

09-02-2003

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

Brown Wooten Mills, Inc.

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation-State North Carolina  
☐ Other \_\_\_\_\_

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

## 3. Nature of conveyance:

- ☒ Nunc Pro Tunc Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other Release of Security Interest

Execution Date: August 8, 2003

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

Name: Moretz, Inc.

Internal

Address: P.O. Box 580

Street Address: 514 W. 21st Street

City: Newton State: NC Zip: 28658

- ☐ 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

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

A. Trademark Application No.(s) \_\_\_\_\_

B. Trademark Registration No.(s) \_\_\_\_\_

Reg. No. 1,197,967 - POWER PLAY

Additional number(s) attached ☐ Yes ☒ No

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

Name: John L. Sullivan, Jr., Esq.

Alston &amp; Bird LLP

Internal Address: Bank of America Plaza

Street Address: 101 South Tryon Street,

Suite 4000

City: Charlotte State: NC Zip: 28280-4000

## 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  
 If additional fees are needed

## 8. Deposit account number:

16-0605

DO NOT USE THIS SPACE

## 9. Signature.

John L. Sullivan, Jr.

Name of Person Signing

Signature

8/21/03

Date

Total number of pages including cover sheet, attachments, and document: 5

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

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TRADEMARK  
 REEL: 002814 FRAME: 0059

**NUNC PRO TUNC ASSIGNMENT  
OF  
UNITED STATES TRADEMARK REGISTRATION  
And  
RELEASE OF SECURITY INTEREST**

WHEREAS, *Brown Wooten Mills, Inc.*, a North Carolina corporation, previously having a principal place of business at 129 W. Trade Street, Burlington, North Carolina 27215, (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: **POWER PLAY**  
Registration No.: 1,197,967  
Registered: June 15, 1982  
Int. Class: 25

WHEREAS, *Moretz, Inc.*, a North Carolina corporation, having a principal place of business at 514 W. 21<sup>st</sup> Street, Post Office Box 580, Newton, North Carolina 28658, (hereinafter referred to as "ASSIGNEE"), has acquired and purchased from ASSIGNOR the above-identified Trademark and the corresponding United States Trademark Registration, and associated goodwill from ASSIGNOR effective June 12, 2002, and is desirous of confirming that it has done so.

WHEREAS, *GMAC Commercial Finance LLC*, as the successor-in-interest to *BNY Financial Corporation*, desires to acknowledge and approve the Assignment hereinafter set forth, and to generally Release its entire Security Interest in and to the above-identified registration evidenced in the United States Patent and Trademark Office on Trademark Reel 1574, Frame 0343, recorded April 16, 1997.

WHEREAS, ASSIGNOR and ASSIGNEE desire to confirm and perfect the sale and assignment of said Trademark and corresponding United States Trademark Registration therefor effective June 12, 2002;

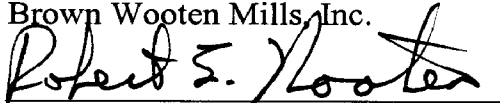
NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby acknowledges and confirms that effective June 12, 2002, ASSIGNOR sold, transferred, and assigned to said ASSIGNEE the entire right,

title, and interest in and to the above-identified 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 8<sup>th</sup> day of August, 2003.

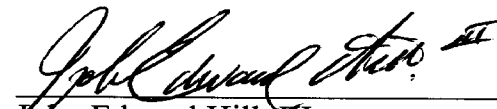
Brown Wooten Mills, Inc.



Robert E. Wooten  
President

#### RELEASE OF SECURITY INTEREST

As of the 14<sup>th</sup> day of August, 2003, *GMAC Commercial Finance LLC*, the successor-in-interest to *BNY Financial Corporation*, hereby acknowledges and approves the Assignment of the POWER PLAY trademark and U.S. Trademark Registration No. 1,197,967, and hereby generally Releases its entire Security Interest in and to the above-identified registration evidenced in the United States Patent and Trademark Office on Trademark Office on Trademark Reel 1574, Frame 0343, recorded April 16, 1997.



John Edward Hill, III  
Senior Vice-President

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