

PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

Assignment ID: PAT1565601

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Richard A. Marshack, in his capacity as Receiver of the Receivership Estate of Quantum Materials Corp., a Nevada Corporation	09/13/2024
RECEIVING PARTY DATA	
Company Name:	Mr. John Patrick Lowe in his capacity as Chapter 7 Trustee appointed by the United States Bankruptcy Court for the Western District of Texas
Street Address:	2402 East Main Street
City:	Uvalde
State/Country:	TEXAS
Postal Code:	78801
PROPERTY NUMBERS Total: 7	
Property Type	Number
Application Number:	14050189
Application Number:	15436454
Patent Number:	7833506
Patent Number:	9577149
Patent Number:	8313714
Patent Number:	9129720
Patent Number:	11209428
CORRESPONDENCE DATA	
Fax Number:	6605603501
<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:	2028947451
Email:	peklem@reichmanjorgensen.com
Correspondent Name:	Philip Joseph Eklem
Address Line 1:	1909 K Street, NW
Address Line 2:	Suite 800
Address Line 4:	Washington, DISTRICT OF COLUMBIA 20006
NAME OF SUBMITTER:	Philip Eklem
SIGNATURE:	Philip Eklem

DATE SIGNED:	10/16/2024
	This document serves as an Oath/Declaration (37 CFR 1.63).
Total Attachments: 14 source=Patent Assignment - 2024-09-13#page1.tiff source=Patent Assignment - 2024-09-13#page2.tiff source=Patent Assignment - 2024-09-13#page3.tiff source=Patent Assignment - 2024-09-13#page4.tiff source=Patent Assignment - 2024-09-13#page5.tiff source=Patent Assignment - 2024-09-13#page6.tiff source=Patent Assignment - 2024-09-13#page7.tiff source=Patent Assignment - 2024-09-13#page8.tiff source=Patent Assignment - 2024-09-13#page9.tiff source=Patent Assignment - 2024-09-13#page10.tiff source=Patent Assignment - 2024-09-13#page11.tiff source=Patent Assignment - 2024-09-13#page12.tiff source=Patent Assignment - 2024-09-13#page13.tiff source=Patent Assignment - 2024-09-13#page14.tiff	

PATENT ASSIGNMENT

Richard A. Marshack in his capacity as Receiver of the Receivership Estate of Quantum Materials Corp., a Nevada Corporation, (“Assignor”), pursuant to that certain Court Order filed on September 10, 2024 (Doc. # 87) in the United States Bankruptcy Court for the Western District of Texas (“Bankruptcy Court”) in *In Re Quantum Materials Corp.*, Case No. 24-10717 (“Bankruptcy Proceedings”), hereby assigns the Assigned Patents (as defined below) to Mr. John Patrick Lowe in his capacity as Chapter 7 Trustee as appointed by the Bankruptcy Court (“Assignee” or “Trustee”), as set forth below in this Patent Assignment (“Assignment”), including in section 2.a.

WHEREAS, pursuant to that certain Court Order entered by the Superior Court of California in *Cheryl Scarinci Schloss v. Quantum Materials Corp., et al.*, Case No. PSC2002459 (“Schloss Case”) granting the motion to appoint receiver filed on October 13, 2023 (“Receivership Order”), Mr. Marshack was appointed as the Receiver of the Receivership Estate of Quantum Materials Corp., a Nevada Corporation;

Whereas Quantum Materials Corp. (“Quantum”) improperly attempted to assign the Assigned Patents to a third party, HowieCo International Inc. (“HowieCo”), in violation of other orders of the Receivership Court (“Invalid Assignment”), and subsequently recorded the Invalid Assignment at the U.S. Patent and Trademark Office (“USPTO”) at reel/frame no. 066150/0228;

