGNMENT OF FUTURE PAYMENTS UNDER PATENT; AND FOR
INJUNCTION

Spigot Resources, Inc. (hereafter "Defendant") has filed a Motion with this Court on June 27, 2008, seeking various forms of relief. Plaintiff Marc Radow (hereafter "Plaintiff") has filed an Opposition on July 11, 2008, and Defendant has filed a Reply In Support of their Motion on July 21, 2008.

Pursuant to N.R.C.P. 69(a), Defendant is seeking satisfaction of an August 20, 2007, judgment entered in its favor against Plaintiff. Defendant has requested that the Court issue an order requiring Plaintiff to assign to Defendant certain patent applications which he caused to be filed. In the alternative, Defendant has requested that the Court order

1 Plaintiff to assign to the Defendant future payments which are due under these patents
2 until the judgment is satisfied. Lastly, Defendant requests that the Court enjoin Plaintiff
3 from assigning or otherwise disposing of his rights to payment and title in connection with
4 the patents at issue. Plaintiff's lone argument is that he has no right, title or interest in
5 either the patent applications or any income which might be derived therefrom as the
6 patents have been owned by the Roxi Group since the time the applications were filed. On
7 April 28, 2008, Defendant placed judgment liens on all three patents at issue.

8 The Court has determined that Plaintiff's sole argument lacks merit. Other than
9 Plaintiff's own assertion that he has no interest in either the patent applications or the
10 royalties generated therefrom, Plaintiff provides absolutely no evidence from which the
11 Court can conclude that Plaintiff is not the owner of the patents at issue. Furthermore,
12 upon review of the United States Patent and Trademark Office website, the only
13 assignments noted are the judgment liens placed by Defendant on the three patents.
14 There is absolutely no other mention of Roxi Group and nothing in the record supports the
15 Plaintiff's assertion.

16 Defendant cites an 1896 decision by the California Supreme Court for the notion
17 that a creditor of the patent owner can have the patent right subjected to the satisfaction
18 of his judgment only by a court of equity, acting in personam, and compelling the patentee
19 to make an assignment. *Peterson v. Sheriff of City and County of San Francisco*, 115 Cal.
20 211, 46 P. 1060 (1896). Furthermore, the Court's own research failed to yield any such
21 examples. However, the Court has found recent California case law which the Court finds
22 persuasive.

23 24 **1. Assignment of Plaintiff's Patents**

25 In *Sleepy Hollow Inv. Co. No. 2 v. Prototek, Inc.*, 2006 WL 279349 (N.D. Cal.
26 2/3/06), the United States District Court for the Northern District of California, under similar
27 facts, denied Sleepy Hollow's motion for assignment of the subject patents due to the fact
28 that no evidence was presented corroborating Sleepy Hollow's valuation of the patents.

1 Under the current facts, Defendant fails to provide any information concerning the value of
2 the patents at issue. As such, Defendant's motion for an assignment of the subject
3 patents shall be denied.

4
5 **2. Assignment of Payments Due Under Patents**

6 In *Sleepy Hollow*, the California court granted Sleepy Hollow's motion for
7 assignment of payments due under the subject patents. Pursuant to California Code of
8 Civil Procedure §708.510, the Court was expressly authorized to assign all or part of a right
9 to payment due or to become due, including payment due from a patent or other
10 intangible. *Id.* at 2. The Court finds that such relief is also available in Nevada. As such,
11 Defendant's motion for assignment of payments due under patents will be granted.

12
13 **3. Motion to Restrain Plaintiff From Assigning or Otherwise Disposing**
14 **of Right to Payment and Title to the Patents**

15 In light of the fact that the Court is inclined to grant Defendant's Motions for
16 an assignment of payments, the Defendant's motion to restrain Plaintiff from assigning or
17 otherwise disposing of his right in the patents will also be granted.

18
19 **NOW, THEREFORE, IT IS HEREBY ORDERED** that payments due under the
20 United States Patent and Trademark Office Patent Application Serial Numbers 11077559,
21 110807947 and 10797401 are assigned to Defendant Spigot Resources, Inc.

22 **IT IS FURTHER ORDERED** that Plaintiff is enjoined and restrained from assigning
23 or otherwise disposing of his rights in the subject patents.

24
25 **DATED** this 14 day of September, 2008.

26
27 
28 **STEVEN P. ELLIOTT**
District Judge

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 15 day of ~~August~~ ^{September}, 2008, I deposited for mailing a copy of the foregoing document addressed to:

James Beasley, Esq.
Law Offices of James Shields Beasley
P.O. Box 2936
Reno, NV 89505

Mark Wray, Esq.
Julla Vohl Islas, Esq.
Law Offices of Mark Wray
608 Lander St
Reno, NV 89509

Jerry Galow, Esq.
Galow & Smith
1204 Nueces St
Austin, TX 78701

DATED this 15 day of September, 2008.



HEIDI HOWDEN
Administrative Assistant

CV05-02489 DC-390804109-005
MARC RADOW VS SPIGOT RESOURCES 4 Pages
District Court 09/15/2008 09:55 AM
Washoe County 3025
HQUJEN
RCC

CODE: 3025

FILED

SEP 15 2008

HOWARD W. CONYERS, CLERK
By: *[Signature]*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MARC RADOW; PACIFIC WEST HOMES,
INC.,

Plaintiff,

vs.

