

04-12-2002



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4.1.02*

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 Nunc Pro Tunc Assignment

Merger

Change of Name

Other

Effective Date
Month Day Year
02/22/02

OFFICE OF PATENT AND TRADEMARKS
FEBRUARY 22 2002 11 7 23

Conveying Party

Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name

Formerly

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 Corporation Association

Other

Citizenship/State of Incorporation/Organization

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.)

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04/11/2002 DBYRNE 00000233 2353469

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

60.00
25.00

01 FC:481
02 FC:482

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TRADEMARK
REEL: 002482 FRAME: 0322

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)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="2,353,469"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="2,353,468"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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:

#

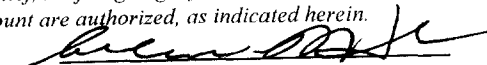
Authorization to charge additional fees:

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.

Arlene D. Hanks
Name of Person Signing


Signature

03-22-02
Date Signed

**ASSIGNMENT OF SERVICE MARKS
AND ACCOMPANYING GOODWILL**

WHEREAS, TOTAL SPORTS INC., a Delaware corporation, whose address is 234 Fayetteville Street Mall, 2nd Floor, Raleigh, North Carolina 27601, (hereinafter the "Assignor") is the owner of the service marks TOTALCAST and TOTALCAST & Design, and the applications and registrations therefor in the United States Patent and Trademark Office and in the Canadian Intellectual Property Office as more fully set forth on the attached Exhibit "A," (the "Service Marks"), the goodwill of the business associated therewith and symbolized thereby, and all rights appurtenant thereto, including, but not limited to, all common law rights, causes of action and the right to recover for past infringement, dilution or other misappropriation thereof; and

WHEREAS, THE DURHAM BULLS BASEBALL CLUB, INC., a North Carolina corporation, whose address is 711 Hillsborough Street, Raleigh, North Carolina 27603, (hereinafter the "Assignee") is desirous of acquiring the Service Marks and the applications and registrations thereof, and all goodwill associated therewith and symbolized thereby and all rights appurtenant thereto;

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and for other good and valuable consideration, receipt of which Assignor acknowledges by its execution below:

1. Assignor hereby assigns to Assignee all of its rights, title and interest in and to the Service Marks, together with the goodwill of the business connected with the use of and symbolized by said Service Marks, and together with any and all interests, claims and rights for damages and profits by reason of any past infringement or unauthorized use of the Service Marks, false designations of origin, unfair competition, deceptive trade practices and/or dilution related to the Service Marks, use of confusingly similar marks or names by others and all other related causes of action and the right to sue therefor.

2. Assignor agrees to perform all reasonable and proper additional acts and to execute any additional documents at the request and expense of Assignee which Assignee may require in order to transfer all of Assignor's rights, title and interest in and to the said Service Marks in Assignee, its successors or assigns.

IN WITNESS WHEREOF, we have hereto set our hand(s) and seal(s) this 22 day of

February, 2002.

TOTAL SPORTS INC.

Assignor

By: 

Name: Paul Strata

Title: VP Business & Legal

**THE DURHAM BULLS BASEBALL CLUB,
INC.**

Assignee

By: Michael D. Hill

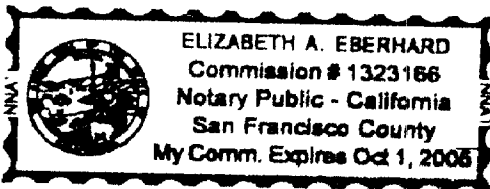
Name: Michael D. Hill

Title: Vice President

STATE OF CALIFORNIA
COUNTY OF San Francisco

I, Elizabeth Eberhard, a Notary Public of the aforesaid County and State, do hereby certify that Paul Startz personally appeared before me this day and acknowledged that he/she is the VP Business & Legal Affairs of Total Sports Inc, a corporation organized and existing pursuant to the laws of the State of Delaware, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by him/her as its VP Business & Legal Affairs as the free act and deed of the corporation.

WITNESS MY HAND AND NOTARIAL SEAL this 22 day of February, 2002.



Elizabeth Eberhard
Notary Public

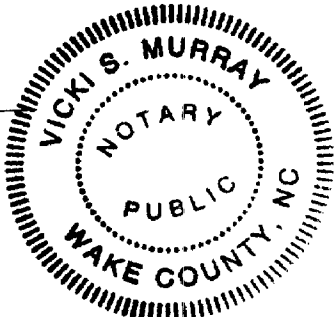
My Commission Expires:
Oct. 1, 2005

STATE OF North Carolina
COUNTY OF Wake

I, Vicki S. Murray, a Notary Public of the aforesaid County and State, do hereby certify that Michael D. Hill personally appeared before me this day and acknowledged that he/she is the Vice President of The Durham Bulls Baseball Club, Inc., a corporation organized and existing pursuant to the laws of the State of North Carolina, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by him/her as its Vice President, as the free act and deed of the corporation.

WITNESS MY HAND AND NOTARIAL SEAL this 12 day of MARCH, 2002.

Vicki S. Murray
Notary Public



My Commission Expires:
2-2-07

EXHIBIT A

U.S. Service Marks

Registrations

Mark	Registration No.	Registration Date
TOTALCAST	2,353,469	May 30, 2000
TOTALCAST & Design	2,353,468	May 30, 2000

Canadian Service Marks

Pending Applications

Mark	Application No.	Application Date
TOTALCAST	1,049,083	March 3, 2000
TOTALCAST & Design	1,049,098	March 3, 2000