Whereas, pursuant to that certain Court Order signed on March 11, 2024 and filed on March 12, 2024 in the Superior Court of the State of California, which is attached hereto as Exhibit A (“First Assignment Order”), the Court held that the Invalid Assignment was null and void, and granted Mr. Marshack, in his capacity as Receiver of the Receivership Estate of Quantum, all necessary power and authority to act on behalf of Quantum as it concerns assignment of the Assigned Patents;

Whereas Mr. Marshack, as Receiver of Quantum, executed a Patent Assignment and Cooperation Agreement on behalf of Quantum assigning the Assigned Patents to Mr. Marshack in his capacity as Receiver of the Receivership Estate of Quantum, which was recorded at the USPTO at reel/frame no. 067230/0001 (“Assignment Agreement”), and caused a corrective assignment to be recorded at reel/frame no. 067527/0425 (“Corrective Assignment”) to correct the name of the receiving party in the recordation records;

Whereas, pursuant to that certain Court Order filed on September 10, 2024 (Doc. # 87) in the Bankruptcy Court in the Bankruptcy Proceedings, which is attached hereto as Exhibit B (“Second Assignment Order”), the Bankruptcy Court ordered the Receiver to assign the Assigned Patents to the Trustee.

NOW THEREFORE, in compliance with the Receivership Order, First Assignment Order, and Second Assignment Order, Assignor hereby assigns as follows:

1. DEFINITIONS

- a. “*Assigned Patents*” means: the patent(s) and the patent application(s) assigned by Quantum to the Receiver pursuant to the Assignment Agreement and Corrective Assignment, which includes the “Assigned Patents” as defined in the Assignment Agreement and, for the avoidance of doubt, (i) the patent(s) and the patent application(s) listed in Schedule 1, as well as any patents and patent applications, to the extent assigned, in whole or in part, to the Receiver by Quantum including without limitation any patents or patent applications that Quantum purported to assign pursuant to the Invalid Assignment; (ii) any continuations, continuations-in-part, divisionals, reissues, reexaminations, provisionals, or foreign counterparts of any patent or patent application that are the subject of subsection (i), whether or not specifically listed in Schedule 1; and (iii) any patent or patent application that claims priority to, or shares a common priority claim with, any patent or patent application listed in Schedule 1, whether or not listed on Schedule 1. If any Assigned Patent is subject to a terminal disclaimer under 37 C.F.R. § 1.321, then all patents and patent applications subject to the terminal disclaimer are included in the Assigned Patents. If any patents or patent applications subject to a terminal disclaimer are omitted from Schedule 1, then Assignor agrees that, for the avoidance of doubt, to the extent such patents and patent applications were assigned to the Receiver by Quantum, or to the extent such patents and patent applications were subject to the Invalid Assignment, they are included in the definition of Assigned Patents herein and subject to this Assignment, including section 2.a.

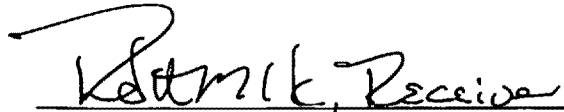
2. ASSIGNMENT AND TRANSFER OF PATENTS

- a. Assignment of Assigned Patents. Pursuant to the Second Assignment Order, Assignor hereby assigns, transfers, and conveys to Assignee all right, title, and interest in and to the

Assigned Patents assigned to it by Quantum in the Assignment Agreement and Corrective Assignment, including, for the avoidance of doubt, (i) all causes of action and exclusive enforcement rights under the Assigned Patents including the sole and exclusive right to sue and pursue all damages, injunctive relief, and any other remedies of any kind for past, current, and future infringement; (ii) all rights to recover and collect settlement arrangements, license payments, royalties, and other payments under or on account of any of the Assigned Patents or any of the foregoing, including all rights to enforce the same; and (iii) all statutory rights conferred under the Assigned Patents, including the right to practice such patents, including without limitation the right to make, use, and sell products and services under such patents, including the right to exclude others from making, using, offering for sale, importing into the United States, and selling products and services covered by such patents.

