

4/11/02

08-09-2002



Form PTO-1594
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)
Tab settings

102173935

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

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

1 Name of conveying party(ies): MRD 4-11-02
Estate of Ralph Dale Earnhardt
 Individual(s) Association
 General Partnership Limited Partnership
 Corporation-State
 Other Estate of Ralph Dale Earnhardt
who died on Feb. 18, 2001
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)
Name: RDE Administrative Trust
Internal c/o Teresa H. Earnhardt, Trustee
Address: _____
Street Address: 1675 Coddle Creek Highway
City: Mooreville State: NC Zip: 28115
 Individual(s) citizenship _____
 Association _____
 General Partnership _____
 Limited Partnership _____
 Corporation-State _____
 Other Trust established under NC Law
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 Nunc Pro Tunc
 Security Agreement Merger
 Change of Name
 Other effective - February 18, 2001
Execution Date: March 27, 2002

4 Application number(s) or registration number(s)
A. Trademark Application No.(s) TM
SEE ATTACHED "SCHEDULE B"
Additional number(s) attached Yes No

B. Trademark Registration No.(s)
SEE ATTACHED "SCHEDULE A"

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: George M. Taulbee, Esq.
Internal Address: Alston & Bird LLP
Bank of America Plaza
Street Address: 101 S. Tryon Street, Suite
4000
City: Charlotte State: NC Zip: 28280
4000

6. Total number of applications and registrations involved: 8
7. Total fee (37 CFR 3.41): \$ 215.00
 Enclosed
 Authorized to be charged to deposit account
8. Deposit account number:
16-0605
(Attach duplicate copy of this page if paying by deposit account)

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.
George M. Taulbee George M. Taulbee 3/29/02
Name of Person Signing Signature Date
Total number of pages including cover sheet, attachments, and document: 22

04/29/2002 LNUELLER 00000009 1644237
01 FC:401 40.00 DP
02 FC:402 175.00 DP

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

Schedule A

U.S. Registrations

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	1,644,237	05/14/1991
DALE EARNHARDT (Signature)	2,035,107	02/04/1997
SUNDAY MONEY	2,137,990	02/17/1998
THE INTIMIDATOR	2,092,602	09/02/1997

Schedule B

U.S. Applications

<u>Mark</u>	<u>Ser. No.</u>	<u>Filing Date</u>
DALE EARNHARDT JR.	76/077,198	06/23/2000
DALE EARNHARDT JR. (Stylized)	76/077,199	06/23/2000
INTIMIDATORS	76/145,864	10/12/2000
KANNAPOLIS INTIMIDATORS	76/145,863	10/12/2000

**NUNC PRO TUNC ASSIGNMENT
OF
TRADEMARKS AND SERVICE MARKS
FROM
ESTATE OF RALPH DALE EARNHARDT
TO
RDE ADMINISTRATIVE TRUST**

WHEREAS, the Estate of Ralph Dale Earnhardt, having a mailing address of c/o Teresa H. Earnhardt, Executrix, 1675 Coddle Creek Highway, Mooresville, North Carolina 28115 (hereinafter referred to as "ASSIGNOR"), was formerly the exclusive and record owner of the entire right, title, and interest in and to (1) the Trademarks and Service Marks, and the corresponding common law rights therein and applications and registrations therefor, identified in Schedules A, B, C and D attached hereto (collectively "Marks") and all goodwill associated therewith, and (2) to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which such Marks that are the subject of such "intent-to-use" applications pertain;

WHEREAS, RDE Administrative Trust, a trust established under North Carolina law, having a mailing address of c/o Teresa H. Earnhardt, Trustee, 1675 Coddle Creek Highway, Mooresville, North Carolina 28115 (hereinafter referred to as "ASSIGNEE"), has acquired and purchased (1) the above-identified Marks, and all associated goodwill, and (2) to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which such Marks that are the subject of such "intent-to-use" applications pertain, from ASSIGNOR effective February 18, 2001 and is desirous of confirming that it has done so.

WHEREAS, ASSIGNOR and ASSIGNEE desire to confirm and perfect the sale and assignment of (1) said Marks and all associated goodwill, and (2) to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which

such Marks that are the subject of such "intent-to-use" applications pertain, effective February 18, 2001;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby acknowledges and confirms that effective February 18, 2001, ASSIGNOR sold, transferred, and assigned to said ASSIGNEE the entire right, title, and interest in and to the above-identified Marks, and to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which such Marks that are the subject of such "intent-to-use" applications pertain, together with the goodwill of the business appurtenant to and symbolized by said Marks, and all rights of action against third parties for past infringement, current infringement and future infringement thereof, the same to be held and enjoyed by said ASSIGNEE as fully and entirely as the same would have been held by ASSIGNOR had the sale, transfer, and assignment not been made.

