

11-18-1998

ER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

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To the Honorable Commissioner

100829247

the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Rapid Rack Industries, Inc.

☐ Individual(s)☐ Association☐ General Partnership☐ Limited Partnership☒ Corporation-State☐ OtherAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No3. Nature of conveyance: **MRD 7-28-98**☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☒ Other **Memorandum of Security Interest in Trademarks**Execution Date: **July 6, 1998**

## 2. Name and address of receiving party(ies)

Name: **Canadian Imperial Bank of Commerce**  
**Attention: Cheryl Root**

Internal Address:

Street Address: **425 Lexington Avenue**City: **New York** State: **NY** ZIP: **10017**☐ Individual(s) citizenship☐ Association☐ General Partnership☐ Limited Partnership☒ Corporation-State☐ OtherIf assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No

(Designations must be a separate document from assignment)

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

## 4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

**75/455,915**

B. Trademark Registration No.(s)

**1,662,493****1,698,407**Additional numbers attached? ☐ Yes ☒ No

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

Name: **Christopher M. McDermott, Esq.**

Internal Address:

Street Address: **227 West Trade Street****Suite 2400**City: **Charlotte** State: **NC** ZIP: **28202**6. Total number of applications and registrations involved: **3**7. Total fee (37 CFR 3.41).....\$ **90.00**☒ Enclosed☐ Authorized to be charged to deposit account**90E  
NOSPEC  
FEE**

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

**Christopher M. McDermott**

Name of Person Signing

Signature

**July 28, 1998**

Date

Total number of pages including cover sheet, attachments, and document: **5**

MEMORANDUM OF SECURITY INTEREST IN TRADEMARKS

United States Department of Commerce  
Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Ladies and Gentlemen:

Pursuant to a Security Agreement, dated as of July 6, 1998 (as amended, supplemented or otherwise modified from time to time, the "Security Agreement"), RAPID RACK INDUSTRIES, INC., a California corporation (the "Assignor"), has granted to CANADIAN IMPERIAL BANK OF COMMERCE, as agent for certain lenders, as Assignee (the "Assignee") a continuing security interest in, and a continuing lien upon, the Trademarks (as such term is defined in the Security Agreement) including the trademarks listed on the annexed Exhibit A, and all applications, registrations, renewals and proceeds (including accounts receivable and royalties) thereof (the "Trademarks"), together with the goodwill of the business connected with the use of and symbolized by the Trademarks. The Assignee's security interest in the Trademarks can only be terminated in accordance with the terms of the Security Agreement.

Dated: July 6, 1998

Very truly yours,

RAPID RACK INDUSTRIES, INC.

By Tracy L. Rudd  
Name:  
Title:

New York  
STATE OF CALIFORNIA )  
New York ) ss:  
COUNTY OF LOS ANGELES )

On this 6<sup>th</sup> day of July, 1998, before me personally came Tracy L. Rudd, to me known, who, being by me duly sworn, did depose and say that he is Vice President of Rapid Rack Industries, Inc., the corporation described in and which executed the above assignment.

Patricia Simmons  
Notary Public

PATRICIA SIMMONS  
Notary Public, State of New York  
No. 4724507  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires March 30, 1999  
10/1

**ACKNOWLEDGED BY:**

CANADIAN IMPERIAL BANK OF COMMERCE, as Agent  
as Assignee

By Michael P. Daven  
Name: Michael P. Daven  
Title: As Agent

**Exhibit A**

**TRADEMARKS**

| <b><u>Serial No.<br/>or Registration No.</u></b> | <b><u>Issue or File Date<br/>(Renewal Date, if Applicable)</u></b> | <b><u>Mark</u></b> |
|--|--|--------------------|
| 1,662,493  | 10/29/91   | RAPID RACK         |
| 1,698,407  | 06/30/92   | RHINO RACK         |

**TRADEMARK LICENSES**

| <b><u>Serial No.<br/>or Registration No.</u></b> | <b><u>Owner</u></b> | <b><u>Issue or File Date<br/>(Renewal Date, If<br/>Applicable)</u></b> | <b><u>Mark</u></b> |
|--|---------------------|--|--------------------|
|--|---------------------|--|--------------------|

**TRADEMARK APPLICATIONS**

| <b><u>Serial Number</u></b> | <b><u>Filing Date</u></b> | <b><u>Mark</u></b> |
|-----------------------------|---------------------------|--------------------|
| 75/455,915                  | 03/24/98                  | GORILLA RACK       |