ASSIGNOR


DATED: 9-17, 2024



THE RECEIVERSHIP ESTATE OF QUANTUM
MATERIALS CORP., A NEVADA
CORPORATION, by Receiver Richard A. Marshack

ASSIGNEE

DATED: September 13, 2024



MR. JOHN PATRICK LOWE IN HIS CAPACITY
AS CHAPTER 7 TRUSTEE APPOINTED BY THE
UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF TEXAS

SCHEDULE 1

Application Number	Patent Number	Docket Number	Country	Status	Filing Date	Grant Date
2669883	2669883	BTS093036	Canada	GRANTED	11/8/2007	5/3/2016
200780050243.4	ZL200780050243.4	BTS093036	China P.R.	GRANTED	11/8/2007	4/24/2013
07819686.2		BTS093036	EPC	FILED	11/8/2007	
198733	198733	BTS093036	Israel	GRANTED	11/8/2007	2/1/2014
3174/DELNP/2009	271974	BTS093036	India	GRANTED	11/8/2007	3/11/2016
2009-537505	5324459	BTS093036	Japan	GRANTED	11/8/2007	7/26/2013
200903246-7	152534	BTS093036	Singapore	GRANTED	11/8/2007	1/31/2013
12/515,706	7,833,506	BTS093036	United States	GRANTED	8/5/2009	11/16/2010
96-143808	1443236	BTS093036	Taiwan	GRANTED	11/20/2007	7/1/2014
2679177	2679177	BTS063049	Canada	GRANTED	2/19/2008	10/25/2016
200880006406.3	ZL200880006406.3	BTS063049	China P.R.	GRANTED	2/19/2008	6/13/2012
08715846.5	2126997	BTS063049	EPC	GRANTED	2/19/2008	12/19/2012
4940/DELNP/2009		BTS063049	India	CLOSED	2/19/2008	
2009/008109	290746	BTS063049	Mexico	GRANTED	2/19/2008	10/15/2011
PI20093519	MY-150008-A	BTS063049	Malaysia	GRANTED	2/19/2008	11/15/2013
200905426-3	154771	BTS063049	Singapore	GRANTED	2/19/2008	7/29/2011
2009-05729	2009-05729	BTS063049	South Africa	GRANTED	2/19/2008	10/27/2010
08715846.5	2126997	BTS063049	Austria	GRANTED	2/19/2008	12/19/2012
08715846.5	2126997	BTS063049	Switzerland	GRANTED	2/19/2008	12/19/2012
08715846.5	502008008909.8	BTS063049	Germany	GRANTED	2/19/2008	12/19/2012
08715846.5	2126997	BTS063049	Spain	GRANTED	2/19/2008	12/19/2012
08715846.5	2126997	BTS063049	France	GRANTED	2/19/2008	12/19/2012
08715846.5	2126997	BTS063049	Great Britain	GRANTED	2/19/2008	12/19/2012
08715846.5	2126997	BTS063049	Italy	GRANTED	2/19/2008	12/19/2012
08715846.5	2126997	BTS063049	Netherlands	GRANTED	2/19/2008	12/19/2012
08715846.5	2126997	BTS063049	Sweden	GRANTED	2/19/2008	12/19/2012
097106531	1443886	BTS063049	Taiwan	GRANTED	2/26/2008	7/1/2014
11755075.6		BTS093056	EPC	CLOSED	9/13/2011	
14/050,189		ET5093056	United States	CLOSED	10/9/2013	
100132901	I560893	ET5093056	Taiwan	GRANTED	9/13/2011	12/1/2016
11191589.8		BTS103054	EPC	CLOSED	12/1/2011	
2012344913	2012344013	BTS103054	Australia	GRANTED	11/26/2012	3/2/2018
14/361,862	9577149	BTS103054	United States	GRANTED	11/26/2012	2/21/2017
15/436,454		BTS103054	United States	CLOSED	2/17/2017	
101144901	I619856	BTS103054	Taiwan	GRANTED	11/30/2012	4/1/2018
12790906.7		BTS103054	EPC	CLOSED	11/26/2012	
12773323.6		BTS113036	EPC	CLOSED	10/17/2012	
15108765.9		BTS113036	Hong Kong	FILED	9/9/2015	

