

08-26-1999



101127608

OVER SHEET ONLY

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Richard D. Ehrhart

MED 8-24-99

- Individual(s), General Partnership, Corporation-State, 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: August 10, 1999

2. Name and address of receiving party(ies)

Name: Wachovia Corporation

Internal Address:

Street Address: 301 N. Main Street

City: Winston-Salem State: NC ZIP: 27101

- Individual(s) citizenship, Association, General Partnership, Limited Partnership, Corporation-State North Carolina, 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)

B. Trademark Registration No.(s)

Appl. No. 75/436,500 - THE EXECUTIVE FUNDS

Additional numbers attached? Yes No

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

Name: Brian M. Davis, Esq. ALSTON & BIRD LLP Internal Address: P.O. Drawer 34009

Street Address: 1211 E. Morehead Street

City: Charlotte State: NC ZIP: 28234

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed

Authorized to be charged to deposit account

If additional fees are needed please use

8. Deposit account number:

16-0605

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

08/26/1999 MTHAI1 00000025 75436500

DO NOT USE THIS SPACE

FC:481 40.00 DP

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.

Brian M. Davis Name of Person Signing

Signature

August 20, 1999 Date

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

SERVICE MARK ASSIGNMENT

WHEREAS, Richard D. Ehrhart of 9849 Chatham Oaks Trail, Charlotte, N.C. 28210 (hereinafter referred to as "ASSIGNOR") is the exclusive and record owner of the entire right, title and interest in and to the following common law use and the corresponding United States Service Mark application therefor:

Service Mark: THE EXECUTIVE FUNDS
Serial No.: 75/436500
Filed: February 18, 1998
Int. Class: 36

WHEREAS, Wachovia Corporation, a North Carolina ^{having a} corporation, principal place of business at 301 N. Main Street, Winston-Salem, NC 27101, (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the above-identified common law use and the corresponding United States Service Mark application therefor;

NOW THEREFORE, FOR \$10 AND GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR does hereby assign, transfer and sell unto said ASSIGNEE the entire right, title and interest in and to the above-identified corresponding United States Service Mark application therefore, together with the goodwill of the business appurtenant to and symbolized by said Service Mark, and all rights of action against third parties for past infringement thereof, the same to be held and enjoyed by said ASSIGNEE as fully and entirely as the same would have been held by ASSIGNOR had this transfer, assignment and sale not been made.

ASSIGNOR hereby warrants and covenants that it is the exclusive owner and has the full power and authority to convey the rights, title and interests herein assigned, transferred and sold to ASSIGNEE, that it has not executed and will not execute any agreement in conflict herewith and that the Service Mark does not infringe on the rights of any third party, and that it will execute any and all other instruments which may be necessary to perfect and evidence ASSIGNEE's ownership of the property and rights herein conveyed.

IN WITNESS WHEREOF, ASSIGNOR and ASSIGNEE, intending to be legally bound, have caused this Assignment to be executed by their duly authorized officers as of the 10th day of August, 1999.

ASSIGNOR:

By: 

Richard D. Ehrhart

ASSIGNEE:

Wachovia Corporation

By: _____

Title: