

09-03-1998

COVER SHEET  
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U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

08-18-198



100809789

the attached original documents or copy thereof.

1. Name of conveying party(ies):

IMC AgriBusiness Inc.

- Individual(s)
- General Partnership
- Corporation-State
- Other

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

3. Nature of conveyance:

MAD 8-18-98

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: May 29, 1998

2. Name and address of receiving party(ies)

Name: Vigoro Acquisition Corp.

Internal Address:

Street Address: 201 West Fourth Street  
Sylacauga AL 35150  
City: State: ZIP:

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Delaware
- Other

If 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)

See Attached List

B. Trademark Registration No.(s)

See Attached List

Additional numbers attached?  Yes  No

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

Name: A. Yates Dowell, III

Internal Address: Suite 705

Street Address: 2001 Jefferson Davis Highway

City: Arlington State: Va ZIP: 22202

6. Total number of applications and registrations involved:

61

7. Total fee (37 CFR 3.41).....\$ 1540.00

- Enclosed check no. 1107
- Authorized to be charged to deposit account T-181

8. Deposit account number:

04-1577

(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.

A. Yates Dowell, III

Name of Person Signing

Signature

Date

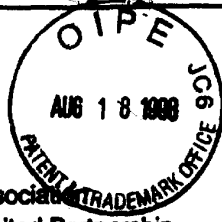
Total number of pages including cover sheet, attachments, and document:

13

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

TRADEMARK

REEL: 1777 FRAME: 0281



09/01/98 JWP/KINS 0000090 75199

01 FEB 91 02 FEB 92

U. S. TRADEMARKS

<u>Application Serial Nos.</u>	<u>Mark</u>
75/199,072	MICROPHOS
75/199,276	IBDOO
75/199,498	EXPERIENCE THE VIGORO ADVANTAGE
75/199,499	NEW LEADER ON THE COURSE
75/199,823	ENVIROPHOS
75/241,907	VIGORO FLOWER DESIGN
75/266,553	ULTRA IRON
75/266,755	IRON MAXX
75/430,521	VIGORO

<u>Registration Nos.</u>	<u>Mark</u>
70,947	IDEAL - (Stylized)
185,693	VITOGRO
186,125	VIGORO - (Stylized)
254,044	END-O-PEST and design
541,494	GRO-TONE and design
597,254	BRIMM - (Stylized)
684,618	PAR-EX
690,066	LAWN CRAFT
704,808	BLOOMASTER
715,959	LAWN LIFE
758,018	HOLIDAY
766,977	GRO-TONE
768,071	MR. TURF'S
782,658	SOUTHLAND
801,170	TREASURE

822,216	VIGORO
830,067	FUN
834,949	SUBURBAN
838,194	CLOVER DESIGN
868,891	FEDERAL LAWN MASTER
879,341	GRO-TONE
961,242	IBDU
977,977	NATURE'S BEST
1,232,391	PARK RIDGE
1,239,009	IBDU/SCU
1,269,536	WOODACE
1,381,951	DEEP GREEN
1,471,840	BED MIX
1,604,214	ESCOTE
1,670,932	CLOVER LEAF BANNER DESIGN
1,672,937	VIGORO ENVIRO CARE
1,682,555	GRO-TONE and design
1,689,727	ENVIRO CARE and design
1,701,265	COMPOST ACTIVATOR and design
1,704,449	SUNRISE DESIGN
1,730,493	NATURE'S BEST
1,730,497	GREEN TURF
1,805,019	MICROVAIL
1,812,664	ENVIRO CARE and design
1,814,304	ENVIRO CARE and design
1,820,350	NATURE PLUS
1,878,371	ALL AMERICAN
1,883,208	LAWN MASTER
1,932,719	SHORE
1,932,758	WOODSCAPE
1,998,487	MAG POP
2,065,628	GROWER SPECIAL
2,061,087	DEEP GREEN

2,067,899

2,071,127

2,093,354

2,110,922

V-COTE

PERK

PRO-GRADE

PRO-GRASS

TRADEMARK  
REEL: 1777 FRAME: 0284

**ASSIGNMENT OF TRADEMARKS**

This ASSIGNMENT OF TRADEMARKS is entered into as of May 27, 1998 by and between IMC AgriBusiness Inc., a Delaware corporation ("Assignor"), and Vigoro Acquisition Corp., a Delaware corporation ("Assignee").