12/442,382	8313714	RICE:27014-03US	United States	GRANTED	4/11/2008	
13/653,872	9129720	RICE: 27014-05US	United States	GRANTED	10/17/2012	9/8/2015
08825978.3			EPC	FILED	4/11/2008	
17/321,194	11209428	QUMA-001/01US 343399-2006	United States	GRANTED	05/14/2021	12/28/2021

EXHIBIT A

1 D. EDWARD HAYS, #162507
ehays@marshackhays.com
2 CHAD V. HAES, #267221
chaes@marshackhays.com
3 MARSHACK HAYS WOOD LLP
870 Roosevelt
4 Irvine, CA 92620
Telephone: (949) 333-7777
5 Facsimile: (949) 333-7778

6 Attorneys for Post-Judgment Receiver,
RICHARD A. MARSHACK
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF RIVERSIDE, PALM SPRINGS COURTHOUSE

10 CHERYL SCARINCI SCHLOSS, Special
Administrator for the Estate of EDWARD JAMES
11 SCHLOSS,

12 Judgment Creditor-Plaintiff,

13 v.

14 QUANTUM MATERIALS CORP., a Nevada
Corporation, et al.,

15 Judgment Debtors-Defendants.
16

Case No. PSC2002459

Assigned for all purposes to:
Hon. Manuel Bustamante

~~PROPOSED~~ ORDER: (A)
ADJUDICATING DEFENDANTS IN
CONTEMPT FOR ASSIGNING
PATENTS; (B) DEEMING
ASSIGNMENT VOID AND INVALID;
AND (C) AUTHORIZING RECEIVER
TO ASSIGN PATENTS

Order to Show Cause

Hearing: **March 1, 2024**

Time: 8:30 a.m.

Dept: PS2

Judge: Hon. Manuel Bustamante

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18
19
20 On December 21, 2023, Richard A. Marshack, in his capacity as Post-Judgment Receiver
21 (“Receiver”), filed a motion (“Motion”) for an order authorizing the Receiver to assign patents
22 (“Patents”) to the receivership estate or, alternatively, for an order requiring Quantum Materials
23 Corporation (“Quantum”), and Quantum’s principals, Stephen Squires and Robert Phillips
24 (“Principals” and Quantum are, collectively “Defendants”), to show cause why they should not be
25 held in contempt of this Court’s October 12, 2023, Order Appointing Receiver (“Appointment
26 Order”).
27
28

1 Pursuant to the Appointment Order, on October 20, 2023, the Receiver demanded that
2 Defendants execute an assignment of Quantum’s patent portfolio to the Receiver because such
3 patent portfolio was determined to be part of the Receivership estate.

4 Instead of complying with the Appointment Order and the Receiver’s command to assign
5 Quantum’s patent portfolio to the Receiver, on December 4, 2023, Defendants caused an
6 assignment of Quantum’s patent portfolio to be executed assigning Quantum’s patent portfolio to
7 a third-party, HowieCo International (“HowieCo”). HowieCo is a Canadian entity.

8 On January 30, 2024, the Court issued a Minute Order setting a hearing re: Order to Show
9 Cause (“OSC”) as to why the alleged assignment (“Assignment”) to HowieCo should not be
10 deemed void and invalid and order Quantum’s Patent portfolio to be assigned to Receiver.

11 On March 1, 2024, at 8:30 a.m., the Court conducted a hearing on the OSC. Receiver
12 appeared telephonically by and through his attorneys, Marshack Hays Wood LLP by Chad V.
13 Haes, Esq. Quantum and the Principals appeared telephonically by and through their attorneys,
14 Cornelius & Kasendorf, APC by Alexander S. Kasendorf, Esq. Plaintiff, Cheryl Scarinci Schloss,
15 appeared telephonically by and through her attorneys, Hellmich Law Group P.C. by Christopher
16 Hellmich, Esq.

