

05-06-2002

U.S. Patent & TMOfc/TM Mail Rcpt. Dt. #57



04-24-2002



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

1/2002)

TRADEMARKS ONLY

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

<p>1. Name of conveying party(ies): <b>Foster &amp; Gallagher, Inc.</b></p> <p><input type="checkbox"/> Individual(s)      <input type="checkbox"/> Association  <input type="checkbox"/> General Partnership      <input type="checkbox"/> Limited Partnership  <input checked="" type="checkbox"/> Corporation-State <b>Illinois</b>  <input type="checkbox"/> Other _____ <b>H 24 102</b></p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies) Name: <b>Scarlet Tanager Holdings III, LLC</b> Internal Address: _____ Address: _____ Street Address: <b>7602 Hyland Lane</b> City: <b>Guilford</b> State: <b>Indiana</b> Zip: <b>47022</b></p> <p><input type="checkbox"/> Individual(s) citizenship _____  <input type="checkbox"/> Association _____  <input type="checkbox"/> General Partnership _____  <input type="checkbox"/> Limited Partnership _____  <input type="checkbox"/> Corporation-State _____  <input type="checkbox"/> Other <b>Limited Liability Company Delaware</b></p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  (Designations must be a separate document from assignment)  Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement      <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____</p> <p>Execution Date: <b>March 20, 2002</b></p>	

<p>4. Application number(s) or registration number(s): A. Trademark Application No.(s)</p>	<p>B. Trademark Registration No.(s) <b>0867325; 0867689; 0856582; 1026191; 1755882</b></p> <p>Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: <b>Candace L. Bell, Esq.</b> Internal Address: _____ Street Address: <b>Kavinoky &amp; Cook, LLP</b> <b>120 Delaware Avenue, Suite 600</b> City: <b>Buffalo</b> State: <b>N Y</b> Zip: <b>14202</b></p>	<p>6. Total number of applications and registrations involved: <b>5</b></p> <p>7. Total fee (37 CFR 3.41).....\$ <b>140.00</b>  <input checked="" type="checkbox"/> Enclosed  <input type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: <b>50-1024</b> (Attach duplicate copy of this page if paying by deposit account)</p>
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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.

**Candace L. Bell, Esq.**      **April 24, 2002**  
Name of Person Signing      Signature      Date

Total number of pages including cover sheet, attachments, and document: **4**

05/03/2002  
01 FC:481  
02 FC:482

40.00  
100.00  
Documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

U.S. EXPRESS LABEL  
#EL541548926US

TRADEMARK  
REEL: 002498 FRAME: 0824

FOSTER & GALLAGHER, INC.

(LOTS C and H)

ASSIGNMENT OF TRADEMARKS/SERVICE MARKS

Whereas Foster & Gallagher, Inc., an Illinois Corporation with offices at 1950 Waldorf N.W., Grand Rapids, Michigan 49950, 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.

*MARCH 20 2012*  
Date: ~~December~~ \_\_, 2001

Foster & Gallagher, Inc.

By: *Celan R. Bid*, *TREASURER*

172713

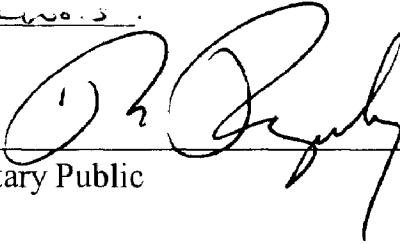
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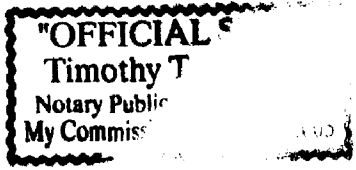
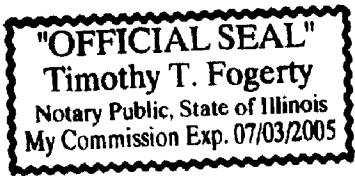
TRADEMARK  
REEL: 002498 FRAME: 0825

STATE OF Illinois )  
COUNTY OF Peoria )SS.:

~~December 20, 2001~~  
<sup>MARCH 20, 2002</sup>

On the 20 day of ~~December, 2001~~ before me the undersigned, personally appeared Alan R. Dix, 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 TREASURER of Foster & Gallagher, Inc. and that by his signature on the instrument Foster & Gallagher, Inc. executed the instrument, and that Alan R. Dix made such appearance before the undersigned in the City of Peoria and State of Illinois.

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



SCHEDULE A  
(LOTS C and H)

OWNER: Foster & Gallagher, Inc.  
Illinois Corporation

MARK	STATUS	REG NUMBER	REG DATE	SERIAL NUMBER	FILE DATE	COUNTRY
FLOWER OF THE MONTH	REG	0867325	04/01/1969	72/277653	08/07/1967	USA
FLOWER OF THE MONTH	REG	0867689	04/01/1969	72/277654	08/07/1967	USA
FLOWER-OF-THE-MONTH CLUB GARDEN NEWS	REG	0856582	09/10/1968	72/278204	08/14/1967	USA
FLOWER-OF-THE-MONTH	REG	1026191	12/02/1975	73/028482	08/02/1974	USA
SPRING HILL NURSERIES STEP-BY-STEP GARDENS with design	REG	1755882	03/02/1993	74/231033	12/16/1991	USA

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

**"Express Mail" mailing label number: EL541548926US**

I do hereby certify that the foregoing documents which are in a postage prepaid United States Postal Services Post Office to Addressee Express Mail Overnighter Envelope addressed to "Box Assignments/Fee, Assistant Commissioner for Trademarks, U.S. Patent & Trademark Office, 2900 Crystal Drive, Arlington, Virginia 22202-3513" are being deposited in the United States Postal Services "Express Mail" delivered to the United States Postal Services/Niagara Square Station "Express Mail" Office located at 229 West Genesee Street, Buffalo, New York before 5:00 p.m. on Wednesday, April 24, 2002

Vincenza Williams

(Printed or typed name of the person mailing the paper or fee)

Vincenza Williams

(Signature of the person mailing the paper or fee)

April 24, 2002

(Date of signature)

04894/24014/182118