

08-16-2002



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Form PTO-1594

(Rev. 03/01)

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RECORDATION FORM COVER SHEET TRADEMARKS ONLY

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):

Harris Trust and Savings Bank

4-14-02

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

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

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Release of Security Agreement

Execution Date: _____

2. Name and address of receiving party(ies)

Name: Briggs Nursely, Inc.

Internal

Address: 22 Batterymarch Street

Street Address: 22 Batterymarch Street

City: Boston State: MA Zip: 02109

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☒ Corporation-State Washington
☐ Other _____

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

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

A. Trademark Application No.(s)

75/687,662

75/676,417

B. Trademark Registration No.(s)

2,235,391

Additional number(s) attached ☐ Yes ☒ No

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

Name: Brent D. Sanders

Internal Address: Perkins Coie, LLP

Street Address: 1201 Third Avenue,

40th Floor

City: Seattle State: WA Zip: 98101

6. Total number of applications and registrations involved:

3

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

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

(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.

Brent D. Sanders
 Name of Person Signing

Signature

August 7, 2002
 Date

Total number of pages including cover sheet, attachments, and document: 6

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

08/15/2002 LMUELLER 00000183 75687662

01 FC:481
02 FC:48240.00 DP
50.00 DP

TRADEMARK
 REEL: 2564 FRAME: 0323

RELEASE AND REASSIGNMENT OF TRADEMARKS

THIS RELEASE AND REASSIGNMENT dated August 2, 2002 by Harris Trust and Savings Bank, as Agent as hereinafter described;

WITNESSETH:

A. Harris Trust and Savings Bank, an Illinois banking corporation, as Agent (the "*Assignee*"), with a mailing address of 111 West Monroe Street, Chicago, Illinois 60603, and Briggs Nursery, Inc., a Washington corporation, (the "*Assignor*") with a mailing address of 22 Batterymarch Street, Boston, Massachusetts 02109, are parties to a certain Trademark Collateral Agreement dated January 24, 2002, which was recorded in the United States Patent and Trademark Office on February 1, 2002, at Reel 002438, Frame 0276 (the "*Agreement*"), pursuant to which, among other things, the Assignor granted a security interest in and collateral assignment of its trademarks listed on Schedule A-1 attached hereto and certain other property described therein (collectively, the "*Trademarks*") as security for the indebtedness, obligations and liabilities owing by the Assignor to the Assignee under that certain Security Agreement dated as of September 14, 1999, by and among the Assignor and the Assignee (herein, the "*Security Agreement*").

B The Assignor has requested that the Assignee release its security interests in the Trademarks and reassign the same to the Assignor, and the Assignee is willing to do so on the terms and conditions herein set forth.

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged:

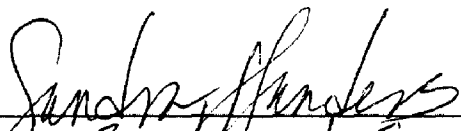
The Assignee hereby releases its security interests in and collateral assignment of, and reassign, grant and convey to the Assignor, without any representation, warranty, recourse or undertaking by the Assignee, all of their right, title and interest, if any, in and to:

(i) Each Trademark and each Trademark Application listed on Schedule A-1 attached hereto and made a part hereof, including without limitation all renewals thereof, all proceeds thereof (such as, by way of example, license royalties and proceeds of infringement suits), the right to sue for past, present and future infringements thereof, and all rights corresponding thereto throughout the world; and

(ii) The goodwill of the business to which each of the Trademarks relates.

IN WITNESS WHEREOF, the Assignee has caused this Release and Reassignment to be duly executed by its duly authorized officer as of the day and year first above written.

HARRIS TRUST AND SAVINGS BANK, as Agent

By 
Name Sandra J. Sanders
Title Vice President

STATE OF ILLINOIS

)

)

SS

COUNTY OF COOK

)

On this 1st day of August, 2002 before me personally appeared Sandra J. Sanders to me known to be the individual who executed the foregoing instrument and acknowledged to me that she executed the same as the duly authorized officer of Harris Trust and Savings Bank, as Agent as set forth above.

Susan Kovac
Notary Public
Cook County, Illinois

My Commission Expires:



June 11, 2004

**SCHEDULE A-1
TO TRADEMARK COLLATERAL AGREEMENT**

**REGISTERED TRADEMARKS
AND TRADEMARK APPLICATIONS**

FEDERAL TRADEMARK REGISTRATIONS

MARKS	REG. NO.	GRANTED
Genesis	2,235,391	03/23/99

PENDING FEDERAL TRADEMARK APPLICATIONS

MARK	SERIAL NO.	FILED
Quality That Grows	75/687662	04/21/99
Quality That Grows	75/676417	04/06/99

STATE TRADEMARK REGISTRATIONS

MARK	REGISTRATION NUMBER/DATE	STATE
Briggs Nursery, Inc. and design	028822 06/05/00	Washington

COMMON LAW MARKS AND TRADE NAMES

Briggs Nursery, Inc.