

MRD 8-27-98

FORM PTO-1618A  
Expires 06/30/99  
OMB 0651-0027



09-08-1998



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U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

#### Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

#### Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment  
Effective Date  
Month Day Year \_\_\_\_\_
- Merger
- Change of Name
- Other Termination of Assignment of Trademark

#### Conveying Party

Mark if additional names of conveying parties attached

Name Excel/Control Laser, Inc.

Execution Date  
Month Day Year  
8/6/98

Formerly \_\_\_\_\_

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other \_\_\_\_\_
- Citizenship/State of Incorporation/Organization Florida

#### Receiving Party

Mark if additional names of receiving parties attached

Name UStTrust

DBA/AKATA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 30 Court Street

Address (line 2) \_\_\_\_\_

Address (line 3) Boston Massachusetts 02108  
City State/Country Zip Code

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other Massachusetts trust company
- Citizenship/State of Incorporation/Organization Massachusetts

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

#### FOR OFFICE USE ONLY

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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practices. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231  
REEL: 1777 FRAME: 0711

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

<input type="text" value="924130"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes

No

**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. Charges to deposit account are authorized, as indicated herein.

Name of Person Signing

Michael J. Wolfson, Esq.

Signature

Date Signed

8/5/98

**SCHEDULE I TO  
ASSIGNMENT OF TRADEMARKS**

Trademarks and Service Marks and Applications therefor:

<u>Owner</u>	<u>Country Jurisdiction</u>	<u>Mark</u>	<u>Registration Number</u>	<u>Registration Date</u>
Excel/Control Laser, Inc.	Florida	INSTAMARK	924,130	03/24/81

TERMINATION OF ASSIGNMENT OF TRADEMARKS

Reference is made to an Assignment of Trademarks (as Collateral) by and between Excel/Control Laser, Inc. (the "Company") and UTrust (the "Bank") dated as of June 30, 1994, as amended by an Amendment to Assignment of Trademarks dated as of March 31, 1995, and as further amended by a Second Amendment to Assignment of Trademarks dated as of October 23, 1995 (the "Assignment").

WHEREAS, the Assignment was granted by the Company to the Bank in conjunction with certain loan transactions between the Company and its affiliates and the Bank;

WHEREAS, all indebtedness of the Company and its affiliates to the Bank have this date been satisfied in full;

WHEREAS, the parties desire to terminate the Assignment.

NOW, THEREFORE, for one dollar and other good and valuable consideration, the parties to the Assignment hereby agree that the Assignment is hereby terminated and the Bank hereby reassigns back to Company (without warranty or representation, and without recourse in any event), all rights or interest it may have in and to any of the trademarks and the good will associated therewith collaterally assigned to it pursuant to thereto, including but not limited to, the trademarks referred to on Schedule I attached hereto and incorporated herein by reference.

IN WITNESS HEREOF, the parties have executed this Termination Agreement on this 6<sup>th</sup> day of August, 1998.

EXCEL/CONTROL LASER, INC.

By: 

USTRUST

By: 

Thomas F. Macina, Vice President

ACKNOWLEDGMENTS

STATE OF ~~MASSACHUSETTS~~ )  
COUNTY OF NEW YORK )

On this 6<sup>th</sup> day of August, 1998 before me appeared J. DONALD HILL to me personally known, who, being by me duly sworn, did depose and say that he is the VICE PRES of Excel/Control Laser, Inc., the corporation named in and which executed the foregoing instrument in writing, and that said instrument was signed by him on behalf of said corporation; and said \_\_\_\_\_ acknowledged said instrument to be the free and authorized act and deed of said corporation.

Donna Humphrey  
Notary Public  
My Commission Expires: \_\_\_\_\_

DONNA HUMPHREY  
Notary Public, State of New York  
No. 41-4775705  
Qualified in Orleans County  
Certificate Filed in New York County  
Term Expires Sept. 30, 1998

STATE OF MASSACHUSETTS )  
COUNTY OF New York )

On this 10<sup>th</sup> day of August, 1998 before me appeared Thomas F. Macina, to me personally known, who, being by me duly sworn, did depose and say that he is the Vice President of USTrust, the trust company named in and which executed the foregoing instrument in writing, and that said instrument was signed by him on behalf of said trust company; and said Thomas F. Macina acknowledged said instrument to be the free and authorized act and deed of said trust company.

Maryanne Funderger  
Notary Public  
My Commission Expires: \_\_\_\_\_

MARYANNE FUNDERGER  
Notary Public  
Comm. Expires Mar. 13, 2003  
(Seal)

ID # 105079v01/7841-21  
8/5/1998

RECORDED: 08/27/1998

TRADEMARK  
REEL: 1777 FRAME: 0715