

03-13-2003

ET

Docket No.:



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Tab settings

To the Honorable Commissioner of Patents and Trademarks, please refer to the attached original documents or copy thereof.

1. Name of conveying party(ies):

Dishwasher Magic, L.L.C.

3-11-03

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

Name: Iron Out, Inc.

Internal Address:

Street Address: 1515 Dividend Road

City: Fort Wayne State: IN ZIP: 46808

Individual(s) citizenship

Association

General Partnership

Limited Partnership

Corporation-State Indiana

Other

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

- Individual(s) Association
General Partnership Limited Partnership
Corporation-State
Other New Jersey Limited Liability Corporation

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

3. Nature of conveyance:

- Assignment Merger
Security Agreement Change of Name
Other

Execution Date: October 24, 2002

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

A. Trademark Application No.(s)

76/322890

B. Trademark Registration No.(s)

2,394,365 2,460,491

Additional numbers Yes No

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

Name: Thomas A. Adams

Internal Address: Baker & Daniels

Street Address: 111 East Wayne Street, Suite 800

City: Fort Wayne State: IN ZIP: 46802

6. Total number of applications and registrations involved: 3

7. Total fee (37 CFR 3.41): \$ 90.00

- Enclosed Check # 106753
Authorized to be charged to deposit account

8. Deposit account number:

Any additional fees, Baker & Daniels 02-0385

03/12/2003 LINELLER 00000106 76322890

DO NOT USE THIS SPACE

01 FC:ISS21 40.00 OP
02 FC:ISS22 50.00 OP

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.

Thomas A. Adams

Name of Person Signing

Signature

March 3, 2003

Date

Total number of pages including cover sheet, attachments, and

TRADEMARK

ASSIGNMENT OF MARKS

WHEREAS, DISHWASHER MAGIC, L.L.C., a limited liability corporation organized under the laws of the State of New Jersey (hereinafter "Assignor"), has adopted, owns, has continuously used, and is using certain trademarks, trade names, trade dress and service marks, including but not limited to those shown on the attached Schedule A that is hereby incorporated herein (hereinafter collectively the "Marks"), in connection with its goods and services; and

WHEREAS, Assignor owns a current federal registration for certain of the Marks upon the Principal Register of the United States Patent and Trademark Office as well as certain applications for registration of trademarks with the Trademark Offices of the United States and Canada, as identified and described in the attached Schedule A (such registrations and applications collectively hereinafter the "Registrations"); and

WHEREAS, IRON OUT, INC., an Indiana corporation (hereinafter "Assignee"), is desirous of acquiring said Marks, together with the goodwill of the business symbolized by said Marks and the Registrations and any other state, federal, or foreign rights and/or registrations of the Marks;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee all its right, title and interest in and to the Marks and the Registrations thereof, together with the goodwill of the business symbolized by said Marks and any right to sue and recover for any past infringements of the Marks. Assignor further agrees to, at Assignee's sole cost and expense, execute any documents and provide any assistance reasonably requested by Assignee to effectuate such assignment, to obtain or assign domestic or foreign registrations of the Marks, or to sue and recover for any past infringements of the Marks. Assignor further represents and warrants that it is now using and has continuously used in commerce the Marks in connection with its goods and services and Assignor is not aware of any claim of infringement, dilution, or violation of other right based upon its use of the Marks.

This Assignment is effective as of the 24<sup>th</sup> day of October, 2002.

ASSIGNOR

By: [Signature]

Typed Name: \_\_\_\_\_

Title: Managing Member

STATE OF \*New Jersey )  
 ) SS:  
CITY OF Newark )  
 )  
County of Essex

Before me, the undersigned, a Notary Public in and for said City and State, this 24 day of \*October 2002 personally appeared Kevin Schmidt, known to me to be the Managing Member of Dish-washer Magic LLC, a corporation, and acknowledged the execution of the above and foregoing instrument to be the free and voluntary act and deed of said Corporation for the uses and purposes therein expressed.

