

10-13-98



10-21-1998



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To the Honorable Commissioner of Patents... attached original documents or copy thereof.

1. Name of conveying party(ies):

Florida Seed Company, Inc.

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

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

3. Nature of conveyance:

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

Execution Date: October 7, 1998

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

Scotts Miracle-Gro Products, Inc.  
800 Port Washington Blvd.  
Port Washington, New York 11050

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation Ohio
- Other \_\_\_\_\_

Domestic representative is attached:  Yes  No  
Additional name(s) & address(es) attached?  Yes  No

4. (A.) Trademark Application No.(s)

4. (B.) Trademark Registration No.(s)

1,253,326

Additional numbers attached?  Yes  No

5. Correspondence should be mailed to:

Lawrence E. Abelman, Esq.  
ABELMAN FRAYNE & SCHWAB  
150 East 42nd Street, 26th Floor  
New York, New York 10017-5612

6. Total number of applications and registrations involved:.....

1 (one)

7. Total fee: ..... \$ 40.00

Enclosed

(The said Deposit Account should be charged for any official fee not fully covered by the enclosed check)

Authorized to be charged to deposit account  
Deposit account number: 01-0035

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

10/20/1998 DNGUYEN 00000065 1253326

01 FC:481

40.00 OP

DO NOT USE THIS SPACE

8. 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.

Lawrence E. Abelman  
Name of Person Signing

Signature

October 13, 1998  
Date

ABELMAN FRAYNE & SCHWAB  
Tel. No. (212) 949-9022

Total number of pages 1 (one)

**TRADEMARK ASSIGNMENT**

WHEREAS, Florida Seed Company, Inc., a Delaware corporation with a place of business at 4950 South Frontage Road, Lakeland, Florida 33801 ("ASSIGNOR"), is the owner of the trademark BLOOM BOOSTER and United States Trademark Registration N<sup>o</sup> 1,253,326 therefor ("the Mark"); and


WHEREAS, Scotts Miracle-Gro Products, Inc., an Ohio corporation with a place of business at 800 Port Washington Blvd., Port Washington, New York 11050 ("ASSIGNEE"), is desirous of acquiring all of ASSIGNOR's right, title and interest in and to the Mark, including the United States trademark registration therefor.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR does hereby assign, sell, transfer, convey and grant to ASSIGNEE, its successors and assigns, all right, title and interest in and to the Mark, including United States Trademark Registration N<sup>o</sup> 1,253,326, registered October 4, 1983, together with the goodwill of the portion of ASSIGNOR's business connected with the use of and symbolized by the Mark.

This assignment also includes any claims, demands, damages, actions and/or causes of action based, in whole or in part, on infringement of the Mark by any third party, including, without limitation, the right to recover for any past infringement thereof.

IN WITNESS WHEREOF, ASSIGNOR executes this Trademark Assignment as of this 7<sup>th</sup> day of October, 1998.

**FLORIDA SEED COMPANY, INC.**



**TRADEMARK  
REEL: 1802 FRAME: 0300**

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**REVOCATION**

**AND**

**NEW POWER OF ATTORNEY**

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Mark: BLOOM BOOSTER

Registration No. 1,253,326

Class: 1

Registrant: Scotts Miracle-Gro Products, Inc.

**POWER OF ATTORNEY**

Registrant hereby revokes all previous Powers of Attorney and hereby appoints jointly and severally, with full power of substitution, the power of appointment of an associate attorney and the power of revocation

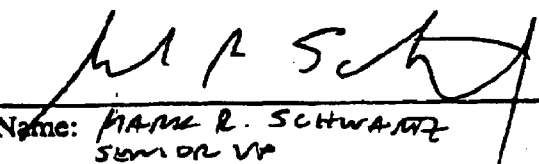
LAWRENCE E. ABELMAN  
GABRIEL M. FRAYNE  
JEFFREY A. SCHWAB  
NORMAN S. BEIER  
VICTOR M. TANNENBAUM  
PETER J. LYNFIELD

STEWART J. FRIED  
ALAN J. HARTNICK  
CARIDAD PIÑEIRO SCORDATO  
JULIANNE ABELMAN  
JONATHAN W. GUMPORT  
MARSHA G. AJHAR

members of the Bar of the State of New York, whose address is

**ABELMAN FRAYNE & SCHWAB**  
150 East 42<sup>nd</sup> Street  
New York, New York 10017 U.S.A.

to transact any and all business in the Patent and Trademark Office in connection with the above captioned trademark registration.

By:   
Name: NAME R. SCHWAB  
SENIOR VP

Date: October 13, 1998

D \$

**ABELMAN, FRAYNE & SCHWAB**

**Attorneys at Law**

150 East 42<sup>nd</sup> Street

New York, New York 10017-5612

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Cable "LAWABEL" New York

Telex: 661108 and 276592

October 13, 1998



**BY EXPRESS MAIL**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Arlington, Virginia 22202

Re: **TRADEMARK ASSIGNMENT RECORDATION REQUEST**  
Assignor: Florida Seed Company, Inc.  
Assignee: Scotts Miracle-Gro Products, Inc.  
Trademark: BLOOM BOOSTER  
Registration No.: 1,253,326  
Our Ref.: A-3770

Dear Sir:

1. We submit the following:

- (a) Recordation Form Cover Sheet;
- (b) Trademark Assignment; and
- (c) Revocation and New Power of Attorney.

2. The recordation fee of \$40 is covered by the attached check, No. 13233.

Please charge Deposit Account No. 01-0035 for any official fees and additional amounts not fully covered by the enclosed check.

3. Kindly acknowledge receipt of the enclosed materials by returning the attached postcard.

Respectfully submitted,

**ABELMAN FRAYNE & SCHWAB**  
Attorneys for Assignee

By: Marsha G. Ajhar  
Marsha G. Ajhar

**EXPRESS MAIL** number: EE645151072US  
Date of Deposit: October 13, 1998

This paper and/or fee is being deposited with the United States Postal Service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner of Patents & Trademarks Washington, D.C. 20231.

**MARSHA G. AJHAR**  
(Name of person mailing paper or fee)

Marsha G. Ajhar  
(Signature of person mailing paper or fee)

MGA:em [2]

**RECORDED: 10/13/1998**

**TRADEMARK**  
**REEL: 1802 FRAME: 0302**