17 After considering the Motion, the notice of Motion, all pleadings filed in response to the
18 Motion, all pleadings filed in response to the OSC, all other pleadings and papers filed in this
19 case, the arguments of counsel on the record, and for the reasons set forth in the moving papers
20 and as stated on the record, and with good cause shown:

21 **IT IS ORDERED:**

22 1. Quantum and its Principals (collectively, “Defendants”) are each adjudicated to be
23 in contempt of the Appointment Order for failing and refusing to execute the Assignment of
24 Quantum’s patent portfolio the Receiver presented to Defendants on October 20, 2023, and for
25 executing and facilitating the December 4, 2023, Assignment of Quantum’s patent portfolio to
26 HowieCo;

1 2. The Assignment of Quantum’s patent portfolio to HowieCo is determined to be
2 null and void *ab initio* because: (a) Defendants had no authority to assign the Patents because the
3 Patents were in the receivership estate under the exclusive control of the Receiver; and (b) the
4 Assignment was in direct contempt of the Appointment Order;


5 3. Receiver is authorized to immediately assign all Quantum’s Patents to himself as
6 Receiver;

7 4. A status conference is set for May 7, 2024, for purposes of: (a) updating the Court
8 regarding the Patents; and (b) adjudicating the issue of an award of attorneys’ fees and costs in
9 favor of Receiver; and

10 5. Receiver is permitted to submit a declaration on or before April 30, 2024, seeking
11 his fees and costs associated with Defendants’ contempt, which the Court will adjudicate at the
12 hearing on May 7, 2024.

13
14 **IT IS SO ORDERED.**

15
16 Dated: 03/11/2024



Hon. Manuel Bustamante
California Superior Court

**ELECTRONIC SERVICE LIST OF THE PROPOSED ORDER (COVER SHEET) WITH
THE ATTACHED PROPOSED ORDER**

**ATTORNEY FOR JUDGMENT-
CREDITOR CHERYL SCARINI
SCHLOSS, SPECIAL ADMINISTRATOR
FOR THE ESTATE OF EDWARD JAMES
SCHLOSS**

HELLMICH LAW GROUP, PC
40101 Monterey Avenue B1, #419
Rancho Mirage, CA 92270
Chellmich@hellmichlaw.com

**ATTORNEY FOR PLAINTIFF
CHERYL SCARINI SCHLOSS,
SPECIAL ADMINISTRATOR FOR
THE ESTATE OF EDWARD JAMES
SCHLOSS**

LAW OFFICES OF KAREN J. SLOAT,
APC
42-600 Caroline Court, Suite 101
Palm Desert, CA 92211
Karen@sloatlaw.com
Craig@sloatlaw.com
Tina@karensloatlaw.com

**ATTORNEY FOR DEFENDANT
QUANTUM MATERIALS CORP. and
DEFENDANT ROBERT PHILLIPS**

CORNELIUS & KASENDORF, APC
23801 Calabasas Road, Suite 100
Calabasas, CA 91302
kasendorf@thecalaw.com
officemgr@thecalaw.com

**ATTORNEY FOR DEFENDANT
QUANTUM MATERIALS CORP.
MINNS LAW**

9119 S. Gessner Rd., Ste. 1
Houston, TX 77074-2845
mike@minnslaw.com

**ATTORNEY FOR DEFENDANT
STEPHEN SQUIRES
RUSSELL MILLER**

THE BERGLUND GROUP
149 South Barrington Avenue, #181
Los Angeles, CA 90049
russell.miller@berglundgroup.com
keith@berglundgroup.com

**ATTORNEY FOR DEFENDANT
SOLTERRA RENEWABLE
TECHNOLOGIES, INC.**

LAW OFFICES OF VASU
VIJAYRAGHAVAN
1968 South Coast Highway, #169
Laguna Beach, CA 92651
vvijay081@gmail.com