ASSIGNOR hereby warrants and covenants that it had the full power and authority to convey the rights, title, and interests sold, transferred, and assigned to ASSIGNEE, that it has not executed and will not execute any agreement in conflict herewith, and that it will execute any and all other instruments which may be necessary to perfect and evidence ASSIGNEE's ownership of the property and rights herein conveyed.

IN WITNESS WHEREOF. ASSIGNOR, intending to be legally bound, has caused this

Nunc Pro Tunc Assignment to be executed by its duly authorized person, as of the 27 day of

March, 2002.

ASSIGNOR

Teresa H. Earnhardt

By: Teresa H. Earnhardt

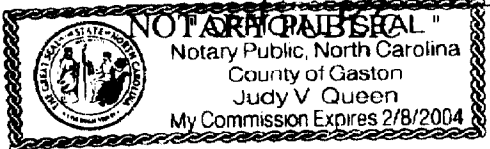
Title: Executrix

STATE OF NORTH CAROLINA)

COUNTY OF Spidee)

Subscribed and sworn to before me, a Notary Public of the State of North Carolina, this the 27th day of March, 2002.

Judy V. Queen



SEAL

My Commission Expires: _____

Schedule A

U.S. Registrations

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	1,644,237	05/14/1991
DALE EARNHARDT (Signature)	2,035,107	02/04/1997
SUNDAY MONEY	2,137,990	02/17/1998
THE INTIMIDATOR	2,092,602	09/02/1997

Schedule B

U.S. Applications

<u>Mark</u>	<u>Ser. No.</u>	<u>Filing Date</u>
DALE EARNHARDT JR.	76/077,198	06/23/2000
DALE EARNHARDT JR. (Stylized)	76/077,199	06/23/2000
INTIMIDATORS	76/145,864	10/12/2000
KANNAPOLIS INTIMIDATORS	76/145,863	10/12/2000

Schedule C

Foreign Registrations

CANADA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	TMA515,212	08/25/1999
INTIMIDATOR	TMA490,052	02/16/1998

CHINA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	1,025,318	06/06/1997
DALE EARNHARDT	1,032,844	06/20/1997
DALE EARNHARDT	1,038,954	06/27/1997
DALE EARNHARDT	1,057,924	07/20/1997
DALE EARNHARDT	1,057,755	07/20/1997
DALE EARNHARDT	1,034,500	06/20/1997
DALE EARNHARDT	1,040,004	06/27/1997
DALE EARNHARDT	1,055,850	07/13/1997
INTIMIDATOR	1,025,320	06/06/1997
INTIMIDATOR	1,032,846	06/20/1997
INTIMIDATOR	1,038,899	06/27/1997
INTIMIDATOR	1,046,187	07/06/1997
INTIMIDATOR	1,057,756	07/20/1997
INTIMIDATOR	1,034,499	06/20/1997
INTIMIDATOR	1,040,005	06/27/1997

INTIMIDATOR	1,055,849	07/13/1997
-------------	-----------	------------

GREAT BRITAIN

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	2,124,825	02/25/1997
DALE EARNHARDT (Signature)	2,124,830	02/25/1997

JAPAN

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	4,094,113	12/19/1997
DALE EARNHARDT	4,159,216	06/26/1998
DALE EARNHARDT	4,128,049	03/27/1998
DALE EARNHARDT	4,218,936	12/11/1998
DALE EARNHARDT	4,018,206	06/27/1997
DALE EARNHARDT	4,018,207	06/27/1997
DALE EARNHARDT	4,057,855	09/19/1997
DALE EARNHARDT	4,130,877	04/03/1998
INTIMIDATOR	4,094,114	12/19/1997
INTIMIDATOR	4,115,615	02/20/1998
INTIMIDATOR	4,128,050	03/27/1998
INTIMIDATOR	4,218,937	12/11/1998
INTIMIDATOR	4,018,208	06/27/1997
INTIMIDATOR	4,018,209	06/27/1997
INTIMIDATOR	4,330,204	10/29/1999

INTIMIDATOR 4,130,878 04/03/1998

MEXICO

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	519,966	03/29/1996
DALE EARNHARDT	520,881	04/23/1996
DALE EARNHARDT	520,882	04/23/1996
DALE EARNHARDT	553,373	07/25/1997
DALE EARNHARDT	520,883	04/23/1996
DALE EARNHARDT	520,884	04/23/1996
DALE EARNHARDT	520,885	04/23/1996
DALE EARNHARDT	520,886	04/23/1996
INTIMIDATOR	520,887	04/23/1996
INTIMIDATOR	522,282	05/17/1996
INTIMIDATOR	520,888	04/23/1996
INTIMIDATOR	520,893	04/23/1996
INTIMIDATOR	520,889	04/23/1996
INTIMIDATOR	520,890	04/23/1996
INTIMIDATOR	520,891	04/23/1996
INTIMIDATOR	545,232	03/31/1997

