

07-22-2003

# 1

Form PTO-1594  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)  
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102502768

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):

BI Properties I Inc.

7-18-03

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

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

2. Name and address of receiving party(ies)

Name: Springs Industries, Inc.

Internal  
Address: \_\_\_\_\_

Street Address: 205 North White Street

City: Fort Mill State: SC Zip: 29715

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State South 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: November 5, 2002

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,355,874

Additional number(s) attached  Yes  No

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

Name: Martha Gayle Barber

Internal Address: Alston & Bird LLP

Street Address: 101 South Tryon Street

Suite 1000

City: Charlotte State: NC Zip: 282804000

(Attach duplicate copy of this page if paying by deposit account)

6. Total number of applications and registrations involved: \_\_\_\_\_

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: \_\_\_\_\_

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.

Martha Gayle Barber  
Name of Person Signing

Martha Gayle Barber  
Signature

July 7, 2003  
Date

Total number of pages including cover sheet, attachments, and document: 4

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

TRADEMARK  
REEL: 002783 FRAME: 0256

FINANCE SECTION  
RECORDS

07-18-03  
40.00

**NUNC PRO TUNC ASSIGNMENT  
OF  
UNITED STATES TRADEMARK REGISTRATION**

WHEREAS, *BI Properties I Inc.*, a Delaware corporation (hereinafter referred to as "ASSIGNOR"), was formerly the exclusive and record owner of the entire right, title, and interest in and to the following Trademark and the corresponding United States Trademark Registration therefor:

Mark: **FASHION EXPRESS**  
Reg. No.: 2,355,874  
Registered: June 6, 2000  
Class: 24

WHEREAS, *Springs Industries, Inc.*, a South Carolina corporation, having a principal place of business at 205 North White Street, Fort Mill, South Carolina 29715 (hereinafter referred to as "ASSIGNEE"), has acquired and purchased from ASSIGNOR the Trademark and the corresponding United States Trademark Registration, and associated goodwill, from ASSIGNOR effective May 31, 2002 and is desirous of confirming that it has done so.

WHEREAS, ASSIGNOR and ASSIGNEE desire to confirm and perfect the sale and assignment of said Trademark and corresponding United States Trademark Registration therefor effective May 31, 2002;

Registrant submits this Nunc Pro Tunc Assignment to correct the recording of the Assignment which was recorded on July 9, 2002, Reel/Frame No: 002542/0206. Registrant is correcting Registration No. 2,355,874 as identified in the Assignment as Reg. No. 2,355,854.

0032607

**TRADEMARK  
REEL: 002783 FRAME: 0257**

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby acknowledges and confirms that effective May 31, 2002, ASSIGNOR sold, transferred, and assigned to said ASSIGNEE the entire right, title, and interest in and to the Trademark and the corresponding United States Trademark Registration therefor, together with the goodwill of the business appurtenant to and symbolized by said Trademark, and all rights of action against third parties for past infringement thereof, the same to be held and enjoyed by said ASSIGNEE as fully and entirely as the same would have been held by ASSIGNOR had the sale, transfer, and assignment not been made.

ASSIGNOR hereby warrants and covenants that it had the full power and authority to convey the rights, title, and interests sold, transferred, and assigned to ASSIGNEE, that it has not executed and will not execute any agreement in conflict herewith, and that it will execute any and all other instruments which may be necessary to perfect and evidence ASSIGNEE's ownership of the property and rights herein conveyed.


IN WITNESS WHEREOF, ASSIGNOR, intending to be legally bound, has caused this Nunc Pro Tunc Assignment to be executed by its duly authorized officer, as of the 5<sup>th</sup> day of November, 2002.

BI PROPERTIES I INC.

  
\_\_\_\_\_  
John D. Englar  
President

STATE OF NORTH CAROLINA )  
  ) ss:  
COUNTY OF GUILFORD            )

On November 5, 2002 2002, before me, the undersigned Notary Public, personally appeared John D. Englar of BI Properties I Inc. known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity on behalf of BI Properties I Inc., and that the execution and delivery of this Assignment of Trademarks were authorized by said corporation.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

1-3-05

AVA H. HERRING  
NOTARY PUBLIC  
GUILFORD COUNTY, NC  
Commission Expires 1-3-05