



RE

06-30-2000

Docket No.: D

TI



06-05-2000

U.S. Patent & TMO/TM Mail RptDt. #57

101394798

To the Honorable Commissioner of Patents and Trademarks, please return the attached original documents or copy thereof.

1. Name of conveying party(ies):  
**Empire Candle, Inc.**

*MK  
6.5.00*

Individual(s)                       Association  
 General Partnership             Limited Partnership  
 Corporation-State **Kansas**  
 Other \_\_\_\_\_

Additional names(s) of conveying party(ies)       Yes  No

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

Name: \_\_\_\_\_

Internal Address: **Empire Candle Manufacturing LLC**

Street Address: **2925 Fairfax Trafficway**

City: **Kansas City**                      State: **KS**    ZIP: **66115**

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State **Kansas**  
 Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic designation is                       Yes  N  
 (Designations must be a separate document from  
 Additional name(s) & address(es)                       Yes  N

3. Nature of conveyance:

Assignment                       Merger  
 Security Agreement             Change of Name  
 Other \_\_\_\_\_

Execution Date: **May 22, 2000**

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s) <b>75/469,790</b>	B. Trademark Registration No.(s) <b>1,950,169      2,245,548      2,157,481</b> <b>2,167,649</b>
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Additional numbers                       Yes  No

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

Name: **Thomas H. Van Hoozer**

Internal Address: **Hovey, Williams, Timmons & Collins**

Street Address: **2405 Grand Boulevard, Suite 400**

City: **Kansas City**                      State: **MO**    ZIP: **64108**

6. Total number of applications and registrations involved:..... 5

7. Total fee (37 CFR 3.41):.....\$ **\$140.00**

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:  
**19-0522**

07/03/2000 DNGUYEN 00000363 1950169

01 FC:481	40.00 OP
02 FC:482	100.00 OP

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.*

**Thomas H. Van Hoozer**                      *Thomas H. Van Hoozer*                      **June 1, 2000**  
 Name of Person Signing                      Signature                      Date

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

# ASSIGNMENT

WHEREAS, EMPIRE CANDLE, INC., a corporation of Kansas having its principal place of business at 2925 Fairfax Trafficway, Kansas City, Kansas 66115 ("Assignor"), is the owner of the following trademarks:

<u>Trademark</u>	<u>Registration No.</u>	<u>Issued</u>
HEARTH-LIGHT	1,950,169	January 23, 1996
OLD COUNTRY	2,245,548	May 18, 1999
EMPIRE and design	2,167,649	June 23, 1998
QUALITY HILL	2,157,481	May 12, 1998

<u>Trademark</u>	<u>Serial No.</u>	<u>Filed</u>
RICHLY SCENTED CANDLE	75/467,020	April 13, 1998

and intends-to-use the trademarks CALICO CANDLE, REVERIE, NATURE'S BOUNTY and HARMONY, and has filed, with the U.S. Patent and Trademark Office, respective applications for registration of said trademarks as follows:

<u>Trademark</u>	<u>Application S/N</u>	<u>Filed</u>
CALICO CANDLE	75/469,790	April 17, 1998
REVERIE	75/134,451	July 15, 1996
NATURE'S BOUNTY (abandoned)	75/348,236	August 28, 1997
HARMONY	75/134,160	July 15, 1996

based upon the bona fide intent of Assignor to use such marks in commerce, but has yet filed an allegation of use of said marks under Section 1(c) or 1(d) of the Trademark Law; and

WHEREAS, Assignor has adopted and used the trademarks BOSTON HARBOR CANDLE as of October 1, 1998, PATIO and PATIO and design (lemon "O") as of May 1, 1998, and is the owner thereof;

WHEREAS, Assignor, by this document, is assigning said marks in the above-identified registrations and applications for registration thereof to a successor of the portion of the business of Assignor to which said marks pertain, as required by 15 U.S.C. § 1060; and

WHEREAS, EMPIRE CANDLE MANUFACTURING LLC., a Kansas Limited Liability Corporation, having its principal place of business at 2925 Fairfax Trafficway, Kansas City, Kansas 66115 (“Assignee”), the successor to the ongoing and existing portion of Assignor’s business to which the above-identified marks pertain, is desirous of acquiring said marks in the pending intent-to-use applications for registration thereof;

WHEREAS, Assignor further warrants that it is the lawful owner of the above-identified marks and the applications for registration thereto, and that it has full right and authority to make this Assignment thereof; and that there are no other assignments of rights or licenses granted with respect to said marks;

NOW, THEREFORE, for good and valuable consideration, Assignor hereby assigns to Assignee, the following marks, the Certificate of Registrations thereof, and the applications for registration thereof, together with the goodwill of the business which is or may be symbolized with the mark with the understanding that, by this Assignment, Assignee succeeds to the ongoing and existing portion of Assignor’s business to which the following marks pertains and, by its execution of this Assignment, Assignee assumes all liabilities in connection with the marks, including, but without limitation thereto, the further prosecution of the following identified applications for registration thereof:

**Registered Marks****Registration No.****Issue Date**

HEARTH-LIGHT	1,950,169	January 23, 1996
OLD COUNTRY	2,245,548	May 18, 1999
EMPIRE and design	2,167,649	June 23, 1998
QUALITY HILL	2,157,481	May 12, 1998

**Pending USE App.****Application S/N****Filing Date**

RICHLY SCENTED CANDLE	75/467,020	April 13, 1998
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**Pending ITU App.****Application S/N****Filing Date**

CALICO CANDLE	75/469,790	April 17, 1998
REVERIE	75/134,451	July 15, 1996
NATURE'S BOUNTY (abandoned)	75/348,236	August 28, 1997
HARMONY	75/134,160	July 15, 1996

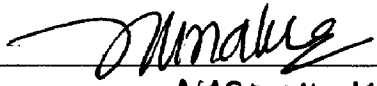
**Common Law Trademarks****First Use Date**

Boston Harbor Candle		October 1, 1998
Patio (candles and torches)		1989
Patio & Design (lemon "O") (candles and torches)		May 1, 1998

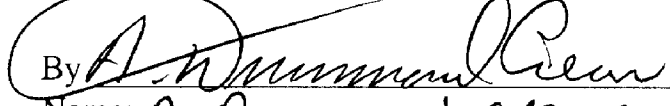
This Agreement shall be effective nunc pro tunc as of December 1, 1999 and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

The Commissioner of Patent and Trademarks is requested to issue any Certificate of Registration for the pending applications to Empire Candle Manufacturing LLC.

**EMPIRE CANDLE, INC.**

By   
 Name: NARESH K NAKRA  
 Title: PREC & CEO

**EMPIRE CANDLE MANUFACTURING LLC**

By   
 Name: A. DRUMMOND CREWS  
 Title: PRESIDENT

Subscribed and sworn to before me this 22<sup>nd</sup> day of May, 2000.

Candace M Samuelson  
Notary Public

My Commission Expires:

Jan, 31, 2005  
(SEAL)