WHEREAS, Assignor has adopted and is using the marks listed on Schedule A, attached hereto and incorporated herein, some of which are registered, or registration has been applied for, in the United States Patent and Trademark Office or foreign trademark offices, as applicable (collectively, the "Marks");

WHEREAS, pursuant to a certain Asset Purchase Agreement, as amended (the "Agreement") and a certain Bill of Sale and Assignment Agreement (the "Assignment"), Assignor is selling to Assignee certain assets defined in the Agreement, including the Marks;

WHEREAS, pursuant to the Agreement, Assignor desires to assign and transfer all of its right, title and interest in and to the Marks to Assignee; and

WHEREAS, Assignee is desirous of acquiring all right, title and interest in and to said Marks;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Assignor does hereby assign unto the said Assignee all right, title and interest in and to the Marks, together with the good will of the business symbolized by the Marks, the registrations and applications for registration therefor, including any renewals and extensions of the registrations that are or may be secured under the laws of the United States and all foreign countries, now or hereafter in effect, for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all income, royalties or payments which accrue subsequent to the date of this Assignment, including without limitation, all claims for damages by reason of past, present or future infringement or other unauthorized use of the Marks, with the right to sue for, and collect the same for Assignee's own use and enjoyment, and for the use and enjoyment of its successors, assigns or other legal representatives.

Assignor will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment

This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

To the extent any provision herein is inconsistent with the Agreement, the provisions of the Agreement shall control.

**IMC AGRIBUSINESS INC.**

By: *[Signature]*

Title: Vice President

**VIGORO ACQUISITION CORP.**

By: *[Signature]*

Title: President

**SCHEDULE A**

**[See attached]**

::ODMA\PCDOCS\CHICAGO\601051\1A May 27, 1998 (11:54am)

TRADEMARK  
REEL: 1777 FRAME: 0287

**Schedule of Trademarks**

Marks	Country	Registration or Serial Number	Goods / Services	Expiration Date	Status	Trademark Owner Of Record
ALL AMERICAN	U.S.	1,878,371	Fertilizers	2/13/05	Registered	IMCAB
BED MIX	U.S.	1,471,840	Plant Foods	1/11/08	Registered	IMCAB
BLOOMMASTER	U.S.	704,808	Plant Food	9/26/00	Renewed	IMCAB
BRIMM (Stylized)	U.S.	597,254	Plant Food	10/25/04	Renewed	IMCAB
CLOVER DESIGN	U.S.	838,194	Fertilizers	11/6/07	Renewed	IMCAB
CLOVER LEAF BANNER DESIGN	U.S.	1,670,932	Fertilizer	1/6/02	Registered	IMCAB
COMPOST ACTIVATOR and Design	U.S.	1,701,265	Fertilizer and soil conditioner	7/20/02	Registered	IMCAB
DEEP GREEN	U.S.	1,381,951	Plant Food	2/10/06	Registered	IMCAB
DEEP GREEN	U.S.	2,061,087	Plant Food	5/12/07	Registered	IMCAB
DEEP GREEN and Design	U.S.	Not yet available	Plant Food	n/a	Pending	IMCAB
END-O-PEST and Design	U.S.	254,044	Meallike substance used in destroying garden and lawn insects	3/12/09	Renewed	IMCAB
ENVIRO CARE and Design	U.S.	1,689,727	Fertilizer	6/2/02	Registered	IMCAB



Marks	Country	Registration or Serial Number	Goods / Services	Expiration Date	Status	Trademark Owner Of Record
ENVIRO CARE and Design	U.S.	1,812,664	Pesticides, herbicides, fungicides, and microbes	12/20/03	Registered	IMCAB
ENVIRO CARE and Design	U.S.	1,814,304	Fertilizer	12/27/03	Registered	IMCAB
ENVIROPHOS	U.S.	75/199,823	Slow release micronutrient	n/a	Pending	IMCAB
ESCOTE	U.S.	1,604,214	Slow release fertilizer	7/2/00	Registered	IMCAB
EXPERIENCE THE VIGORO ADVANTAGE	U.S.	75/199,498	Fertilizers and soil conditioning agents	n/a	Pending	IMCAB
FEDERAL LAWN MASTER	U.S.	868,891	Lawn fertilizers	5/6/00	Registered	IMCAB
FUN	U.S.	830,067	Fertilizer	6/13/07	Renewed	IMCAB
GREEN TURF	U.S.	1,730,497	Fertilizer and combination fertilizer and herbicide and fertilizer and insecticide	11/10/02	Registered	IMCAB
GRO-TONE	Puerto Rico	30,840	Fertilizers	1/3/02	Renewed	IMCAB
GRO-TONE	U.S.	766,977	Plant food	3/24/04	Renewed	IMCAB
GRO-TONE	U.S.	879,341	Compositions containing pesticides and plant food	10/28/00	Registered	IMCAB

Marks	Country	Registration or Serial Number	Goods / Services	Expiration Date	Status	Trademark Owner Of Record
GRO-TONE and Design	U.S.	541,494	Fertilizer	4/24/01	Renewed	IMCAB
GRO-TONE and Design	U.S.	1,682,555	Fertilizer	4/14/02	Registered	IMCAB
GROWER SPECIAL	U.S.	2,065,628	Fertilizer	5/27/07	Registered	IMCAB
HOLIDAY	U.S.	758,018	Lawn and garden products	10/8/03	Renewed	IMCAB
IBDOO	U.S.	75/199,276	Fertilizers and soil conditioning agents	n/a	Pending	IMCAB
IBDU	U.S.	961,242	Fertilizer	6/19/03	Registered	IMCAB
IBDU/SCU	U.S.	1,239,009	An ingredient in slow release fertilizer	5/24/03	Registered	IMCAB
IDEAL (Stylized)	U.S.	70,947	Plant fertilizing materials	10/20/08	Renewed	IMCAB
IRON MAXX	U.S.	75/266,755	Fertilizers	n/a	Pending	IMCAB
LAWN CRAFT	U.S.	690,066	Fertilizer	12/22/99	Registered	IMCAB
LAWN LIFE	U.S.	715,959	Fertilizer	5/30/01	Renewed	IMCAB
LAWN MASTER	U.S.	1,883,208	Fertilizer	4/14/05	Registered	IMCAB
MAG POP	U.S.	1,998,487	Compounds containing magnesium and potassium	9/3/06	Registered	IMCAB
MICROPHOS	U.S.	75/199,072	Slow release micro-nutrient containing phosphorous	n/a	Pending	IMCAB

Marks	Country	Registration or Serial Number	Goods / Services	Expiration Date	Status	Trademark Owner Of Record
MICROVAIL	U.S.	1,805,019	Fertilizer, plant food and plant nutrients	11/16/03	Registered	IMCAB
MR. TURF'S	U.S.	768,071	Herbicides	4/14/04	Registered	IMCAB
NATURE PLUS	U.S.	1,820,350	Processed planting soil mixture	2/18/04	Registered	IMCAB
NATURE'S BEST	U.S.	977,977	Fertilizer	2/5/04	Registered	IMCAB
NATURE'S BEST	U.S.	1,730,493	Fertilizer and soil conditioner	11/10/02	Registered	IMCAB
NEW LEADER ON THE COURSE	U.S.	75/199,499	Fertilizers and soil conditioning agents	n/a	Pending	IMCAB
PAR-EX	Australia	526,467	Fertilizer	1/8/07	Registered	IMCAB
PAR-EX	Australia	598,983	Fertilizer, soil conditioners, microbes in this class, plant nutrients and fertilizer blends containing pesticides, herbicides and/or fungicides	3/25/03	Registered	IMCAB
PAR-EX	Argentina	1,579,622	Chemical products used in agriculture, horticulture and forestry	12/05	Registered	IMCAB
PAR-EX	EC	510,669	Fertilizer	n/a	Pending	IMCAB
PAR-EX	Norway	97-2769	Fertilizer	n/a	Pending	IMCAB