Schedule D

State Registrations

ALABAMA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	107,058	06/19/1997
DALE EARNHARDT	107,062	06/20/1997
DALE EARNHARDT	107,067	06/20/1997
DALE EARNHARDT	107,057	06/23/1997
DALE EARNHARDT	107,066	06/20/1997
DALE EARNHARDT	107,063	06/20/1997
DALE EARNHARDT	107,060	06/20/1997
DALE EARNHARDT	107,064	06/20/1997
INTIMIDATOR	107,065	06/20/1997
INTIMIDATOR	107,059	06/19/1997
INTIMIDATOR	107,061	06/20/1997

CALIFORNIA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	102,676	07/01/1997
DALE EARNHARDT	102,677	07/01/1997
DALE EARNHARDT	102,674	07/01/1997
DALE EARNHARDT	102,686	07/01/1997
DALE EARNHARDT	102,675	07/01/1997
DALE EARNHARDT	102,680	07/01/1997

DALE EARNHARDT	102,684	07/01/1997
DALE EARNHARDT	102,681	07/01/1997
INTIMIDATOR	102,678	07/01/1997
INTIMIDATOR	102,679	07/01/1997
INTIMIDATOR	102,673	07/01/1997

FLORIDA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	T96/000,000,093	01/23/1996
DALE EARNHARDT	T95/000,000,190	01/24/1995
DALE EARNHARDT	T95/000,000,191	01/24/1995
DALE EARNHARDT	T95/000,000,188	01/24/1995
DALE EARNHARDT	T95/000,000,194	01/24/1995
DALE EARNHARDT	T95/000,000,193	01/24/1995
DALE EARNHARDT	T95/000,001,142	09/18/1995
DALE EARNHARDT	T95/000,000,189	01/24/1995
DALE EARNHARDT	T95/000,000,187	01/24/1995
DALE EARNHARDT	T95/000,000,192	01/24/1995
INTIMIDATOR	T96/000,000,305	03/25/1996
INTIMIDATOR	T96/000,000,091	01/23/1996
INTIMIDATOR	T96/000,000,306	03/25/1996
INTIMIDATOR	T96/000,000,320	03/28/1996

GEORGIA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	T-16,437	06/19/1997
DALE EARNHARDT	T-16,436	06/19/1997
DALE EARNHARDT	T-16,434	06/18/1997
DALE EARNHARDT	T-16,440	06/23/1997
DALE EARNHARDT	T-16,433	06/18/1997
DALE EARNHARDT	T-16,439	06/19/1997
DALE EARNHARDT	T-16,438	06/19/1997
DALE EARNHARDT	T-16,442	06/18/1997
INTIMIDATOR	T-16,441	06/24/1997
INTIMIDATOR	T-16,432	06/18/1997
INTIMIDATOR	T-16,435	06/18/1997

INDIANA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	1997/0,314	06/24/1997
DALE EARNHARDT	1997/0,354	07/16/1997
DALE EARNHARDT	1997/0,352	07/17/1997
DALE EARNHARDT	1997/0,356	07/17/1997
DALE EARNHARDT	1997/0,311	06/24/1997
DALE EARNHARDT	1997/0,312	06/24/1997
DALE EARNHARDT	1997/0,315	06/24/1997
DALE EARNHARDT	1997/0,318	06/24/1997

INTIMIDATOR	1997/0,353	07/17/1997
INTIMIDATOR	1997/0,313	06/24/1997
INTIMIDATOR	1997/0,350	07/16/1997

MICHIGAN

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	M01,718	09/05/1997
DALE EARNHARDT	M01,721	09/05/1997
DALE EARNHARDT	M01,719	09/05/1997
DALE EARNHARDT	M01,715	09/05/1997
DALE EARNHARDT	M01,717	09/05/1997
DALE EARNHARDT	M01,712	09/05/1997
DALE EARNHARDT	M01,714	09/05/1997
DALE EARNHARDT	M01,720	09/05/1997
INTIMIDATOR	M01,716	09/05/1997
INTIMIDATOR	M01,713	09/05/1997
INTIMIDATOR	M01,711	09/05/1997

NORTH CAROLINA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	T-11872	01/22/1996
DALE EARNHARDT	T-11871	01/22/1996
DALE EARNHARDT	T-8170	05/23/1989
DALE EARNHARDT	T-11673	08/24/1995

DALE EARNHARDT	T-11668	08/24/1995
DALE EARNHARDT	T-11676	08/24/1995
DALE EARNHARDT	T-11672	08/24/1995
DALE EARNHARDT	T-11669	08/24/1995
DALE EARNHARDT	T-11848	01/02/1996
DALE EARNHARDT	T-11670	08/24/1995
DALE EARNHARDT	T-11671	08/24/1995
DALE EARNHARDT	T-11667	08/24/1995
INTIMIDATOR	T-12050	05/02/1996
INTIMIDATOR	T-11879	01/26/1996
INTIMIDATOR	T-11873	01/22/1996

