

04-06-2001



101657005

CANCELLED

3-16-01

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

Conveying Party

- Mark if additional names of conveying parties attached
- Name  Execution Date  
Month Day Year

Formerly  75665302

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

Receiving Party

- Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)     
City State/Country Zip Code

- Individual  General Partnership  Limited Partnership  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.)
- Corporation  Association
- Other

Citizenship/State of Incorporation/Organization

04/05/2001 DBYRNE 00000344 75605302 FOR OFFICE USE ONLY

01 FC:481 40.00 DP  
02 FC:482 175.00 DP

**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)**

**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.

Courtenay B. Allen

Name of Person Signing

*Court B Allen*

Signature

3-16-2001

Date Signed

**NUNC PRO TUNC ASSIGNMENT**

WHEREAS, SOFTBALL SALES, INC., a Texas corporation ("ASSIGNOR"), having its principal place of business at 1051 E. Nakoma, San Antonio, Texas 78216, has adopted, used, and has been using, or has a bona fide intention to use, the marks shown in Exhibit A attached hereto (the "Marks") in connection with the goods and services listed in Exhibit A; and

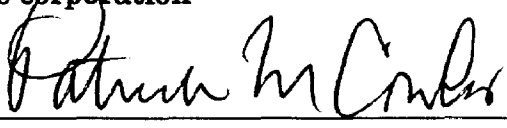
WHEREAS, BASEBALL EXPRESS, INC., a Delaware corporation ("ASSIGNEE"), having its principal place of business at 1051 E. Nakoma, San Antonio, Texas 78216, as successor to the entire business of ASSIGNOR pursuant to a Blanket Conveyance by and between ASSIGNOR and ASSIGNEE dated September 30, 2000, a copy of which is attached hereto, is entitled to all of ASSIGNOR's interest in and to said Marks, any registrations and applications for registration thereof, and the goodwill of the business symbolized by the Marks, which business is ongoing and existing;

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR does hereby sell, assign, transfer and convey to ASSIGNEE all of its right, title, and interest in and to said Marks, all registrations and applications for registration thereof, all rights derived from or associated with use of the Marks by ASSIGNOR together with the goodwill of the business symbolized by said Marks, and the right to recover for past infringement of said Marks. ASSIGNOR represents and warrants that it has not previously assigned, licensed, or conveyed any interest in said Marks or the other rights referenced herein, and ASSIGNOR agrees to execute any further lawful documents needed to give full force and effect to this instrument.

Executed this 6<sup>th</sup> day of MARCH, 2001 and made effective as of September 30, 2000.

**SOFTBALL SALES, INC.**  
a Texas corporation

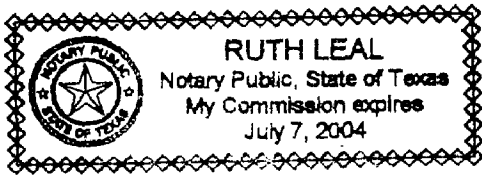
By: \_\_\_\_\_

  
Patrick M. Cowles  
Vice President—Finance

STATE OF TEXAS           §  
                                      §  
COUNTY OF BEXAR       §

Before me, a notary public in and for the state and county aforesaid, on this day personally appeared Patrick M. Cowles, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that he executed the same as Vice President—Finance on behalf of SOFTBALL SALES, INC. for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6 day of March,  
2001.



*Ruth Leal*  
\_\_\_\_\_  
Printed Name: Ruth Leal  
Notary Public in and for the State of Texas  
  
My Commission Expires: 7/7/2004

**EXHIBIT A**

<b>U.S. Applications</b>			
<b>Mark</b>	<b>Serial No.</b>	<b>Filing Date</b>	<b>Goods/Services</b>
PROBOLT	75/605,302	12/14/98	Baseball and softball uniforms, in International Class 25; softballs, baseball fielding gloves and mitts, softball fielding gloves and mitts, and batting gloves, in International Class 28
PROBOLT	75/887,715	01/05/00 (intent to use)	Baseball batting helmets, cryogenic processing apparatus for treating baseball and softball bats, sunglasses, and computer software featuring the ability to (i) schedule, edit, update, and track baseball and softball games and tournaments and (ii) design and print scorebooks, calendars, flyers, and banners for baseball and softball games and tournaments, in International Class 9.
PROBOLT	75/887,714	01/05/00 (intent to use)	Baseball and softball scoring books, in International Class 16
PROBOLT	75/887,712	01/05/00 (intent to use)	Baseball and softball clothing, namely, shorts, pants, shirts, jackets, undershirts, t-shirts, caps, socks, belts, sweaters, warm up suits, and footwear, in International Class 25
PROBOLT	75/887,717	01/05/00 (intent to use)	Baseball and softball equipment bags, in International Class 28
PROBOLT	75/887,716	01/05/00 (intent to use)	Baseball and softball equipment and accessories, namely, masks, chest protectors, shin guards, bats, bat sleeves, bat racks, baseballs, practice balls, bases, pitching rubbers, batting cages, batting screens and nets, and pitching machines, in International Class 28

SOFTBALL SALES	75/795,970	09/09/99	retail sales of softball equipment; namely, balls, bases, bats, belts, chest protectors, equipment bags, face protectors, gloves, hats, helmets, jerseys, leg protectors, pants, shoes, and socks, available through catalogs and a global computer network, in International Class 35
SOFTBALL SALES & DESIGN	76/050,490	05/17/00	retail sales of softball equipment, namely, balls, bases, bats, belts, chest protectors, equipment bags, face protectors, gloves, hats, helmets, jerseys, leg protectors, pants, shoes, and socks, available through catalogs and a global computer network, in International Class 35

**TEXAS STATE REGISTRATION**

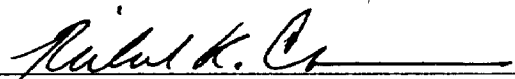
<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Goods/Services</b>
SOFTBALL SALES	59637	06/08/00	retail sales of softball equipment, namely, balls, bases, bats, belts, chest protectors, equipment bags, face protectors, gloves, hats, helmets, jerseys, leg protectors, pants, shoes, and socks, available through mail order catalogs and a global computer network, in Class 35, Advertising and Business.

# BLANKET CONVEYANCE

The undersigned, Softball Sales, Inc., a Texas corporation (the "Company"), pursuant to the Plan of Complete Liquidation and Dissolution adopted by its sole shareholder, Baseball Express, Inc., a Delaware corporation ("Baseball Express"), on September 30, 2000, and in cancellation of the issued and outstanding shares of the capital stock of the Company, all of which are owned and held by Baseball Express, does hereby transfer, assign and convey unto Baseball Express all of the Company's assets of every kind and nature and wherever located, real and personal and whether tangible or intangible, subject, however, to any remaining liabilities of the Company.

Executed as of this 30<sup>th</sup> day of September, 2000.

SOFTBALL SALES, INC.

By:   
Richard K. Covyreau, President