

Form PTO-1594

(Rev. 10/02)

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RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

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

Tab settings

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

1. Name of conveying party(ies):

Supergo Corp.

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

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

2. Name and address of receiving party(ies)

Name: Performance, Inc.

Internal

Address:

Street Address: One Performance Way

City: Chapel Hill State: NC Zip: 27514

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State North Carolina
- 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

3. Nature of conveyance:

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

Execution Date: April 26, 2003

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 2,697,538 2,635,253
2,690,512 2,622,207
2,667,146 2,583,772

Additional number(s) attached Yes No

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

Name: M. Christopher Bolen, Esq.

Internal Address: P O Box 13069

Research Triangle Park NC 27709

Street Address: 2530 Meridian Parkway, Suite 400

City: Durham State: NC Zip: 27713

6. Total number of applications and registrations involved: 8

7. Total fee (37 CFR 3.41).....\$ 165

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

500517

(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.

M. Christopher Bolen

Name of Person Signing



Signature

10-28-03

Date

Total number of pages including cover sheet, attachments, and document: 3

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

CH \$165.00 500517 2697538

ASSIGNMENT OF TRADEMARKS AND RELATED REGISTRATIONS

THIS ASSIGNMENT OF TRADEMARKS AND RELATED REGISTRATIONS (this "Assignment"), dated as of April 26, 2003 is from Supergo Corp., a California corporation ("Assignor"), to Performance, Inc., a North Carolina corporation ("Assignee").

WITNESSETH:

WHEREAS, Assignor desires to assign to Assignee all right, title and interest in and to the trademarks and related United States trademark registrations identified on Exhibit A attached hereto and incorporated herein (collectively, the "Trademarks"), together with any and all goodwill of the business associated with the Trademarks; and

WHEREAS, Assignee desires to acquire the Trademarks and all goodwill of the business associated therewith from Assignor; and

WHEREAS, Assignor and Assignee desire to confirm of record the assignment of the Trademarks to Assignee;

NOW, THEREFORE, for \$1.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. Assignor hereby assigns to Assignee all right, title and interest in and to the Trademark(s), together with (i) the goodwill of the business symbolized by the Trademarks and (ii) all causes of action, claims and demands and other rights for, or arising from, any infringement, including past infringements, of the Trademarks.

2. Assignor further agrees without further consideration to cause to be performed such other lawful acts and to be executed such further assignments and other lawful documents as Assignee may from time to time reasonably request to effect fully this Assignment and to permit Assignee to be duly recorded as the registered owner of the Trademarks and all other rights hereby conveyed.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed by their respective authorized officers, all as of the day and year first above written.

ASSIGNOR:

ASSIGNEE:

SUPERGO CORP.

PERFORMANCE, INC.

By: 

By: 

Its: VP CFO

Its: VP CFO