SOUTH CAROLINA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	N/A (Int. Cl. 24)	01/31/1996
DALE EARNHARDT	N/A (Int. Cl. 16)	01/19/1995
DALE EARNHARDT	N/A (Int. Cl. 25)	01/19/1995
DALE EARNHARDT	N/A (Int. Cl. 28)	01/19/1995
DALE EARNHARDT	N/A (Int. Cl. 41)	01/19/1995
DALE EARNHARDT	N/A (Int. Cl. 14)	01/19/1995
DALE EARNHARDT	N/A (Int. Cl. 8)	01/19/1995
DALE EARNHARDT	N/A (Int. Cl. 9)	06/30/1995
DALE EARNHARDT	N/A (Int. Cl. 21)	01/19/1995

DALE EARNHARDT	N/A (Int. Cl. 6)	01/19/1995
INTIMIDATOR	N/A (Int. Cl. 14)	01/31/1996
INTIMIDATOR	N/A (Int. Cl. 16)	01/31/1996
INTIMIDATOR	N/A (Int. Cl. 25)	01/31/1996
INTIMIDATOR	N/A (Int. Cl. 24)	01/31/1996
INTIMIDATOR	N/A (Int. Cl. 7)	01/31/1996
INTIMIDATOR	N/A (Int. Cl. 6)	01/31/1996

TENNESSEE

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	N/A (TN Cl. 14)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 22)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 26)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 28)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 33)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 38)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 39)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 42)	01/16/1996
DALE EARNHARDT	N/A (TN Cl. 107)	01/16/1996
INTIMIDATOR	N/A (TN Cl. 42)	01/16/1996
INTIMIDATOR	N/A (TN Cl. 14)	01/16/1996
INTIMIDATOR	N/A (TN Cl. 28)	01/16/1996
INTIMIDATOR	N/A (TN Cl. 38)	01/16/1996
INTIMIDATOR	N/A (TN Cl. 39)	01/16/1996

INTIMIDATOR N/A (TN Cl. 107) 01/16/1996

TEXAS

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	56,817	06/23/1997
DALE EARNHARDT	56,826	06/19/1997
DALE EARNHARDT	56,829	06/19/1997
DALE EARNHARDT	56,832	06/19/1997
DALE EARNHARDT	56,815	06/23/1997
DALE EARNHARDT	56,816	06/23/1997
DALE EARNHARDT	56,830	06/19/1997
DALE EARNHARDT & Design	56,872	06/26/1997
INTIMIDATOR	56,827	06/19/1997
INTIMIDATOR	56,831	06/19/1997
INTIMIDATOR	56,828	06/19/1997

VIRGINIA

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT (Block)	1,455	09/19/1995
DALE EARNHARDT (Block)	1,419	09/07/1995
DALE EARNHARDT (Block)	1,418	09/07/1995
DALE EARNHARDT (Block)	1,878	12/27/1995
DALE EARNHARDT (Block)	1,456	09/19/1995
DALE EARNHARDT (Block)	1,457	09/19/1995

DALE EARNHARDT (Signature)	1,417	09/08/1995
DALE EARNHARDT (Signature)	1,420	09/07/1995
DALE EARNHARDT (Signature)	1,416	09/07/1995
DALE EARNHARDT (Signature)	1,454	09/19/1995
DALE EARNHARDT (Signature)	1,410	09/08/1995
DALE EARNHARDT (Signature)	1,406	09/08/1995
DALE EARNHARDT (Signature)	1,405	09/07/1995
DALE EARNHARDT (Signature)	1,404	09/08/1995
DALE EARNHARDT (Signature)	1,397	09/07/1995
DALE EARNHARDT (Signature)	1,402	09/08/1995
INTIMIDATOR	1,452	09/19/1995
INTIMIDATOR (Block)	1,347	09/08/1995
INTIMIDATOR (Block)	1,338	09/08/1995
INTIMIDATOR (Block)	1,337	09/08/1995
INTIMIDATOR (Block)	1,336	09/08/1995
INTIMIDATOR (Block)	1,877	12/27/1995
3 (Stylized)	1,320	09/07/1995
3 (Stylized)	1,317	09/07/1995
3 (Stylized)	1,316	09/07/1995
3 (Stylized)	1,453	09/19/1995
3 (Stylized)	1,273	09/07/1995
3 (Stylized)	1,315	09/07/1995
3 (Stylized)	1,276	09/07/1995

3 (Stylized)	1,272	09/07/1995
3 (Stylized)	1,269	09/07/1995
3 (Stylized)	1,270	09/07/1995