

10-29-1998



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10-27-98

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
  - Merger  Change of Name
  - Other \_\_\_\_\_
- Effective Date  
Month Day Year  
10 1 98

Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name Scotts-Sierra Horticultural Products Company

10 21 98

Formerly \_\_\_\_\_

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization CALIFORNIA

Receiving Party

Mark if additional names of receiving parties attached

Name The Scotts Company

DBA/AK/A/T/A \_\_\_\_\_

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

Address (line 1) 14111 Scottslawn Road

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

Address (line 3) Marysville  
City

Ohio  
State/Country

43041  
Zip Code

- Individual  General Partnership  Limited Partnership  Association
- Corporation  Association
- Other \_\_\_\_\_

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.)

Citizenship/State of Incorporation/Organization Ohio

ASSIGNMENT RECEIVED  
98 OCT 27 PM 5 02

10/28/1998 SBURNS 00000002 361932

FOR OFFICE USE ONLY

01 FC:461 40.00 OP  
02 FC:462 625.00 OP

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

TRADEMARK  
REEL: 1814 FRAME: 0255

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number 614 464-6383

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

Pages

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

# 7

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)


361,932	761,533	871,230
500,130	789,285	878,980
500,195	818,123	896,713

Number of Properties

Enter the total number of properties involved.

# 26

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 665.00

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.

JOSEPH R. DREITLER

Joseph R. Dreidler

10/23/98

Name of Person Signing

Signature

Date Signed

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name JOSEPH R. DREITLER

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Trademark Application Number(s)

Registration Number(s)


<u>910,827</u>	<u>959,164</u>	<u>1,082,114</u>
<u>917,006</u>	<u>962,399</u>	<u>1,224,823</u>
<u>919,655</u>	<u>1,036,054</u>	<u>1,225,655</u>

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Signature

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Trademark Application Number(s)

Registration Number(s)


<u>1,255,770</u>	<u>1,756,388</u>	<u>1,824,069</u>
<u>1,527,615</u>	<u>1,774,886</u>	<u>1,932,487</u>
<u>1,576,008</u>	<u>1,803,613</u>	

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Statement and Signature

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JOSEPH R. DREITLER

Name of Person Signing

Joseph R. Dreitler

Signature

10/23/98

Date Signed

## SCHEDULE A

<u>Registration Number</u>	<u>Mark</u>	<u>Date of Registration</u>
361,932	Auragreen	11/8/38
500,130	Calo-Clor	4/27/48
500,195	Auragreen	5/11/48
761,533	Thiramad	12/17/63
789,285	Calo-Clor & Design	5/11/65
818,123	Calo-Gran	11/8/66
871,230	Spray-Hawk	6/17/69
878,980	Vitalon	10/21/69
896,713	Koban	8/18/70
910,827	Truban	4/6/71
917,006	Banrot	7/27/71
919,655	Zyban	9/7/71
959,164	Trex-San & Design	5/22/73
962,399	Fungo	7/3/73
1,036,054	Duosan	3/23/76
1,082,114	Esmigran	1/17/78
1,224,823	Milban	1/25/83
1,225,655	Dycarb	2/1/83
1,255,770	Ornalin	11/1/83
1,527,615	Hydraflo and Flag Design	3/7/89
1,576,008	Vorlan & Design	1/9/90
1,756,388	Penstar	3/9/93
1,774,886	Rout (Stylized)	6/8/93
1,803,613	Gliogard	11/9/93
1,824,069	Algaen-X & Design	3/1/94
1,932,487	Benefit & Design	11/7/95

**NUNC PRO TUNC ASSIGNMENT**

STATE OF OHIO     )  
                           ) SS:  
 COUNTY OF UNION)

WHEREAS, Scotts-Sierra Horticultural Products Company, a California corporation located at 14111 Scottslawn Road, Marysville, Ohio 43041, has adopted, owns and used the trademarks shown on the attached Schedule A; and,

WHEREAS, The Scotts Company, an Ohio corporation, located and doing business at 14111 Scottslawn Road, Marysville, Ohio 43041, is desirous of acquiring all of the right, title and interest in and to the aforesaid marks, the registrations thereof, including all trade names embodying wholly or in part the aforesaid marks as of an effective date of October 1, 1998.

NOW, THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Scotts-Sierra Horticultural Products Company does hereby assign, sell, transfer and convey to The Scotts Company, all of its right, title and interest in and to the said marks and trade names, including all claims for past infringement and all causes of action with respect to or arising out of the said marks and trade names, together with the good will of its business symbolized by the name, the marks, and the registrations thereof.

Scotts-Sierra Horticultural Products Company further covenants with The Scotts Company, to execute, when requested, such additional assignments, instruments and documents as may be necessary or desirable to effectuate this agreement and assignment.

IN WITNESS WHEREOF, the undersign authorized officer of Scotts-Sierra Horticultural

Products Company has hereunto set his hand and the Seal of the Corporation on this 21 day of

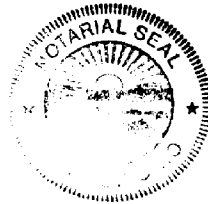
October, 1998.

**SCOTTS-SIERRA HORTICULTURAL  
PRODUCTS COMPANY**

By: *Albert Lucas*  
Title: Vice President and Secretary

Subscribed to and sworn before me this 21 day of October 1998.

*Kathy L. Uttley*  
Notary Public



**KATHY L. UTTLEY**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JUNE 29, 2000