CASE NO: CV05-02489

DEPT. NO.: 10

SPIGOT RESOURCES, INC., a Nevada
corporation,

Defendant.

ORDER DENYING MOTION FOR ASSIGNMENT OF PATENT APPLICATIONS; AND
GRANTING ASSIGNMENT OF FUTURE PAYMENTS UNDER PATENT; AND FOR
INJUNCTION

Spigot Resources, Inc. (hereafter "Defendant") has filed a Motion with this Court on June 27, 2008, seeking various forms of relief. Plaintiff Marc Radow (hereafter "Plaintiff") has filed an Opposition on July 11, 2008, and Defendant has filed a Reply in Support of their Motion on July 21, 2008.

Pursuant to N.R.C.P. 69(a), Defendant is seeking satisfaction of an August 20, 2007, judgment entered in its favor against Plaintiff. Defendant has requested that the Court issue an order requiring Plaintiff to assign to Defendant certain patent applications which he caused to be filed. In the alternative, Defendant has requested that the Court order

1 Plaintiff to assign to the Defendant future payments which are due under these patents
2 until the judgment is satisfied. Lastly, Defendant requests that the Court enjoin Plaintiff
3 from assigning or otherwise disposing of his rights to payment and title in connection with
4 the patents at issue. Plaintiff's lone argument is that he has no right, title or interest in
5 either the patent applications or any income which might be derived therefrom as the
6 patents have been owned by the Roxi Group since the time the applications were filed. On
7 April 28, 2008, Defendant placed judgment liens on all three patents at issue.

8 The Court has determined that Plaintiff's sole argument lacks merit. Other than
9 Plaintiff's own assertion that he has no interest in either the patent applications or the
10 royalties generated therefrom, Plaintiff provides absolutely no evidence from which the
11 Court can conclude that Plaintiff is not the owner of the patents at issue. Furthermore,
12 upon review of the United States Patent and Trademark Office website, the only
13 assignments noted are the judgment liens placed by Defendant on the three patents.
14 There is absolutely no other mention of Roxi Group and nothing in the record supports the
15 Plaintiff's assertion.

16 Defendant cites an 1896 decision by the California Supreme Court for the notion
17 that a creditor of the patent owner can have the patent right subjected to the satisfaction
18 of his judgment only by a court of equity, acting in personam, and compelling the patentee
19 to make an assignment. *Peterson v. Sheriff of City and County of San Francisco*, 115 Cal.
20 211, 46 P. 1060 (1896). Furthermore, the Court's own research failed to yield any such
21 examples. However, the Court has found recent California case law which the Court finds
22 persuasive.

23
24 **1. Assignment of Plaintiff's Patents**

25 In *Sleepy Hollow Inv. Co. No. 2 v. Prototek, Inc.*, 2006 WL 279349 (N.D. Cal.
26 2/3/06), the United States District Court for the Northern District of California, under similar
27 facts, denied Sleepy Hollow's motion for assignment of the subject patents due to the fact
28 that no evidence was presented corroborating Sleepy Hollow's valuation of the patents.

1 Under the current facts, Defendant falls to provide any information concerning the value of
2 the patents at issue. As such, Defendant's motion for an assignment of the subject
3 patents shall be denied.

4
5 **2. Assignment of Payments Due Under Patents**

6 In *Sleepy Hollow*, the California court granted Sleepy Hollow's motion for
7 assignment of payments due under the subject patents. Pursuant to California Code of
8 Civil Procedure §708.510, the Court was expressly authorized to assign all or part of a right
9 to payment due or to become due, including payment due from a patent or other
10 intangible. *Id.* at 2. The Court finds that such relief is also available in Nevada. As such,
11 Defendant's motion for assignment of payments due under patents will be granted.

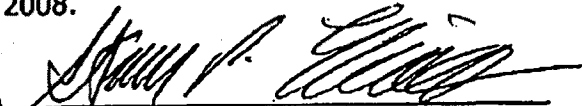
12
13 **3. Motion to Restrain Plaintiff From Assigning or Otherwise Disposing**
14 **of Right to Payment and Title to the Patents**

15 In light of the fact that the Court is inclined to grant Defendant's Motions for
16 an assignment of payments, the Defendant's motion to restrain Plaintiff from assigning or
17 otherwise disposing of his right in the patents will also be granted.

18
19 **NOW, THEREFORE, IT IS HEREBY ORDERED** that payments due under the
20 United States Patent and Trademark Office Patent Application Serial Numbers 11077559,
21 110807947 and 10797401 are assigned to Defendant Spigot Resources, Inc.

22 **IT IS FURTHER ORDERED** that Plaintiff is enjoined and restrained from assigning
23 or otherwise disposing of his rights in the subject patents.

24
25 **DATED** this 14 day of September, 2008.

26 
27 STEVEN P. ELLIOTT
28 District Judge

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 15 day of ~~August~~ ^{September}, 2008, I deposited for mailing a copy of the foregoing document addressed to:

James Beasley, Esq.
Law Offices of James Shields Beasley
P.O. Box 2936
Reno, NV 89505

Mark Wray, Esq.
Julia Vohl Islas, Esq.
Law Offices of Mark Wray
608 Lander St
Reno, NV 89509

Jerry Galow, Esq.
Galow & Smith
1204 Nueces St
Austin, TX 78701

DATED this 15 day of September, 2008.


HEIDI HOWDEN
Administrative Assistant