

08-04-2003

FORM PTO-1594

(Rev. 6-93)

Patent and Trademark Office

OMB No. 0651-0011 (exp. 4/94)



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To The Honorable Commissioner of Patents and Trademarks, Documents or copy thereof.

1. Name of party:

The Basketball Marketing Company, Inc.

- () Individual(s) () Association
 () General Partnership () Limited Partnership
 (X) Corporation-Country: Delaware
 () Other:

Additional name(s) of party(ies)

attached? () YES (X) NO

3. Nature of Conveyance:

- (X) Assignment () Merger
 () Security Agreement () Change of Name
 () Other:

Execution Date: June 21, 1999

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

Name: BMC Players, Inc.

Internal Address:

Street Address: 300 Delaware Avenue, Suite 900

City: Wilmington State: Delaware

Country: USA ZIP: 19801

() Individual(s) citizenship:

() Association:

() General Partnership:

() Limited Partnership:

(X) Corporation-Country: Delaware

() Other:

If assignee is not domiciled in the United States, a domestic representative

designation is attached: () YES () NO

(Designation must be a separate document from Assignment)

Additional name(s) & address attached? () YES (X) NO

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

A. Trademark Application No.(s)

B. Trademark registration No.(s)

2,357,353

Additional numbers attached? () YES (X) NO

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

Name: Camille M. Miller

Internal Address:

COZEN O'CONNOR, P.C.

Street Address: 1900 Market Street

City: Philadelphia State: Pennsylvania

ZIP: 19103

6. Total number of applications and registrations involved:

1

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

(X) Enclosed

() Authorized to be charged to deposit account

8. Deposit account number: 50-1275

(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.*Camille M. Miller

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 5**Do not detach this portion**

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks**Box Assignments****Washington, D.C. 20231**

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project. (0651-0011).

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TRADEMARK
REEL: 002793 FRAME: 0022

NUNC PRO TUNC ASSIGNMENT OF TRADEMARK

WHEREAS, The Basketball Marketing Company, Inc. d/b/a **AND 1**, a Delaware corporation with a place of business at 4 Industrial Boulevard, Paoli, Pennsylvania 19301 ("THE COMPANY") had adopted, used and was the owner of the trademark **AND 1 and Design**, the trademark for which is federally registered at the U.S. Patent and Trademark Office as Registration No. 2,357,353; and

WHEREAS, BMC Players, Inc., a Delaware corporation with a place of business at 300 Delaware Avenue, Suite 900, Wilmington, Delaware 19801 ("BMC") did acquire as of June 21, 1999, all right title and interest in and to the **AND 1 and Design** trademark, and all assets relating thereto;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged and intending to be legally bound hereby, The Company acknowledges that it did on June 21, 1999, sell, assign, transfer, and convey to BMC all right, title, and interest in and to the **AND 1 and Design** trademark and the registration therein including any choses in action relating to the **AND 1 and Design** trademark claims for damages, profits, and costs, both in equity and law for any infringement of the **AND 1 and Design** trademark occurring on or before June 21, 1999, together with the good will of the business symbolized by the **AND 1 and Design** trademark, and all assets relating to the mark and to the **AND 1 and Design** products or services.

WHEREAS, it is desired that the Assignment of the **AND 1 and Design** trademark Nunc Pro Tunc, be made of record in the U.S. Patent and Trademark Office.

This Assignment is effective as of June 21, 1999, regardless of the date signed.

**THE BASKETBALL MARKETING
COMPANY, INC.**

7/17/03

Date

Peter Kusiel

Name: PETER KUSHEL

Title: CFU

Sworn to and subscribed before me this 17th day of July, 2003.

Majbritt A. Larsen

Notary Public

Notarial Seal
Majbritt A. Larsen, Notary Public
Willistown Twp., Chester County
My Commission Expires Feb. 2, 2004

Member, Pennsylvania Association of Notaries

BMC PLAYERS, INC.

7-17-03

Date

Jonathan Ross

Name: Jonathan Ross

Title: Vice President

Sworn to and subscribed before me this 17th day of July, 2003.

Majbritt A. Larsen

Notary Public

Notarial Seal
Majbritt A. Larsen, Notary Public
Willistown Twp., Chester County
My Commission Expires Feb. 2, 2004

Member, Pennsylvania Association of Notaries