

12-05-2001



Form PTO-1594

(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

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U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

TRADEMARKS ONLY

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

1. Name of conveying party(ies):

11-1-01

Foster & Gallagher, Inc.

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation-State Illinois
- Other

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

2. Name and address of receiving party(ies)

Name: Scarlet Tanager Holdings III LLC

Internal Address: c/c Niles Kinerk

Street Address: 7602 Hyland Lane

City: Guilford State: Indiana Zip: 47022

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other Limited Liability Company-Delaware

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

3. Nature of conveyance:

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

Execution Date: October 26, 2001

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

A. Trademark Application No.(s) 75/875793

B. Trademark Registration No.(s)

2319099, 1757101, 2275033, 2300590

Additional number(s) attached  Yes  No

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

Name: Candace Lynn Bell, Esq.

Internal Address: Kavinoky & Cook, LLP

Street Address: 120 Delaware Avenue

City: Buffalo State: New York Zip: 14202

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 for underpayment

8. Deposit account number:

50-1024

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

12/04/2001  
01 FC:481  
02 FC:482

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DO NOT USE THIS SPACE

9. Statement and signature of

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.

Candace Lynn Bell, Esq.

Name of Person Signing

Signature

November 1, 2001

Date

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

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

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TRADEMARK  
REEL: 002402 FRAME: 0445

FOSTER & GALLAGHER, INC.

(LOT F)

ASSIGNMENT OF TRADEMARKS/SERVICE MARKS

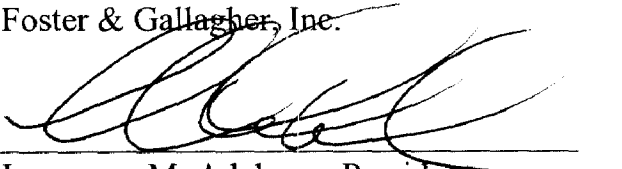
Whereas Foster & Gallagher, Inc., an Illinois Corporation with offices at 1950 Waldorf N.W., Grand Rapids, Michigan 49950, Attention: Lawrence M. Adelman, has adopted and used the trademarks and/or service marks described as the "Marks" on Schedule A attached hereto; some of which Marks may be the subject of pending applications with the United States Patent and Trademark Office, some of which Marks may be the subject of registrations with the United States Patent and Trademark Office, some of which Marks may be the subject of pending applications with foreign trademark offices and some of which Marks may be the subject of registrations with foreign trademark offices, as more specifically described on Schedule A, and

Whereas Scarlet Tanager Holdings III LLC, a Delaware Limited Liability Company with a mailing address of 7602 Hyland Lane, Guilford, Indiana 47022, c/o Mr. Niles Kinerk, is desirous of acquiring said Marks and the goodwill associated therewith.

Now, therefore, for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Foster & Gallagher, Inc. does hereby fully assign, transfer, and release unto Scarlet Tanager Holdings III LLC all of its right, title, and interest in and to the said Marks, including, but not limited to, all of its right, title, and interest in and to any pending applications and registrations for such Marks, together with the goodwill of the business symbolized by the Marks.

Foster & Gallagher, Inc. further assigns, transfers, and releases to Scarlet Tanager Holdings III LLC any and all claims for damages by reason of past, present, or future continuing infringement of said Marks, and the right to sue for and collect the same for its own use and benefit and that of its successors, assigns, or other legal representatives.

As of:  
Date: October 26, 2001

Foster & Gallagher, Inc.  
By:   
Lawrence M. Adelman, President

170360

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STATE OF NEW YORK )  
 )SS.:  
COUNTY OF NEW YORK )

On the 25 day of October, 2001 before me the undersigned, personally appeared Lawrence M. Adelman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as President of Foster & Gallagher, Inc., and that by his signature on the instrument Foster & Gallagher, Inc. executed the instrument, and that Lawrence M. Adelman made such appearance before the undersigned in the City of New York and State of New York.

  
\_\_\_\_\_  
Notary Public

MARILYN COHEN  
Notary Public, State of New York  
No. 01CC6026205  
Qualified in Queens County  
Commission Expires: April 11, 2002

SCHEDULE A  
(LOT F)

OWNER: Foster & Gallagher, Inc.  
Illinois Corporation

MARK	STATUS	REG NUMBER	REG DATE	SERIAL NUMBER	FILE DATE	COUNTRY
GARDEN SOLUTIONS with design	TTAB OPP			75/875793	12/20/1999	USA
GARDENER'S SELECT	REG	2319099	02/15/2000	75/631776	02/02/1999	USA
NEW HOLLAND BULB COMPANY with design	REG	1757101	03/09/1993	74/221963	11/13/1991	USA
HEALTHFUL SECRETS	REG	2275033	08/31/1999	75/453185	03/19/1998	USA
HEALTHFUL SECRETS	REG	2300590	12/14/1999	75/390476	11/14/1997	USA

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