

04-11-2003

Docket No.: D8

21119

Tab settings



To the Honorable Commissioner of Patents

102416938

Attached original documents or copy thereof.

1. Name of conveying party(ies):

West Agro, Inc.

4-7-03

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

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

3. Nature of conveyance:

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

Execution Date: January 24, 2003

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

Name: IodiTech, Inc.

Internal Address:

Street Address: 501 Sante Fe Street

City: Kansas City State: MO ZIP: 64105

- ☐ Individual(s) citizenship  
☐ Association  
☐ General Partnership  
☐ Limited Partnership  
☒ Corporation-State Missouri  
☐ 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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,233,266

Additional numbers ☐ Yes ☒ No

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

Name: Thomas H. Van Hoozer

Internal Address: HOVEY WILLIAMS LLP

04/10/2003 TDIAZ1 00000157 1233266

01 FC:85 1 40.00 DP

Street Address: 2405 Grand Boulevard, Suite 400

City: Kansas City State: MO ZIP: 64108

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:

19-0522

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.

Thomas H. Van Hoozer

Name of Person Signing

Signature

Date

Apr 17, 2003

Total number of pages including cover sheet, attachments, and **TRADE MARK**

REEL: 002709 FRAME: 0678

## **TRADEMARK AGREEMENT**

THIS TRADEMARK AGREEMENT (the "**Agreement**") made and entered into as of the 24th day of January, 2003, by and between West Agro, Inc., a Delaware corporation with its principal place of business located at 11100 North Congress Avenue, Kansas City, Missouri 64153-1296 ("**West Agro**") and IodiTech, Inc. a Missouri corporation with its principal place of business located at 501 Santa Fe Street, Kansas City, Missouri 64105 ("**IodiTech**")

### **WITNESSETH:**

**WHEREAS**, West Agro is the owner of United States Trademark Registration No. 1,233,266, issued on April 5, 1983, and covering the mark "**Hi Boot®**" (the "**Mark**"); and

**WHEREAS**, West Agro and IodiTech entered into that certain Asset Purchase and Sale Agreement dated of even date herewith (the "**Purchase Agreement**") which outlined the terms under which Seller agreed to sell, assign, transfer, and deliver to Purchaser all of Seller's rights, title and interests in and to the Assets described in the Agreement; and

**WHEREAS**, all capitalized terms not otherwise defined herein shall have the same definition and meaning when used herein as when used in the Purchase Agreement; and

**WHEREAS**, pursuant to the terms of the Purchase Agreement, West Agro agreed to execute this Trademark Agreement whereby West Agro would convey to IodiTech all of West Agro's rights, title and interest in and to the Mark.

**NOW, THEREFORE**, to all whom it may concern, be it known that for good and valuable consideration, including consideration previously transferred, the receipt and sufficiency of which are hereby acknowledged, West Agro has sold, assigned and transferred, and by these presents does hereby sell, assign and transfer unto IodiTech the full and exclusive right, title and interest, throughout the world, in and to said Mark, together with the goodwill of the business symbolized by the Mark and the above registration thereof and the right to recover for any past infringement of said Mark.

**NOW THEREFORE**, be it also known that for good and valuable consideration, including consideration previously transferred, the receipt and sufficiency of which are hereby acknowledged, West Agro also grants to IodiTech, for a period of two (2) years following the date of Closing, the non-exclusive privilege of displaying West Agro's tradename / trademark "**West Agro®**" solely in conjunction with the word "**Specialties**" in connection with IodiTech's promotion, sale and servicing of the products of the Business.

IODITECH ACKNOWLEDGES AND AGREES THAT IODITECH SHALL NOT USE WEST AGRO'S TRADENAMES, TRADEMARKS OR SERVICEMARKS IN ANY OTHER WAY.

Executed this 24<sup>TH</sup> day of JANUARY, 2003

West Agro, Inc.

By: 

Name: DANIEL L. BROOKHART

Title: CONTROLLER

Attest;

By: 

Name: MARILYN S. EGGGE

Title: Assistant Secretary

[CORPORATE SEAL]

STATE OF Missouri)  
COUNTY OF Platte) ss

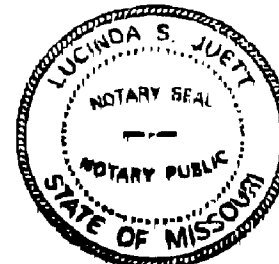
On this 24 day of January, 2003, before me personally appeared Daniel L. Brookhart to me personally known, who, being by me duly sworn, did say that he is the Controller of West Agro, Inc., a Delaware corporation, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed in behalf of said corporation by authority of its board of directors and said Daniel L. Brookhart acknowledged said instrument to be the free act and deed of said corporation.

  
Notary Public

(SEAL)

My Commission Expires:

7/15/06



LUCINDA S. JUETT  
Notary Public, State of Missouri  
PLATTE COUNTY  
My Commission Expires 7/15/06