**ATTORNEY FOR
QUANTUM MATERIALS CORP.
LAW OFFICES OF SETH KRETZER**

Seth Kretzer
917 Franklin Street
Sixth Floor
Houston, TX 77002
seth@kretzerfirm.com

COUNSEL FOR HOWIECO

Brent A. Friedman, Esq.
BRENT A. FRIEDMAN, P.A.
78 SW 7th Street, 5th Floor
Miami, FL 33130
brent@brentafriedman.com

**ATTORNEY FOR
QUANTUM MATERIALS CORP.
DAVIS SANTOS**


Mark Murphy
719 S. Flores Street
San Antonio, TX 78204
mmurphy@dslawpc.com

EXHIBIT B



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: September 10, 2024.


SHAD M. ROBINSON
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

QUANTUM MATERIALS CORP.,

Debtor.

§
§
§
§
§
§

Case No. 24-10717-smr

Chapter 7

**ORDER REGARDING TURNOVER BY STATE COURT RECEIVER AS CUSTODIAN
IN COMPLIANCE WITH 11 U.S.C. § 543 (References Docket Nos. 38 & 44)**

CAME ON for consideration the *Debtor's Motion to Compel Turnover of Property Pursuant to 11 U.S.C. § 543* (the "Motion to Compel") at ECF No. 38) filed by Quantum Materials Corp. ("Debtor") and the *Motion to Excuse State Court Receiver from Turnover of Assets under 11 U.S.C. § 543* (the "Motion to Excuse Receiver") at ECF No. 44) filed by Richard A. Marshack, in his capacity as State Court Receiver ("Receiver"). Subsequent to the filing of the above referenced motions, Mr. John Patrick Lowe was appointed as the Chapter 7 Trustee (the "Trustee") (together with the Receiver, the "Parties"). Upon consideration of the competing motions, the supporting documents, any responses and replies thereto, the agreement of the Parties, and for the reasons set forth on the record and discussed with the Parties, the Court hereby finds that good

cause exists to GRANT the Motion to Compel and deny the Motion to Excuse Receiver. Based on the foregoing,

IT IS THEREFORE ORDERED THAT:

1. On or before September 17, 2024, the Receiver shall, and hereby is, directed and ordered pursuant to section 543 of the Bankruptcy Code to turnover, assign, and/or deliver to the Trustee, all property of the Debtor's estate as set forth in section 541 of the Bankruptcy Code and any related records in his possession, custody, or control including, but not limited to, the patents and/or patent applications previously assigned to the Receiver.

2. If the Receiver subsequently comes into possession of any other assets that are property of the estate per section 541 of the Bankruptcy Code, the Receiver shall immediately notify the Trustee and promptly turnover any such additional property without any reservation.

3. If, after notice and hearing, the bankruptcy case is to be dismissed prior to the administration of assets that had constituted property of the receivership estate, the Bankruptcy Court shall determine the disposition of property/assets held by the Chapter 7 Trustee as part of the dismissal order.

4. The Receiver shall not take any action to assert any rights in any other property that may constitute property of the Debtor's estate under section 541 of the Bankruptcy Code.

5. The Receiver shall, and hereby is, directed to execute and file all documents necessary in any court or agency including, without limitation, the US Patent and Trademark Office and its foreign analogues, any and all instruments necessary or required to be filed to evidence ownership of all such intellectual property in the name of the Debtor (or the Chapter 7 Trustee in such capacity as shall be directed by the Chapter 7 Trustee or his counsel) and to take all steps necessary to remove the Receiver from the chain of title, all in form and substance as

required by such court or agency and as required by the Trustee or his professionals, as the case may be.

6. That the Motion to Excuse Receiver filed at ECF No. 44 is **DENIED** and the Receiver shall comply with the Court's orders and directions set forth above.

7. This Court retains jurisdiction and power with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

###