New Jersey limited liability company company

WITNESS my hand and Notarial Seal,

Christine Tabak

, Notary Public

My Commission Expires:

CHRISTINE TABAK  
A Notary Public of New Jersey  
My Commission Expires March 29, 2005

SCHEDULE A

United States Trademark Filings and Registrations

<u>MARK</u>	<u>U.S. APPLICATION /REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS/SERVICES</u>
WASHER MAGIC	76322890		"cleaning preparation for use with washing machines for the purpose of removing soap scum, mineral deposits, and lime scale in washing machines during washing machine operation"
DISHWASHER MAGIC	2394365	October 10, 2000	"cleaning preparation for use with dishwashers for the purpose of removing soap scum, mineral deposits, lime scale, and grease in dishwashers during dishwasher operation." with a first use date of May 2, 2000.
"DROP IT IN, TURN IT ON, IT'S ALL GONE"	2460491	June 12, 2001	"cleaning preparation for use with dishwashers for the purpose of removing soap scum, mineral deposits, lime scale, and grease in dishwashers during dishwasher operation." with a first use date of May 2, 2000.

Canadian Trademark Filings and Registrations

<u>MARK</u>	<u>CANADIAN APPLICATION / REG. NO.</u>	<u>REG. DATE</u>	<u>WARES/SERVICES</u>
DISHWASHER MAGIC	108006800		"cleaning preparation for use with dishwashers for the purpose of removing soap scum, mineral deposits, lime scale, and grease in dishwashers during dishwasher operation" allowed September 20, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Class: 3  
 Iron Out, Inc. (Assigned from Dishwasher )  
 Magic, L.L.C. )  
 Application No.: 76/322890 )  
 Filing Date: October 9, 2001 )  
 Mark: WASHER MAGIC )

Commissioner for Trademarks  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

POWER OF ATTORNEY

Iron Out, Inc., the owner of the above-identified trademark application, by assignment, hereby revokes all prior Powers of Attorney and hereby appoints John F. Hoffman, Anthony Niewyk, Michael D. Smith, Thomas A. Adams, Abigail M. Butler, Adam F. Cox, Michael S. Gzybowski, Michael D. Schwartz, and Brian C. Pauls, of the firm of BAKER & DANIELS, 111 East Wayne Street, Suite 800, Fort Wayne, Indiana 46802, our attorneys to file this Declaration, with full power of substitution and revocation, and to transact all business in the Patent and Trademark Office in connection therewith.

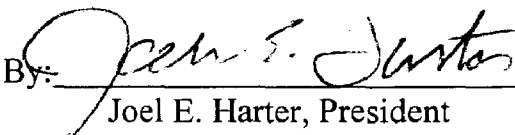
All communications are to be addressed to:

THOMAS A. ADAMS  
 Baker & Daniels  
 111 East Wayne Street, Suite 800  
 Fort Wayne, Indiana 46802

Telephone: 260-424-8000  
 Facsimile: 260-460-1700

Iron Out, Inc.

Date: 12/19/02

By:   
 Joel E. Harter, President

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Registration of	)	Class: 3
Iron Out, Inc. (Assigned from Dishwasher	)	
Magic, L.L.C.	)	
Registration No.: 2,394,365	)	
Registration Date: October 10, 2000	)	
Mark: DISHWASHER MAGIC	)	

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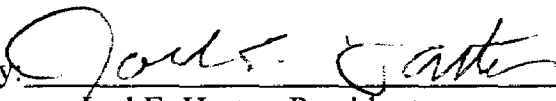
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Date: 12/9/02

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 Iron Out, Inc. (Assigned from Dishwasher )  
 Magic, L.L.C. )  
 Registration No.: 2,460,491 )  
 Registration Date: June 12, 2001 )  
 Mark: "DROP IT IN, TURN IT ON, IT'S )  
 ALL GONE" )

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 Fort Wayne, Indiana 46802

Telephone: 260-424-8000  
 Facsimile: 260-460-1700

Iron Out, Inc.

Date: 12-19-02

By: 

Joel E. Harter, President