Marks	Country	Registration or Serial Number	Goods / Services	Expiration Date	Status	Trademark Owner Of Record
PAR-EX	Switzerland	02534	Fertilizer	n/a	Pending	IMCAB
PAR-EX	U.S.	684,618	Plant food	9/8/99	Registered	IMCAB
PARK RIDGE	U.S.	1,232,391	Fertilizers	3/29/03	Registered	IMCAB
PERK	U.S.	2,071,127	Fertilizer	6/17/07	Registered	IMCAB
PRO-GRADE	U.S.	2,093,354	Fertilizer	9/2/07	Registered	IMCAB
PRO-GRASS	U.S.	2,110,922	Fertilizer	11/4/07	Registered	IMCAB
SHORE	U.S.	1,932,719	Fertilizers and soil conditioners	11/7/05	Registered	IMCAB
SOUTHLAND	U.S.	782,658	Lawn fertilizer	1/5/05	Renewed	IMCAB
SUBURBAN	U.S.	834,949	Fertilizer	9/12/07	Registered	IMCAB
SUNRISE DESIGN	U.S.	1,704,449	Fertilizer and soil conditioner	8/4/02	Registered	IMCAB
TREASURE	U.S.	801,170	Fertilizer	1/4/06	Renewed	IMCAB
ULTRA IRON	U.S.	75/266,553	Fertilizer	n/a	Pending	IMCAB
V-COTE	EC	510,743	Fertilizer	n/a	Pending	IMCAB
V-COTE	Norway	99.2771	Fertilizer	n/a	Pending	IMCAB
V-COTE	Switzerland	02535	Fertilizer	n/a	Pending	IMCAB
V-COTE	U.S.	2,067,899	Fertilizer	6/3/07	Registered	IMCAB
VIGORO	Australia	A195,478	Fertilizer	6/22/00	Registered	IMCAB

Marks	Country	Registration or Serial Number	Goods / Services	Expiration Date	Status	Trademark Owner Of Record
VIGORO	EC	510,701	Fertilizer	n/a	Pending	IMCAB
VIGORO	Norway	97,2770	Fertilizer	n/a	Pending	IMCAB
VIGORO	Switzerland	02533	Fertilizers	n/a	Pending	IMCAB
VIGORO	U.S.	75/430,521	Fertilizer spreaders	n/a	Pending	IMCAB
VIGORO	U.S.	Serial Number Not Yet Assigned	Agricultural seed	n/a	Pending	IMCAB
VIGORO	U.S.	822,216	Pesticides and weedicides	1/17/07	Registered	IMCAB
VIGORO (STYLIZED)	U.S.	186,125	Fertilizer	7/1/04	Renewed	IMCAB
VIGORO ENVIRO CARE	U.S.	1,672,937	Fertilizer	1/21/02	Registered	IMCAB
VIGORO FLOWER DESIGN	U.S.	75/241,907	Fertilizers and soil conditioning agents	n/a	Pending	IMCAB
VITOGRO	U.S.	185,693	Fertilizer	6/24/04	Registered	IMCAB
WOODACE	Argentina	1,518,006	Fertilizer	4/29/04	Registered	IMCAB
WOODACE	U.S.	1,269,536	Fertilizer	3/13/04	Registered	IMCAB
WOODSCAPE	U.S.	1,932,758	Fertilizer	11/7/05	Registered	IMCAB

::ODMA\PCDOCS\CHICAGO\460146612 May 26, 1998 (6:40pm)