

07-08-2002

COVER SHEET
ONLY

Docket No.:

Tab settings



To the Honorable Commissione

102146841

Send the attached original documents or copy thereof.

1. Name of conveying party(ies):

James Heddon's Sons, Inc.

2. Name and address of receiving party(ies):

Name: EBSCO Industries, Inc.

Internal Address:

Street Address: Post Office Box 1943

City: Birmingham State: AL ZIP: 35201

- Individual(s)
- General Partnership
- Corporation-State Michigan
- Other

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

Additional names(s) of conveying party(ies) Yes No

If assignee is not domiciled in the United States, a domestic designation is Yes N
(Designations must be a separate document from Additional name(s) & address(es) Yes N

3. Nature of conveyance:

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

Execution Date: June 14, 2002

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

943159

Additional numbers Yes No

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

Name: Robert J. Veal

Internal Address: Burr & Forman LLP

Street Address: 420 N. 20th Street, Suite 3100

City: Birmingham State: AL ZIP: 35203

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

07/08/2002 LMUELLER 00000041 943159

DO NOT USE THIS SPACE

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40.00 DP

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.

H. Graham Beene, Esq.

Name of Person Signing

Graham Beene
Signature

June 24, 2002
Date

Total number of pages including cover sheet, attachments, and

5 TRADEMARK

REEL: 002538 FRAME: 0462

Trademark Assignment

WHEREAS, James Heddon's Sons, Inc., a Michigan corporation, of 414 West Street, Dowagiac, Michigan 49047 ("Assignor"), is the owner of the "CHUGGER" trademark, U.S. Registration No. 943159, dated September 19, 1972 (the "Mark"); and

WHEREAS, EBSCO Industries, Inc., a Delaware corporation, with its principal place of business at P.O. Box 1943, Birmingham, Alabama 35201 ("Assignee"), is desirous of acquiring the entire interest of the Mark;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Assignor, by these presents does sell, assign and transfer unto the Assignee all of its right, title and interest in and to the said trademark described above, together with the goodwill of the business symbolized by said trademarks and registrations thereof, the same to be held and enjoyed by the said Assignee, for its own use and benefit and that of its successors, assigns and legal representatives, to the full end of the term for which said trademarks are granted, as fully and entirely as the same would have been held had this assignment and sale not been made, together with all claims for damages by reason of past infringement of said trademarks, with the right to sue for and collect the same for its own use and for the use of its successors, assigns or other legal representatives, subject to the rights of any licensees under any existing license agreements to which Assignor is a party or to the obligations under which Assignor may have succeeded or to which its right in said trademark is subject and subject further to any obligations to said licensees which Assignor may have; and said Assignor does hereby covenant and agree with the said Assignee to execute and deliver such other and further instruments and take such other and further actions as may be necessary or appropriate to transfer said trademark, claims for damages by reason of past infringement and right to sue and collect therefor to Assignee.

IN WITNESS WHEREOF, the undersigned corporation has caused this instrument to be executed at Fort Smith, Arkansas as of this 14th day of June, 2002.

JAMES HEDDON'S SONS, INC.

By: [Signature]
Its: General Manager / V.P.

SUBSCRIBED and SWORN to before me this 14th of June, 2002.
Billie A. Howard

Notary Public

My Commission Expires: 8-15-10

