

Form PTO-1894 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

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): DUKE CAPITAL PARTNERS, LLC
Individual(s) Association
General Partnership Limited Partnership
Corporation-State
Other Limited liability company (Delaware)
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)
Name: DUKE ENERGY ROYAL, LLC
Internal
Address:
Street Address: 400 South Tryon Street
Mail Code ST03E
City: Charlotte State: NC Zip: 28285
Individual(s) citizenship
Association
General Partnership
Limited Partnership
Corporation-State
Other limited liability company (Delaware)
If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:
Assignment Merger
Security Agreement Change of Name
Other Assignment of security interest
Execution Date: April 20, 2004

4. Application number(s) or registration number(s):
A. Trademark Application No.(s)
78/238003
Additional number(s) attached Yes No

Table with 2 columns: Trademark Registration No.(s) and values: 1,825,689, 2,232,522, 1,712,865, 2,435,039, 2,383,917, 1,868,510, 1,726,851, 1,930,513, 2,403,388, 1,824,001, 2,436,816, 1,881,071

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Anne Reece, Paralegal
Internal Address:
Robinson, Bradshaw & Hinson, P.A.
Street Address: 101 N. Tryon Street, Suite 1900
City: Charlotte State: NC Zip: 28248

6. Total number of applications and registrations involved: 13
7. Total fee (37 CFR 3.41) \$340.00
Enclosed
Authorized to be charged to deposit account
8. Deposit account number: 500327
(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.
Anne Reece, Paralegal
Signature: Anne M. Reece
Date: April 30, 2004
Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments, and documents: 4
Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

CP \$340.00 78238003

**ASSIGNMENT OF SECURITY INTEREST  
IN PATENTS AND TRADEMARKS**

WHEREAS, DUKE CAPITAL PARTNERS, LLC (the "DCP") by pledge from Harmony Products, Inc. has a security interest filed with the United States Patent and Trademark Office in the trademarks and service marks listed on Schedule A attached hereto, which marks are registered or have pending registrations in the United States Patent and Trademark Office as set forth on Schedule A attached hereto (all such trademarks, service marks, registrations and applications, collectively, the "Trademarks") and has a security interest filed with the United States Patent and Trademark Office in the patents listed on Schedule A attached hereto, which patents are registered or have pending applications in the United States Patent and Trademark Office as set forth on Schedule A attached hereto (all such patents, registrations and applications, collectively, the "Patents"); and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, DCP docs hereby assign all of its right, title and interest in and to the Trademarks and the Patents, and the use thereof, together with all proceeds and products thereof and the goodwill of the businesses symbolized by the Trademarks and the Patents.

**DUKE CAPITAL PARTNERS, LLC**

By: \_\_\_\_\_  
Name: DP Smith, Jr.  
Title: VP Fin.

STATE OF North Carolina )  
COUNTY OF Mecklenburg )

This 20th day of April, 2004 before me personally came the above-named D.P. Smith, Jr., to me personally known as the individual who executed the foregoing assignment on behalf of **Duke Capital Partners, LLC** who has acknowledged to me that he, as VP-Finance of **Duke Capital Partners, LLC**, being authorized to do so, signed and sealed the same on behalf of **Duke Capital Partners, LLC.**, for the purposes therein set forth.

(SEAL)

Mary K. Pope  
Notary Public

*My COMMISSION expires May 3, 2004*

**ACCEPTANCE**

The undersigned, **Duke Energy Royal, LLC** hereby declares that it has accepted the foregoing assignment.

**SIGNED AND SEALED** at Charlotte NC, U.S.A. this 20 day of April, 2004.

**DUKE ENERGY ROYAL, LLC**

By: J David Duncan Jr  
Name: J David Duncan Jr  
Title: VP

Schedule A**TRADEMARKS AND TRADEMARK APPLICATIONS**

<u>Conveying Party</u>	<u>Mark</u>	<u>Application or Registration No.</u>	<u>Country</u>	<u>Issue or Filing Date</u>
Duke Capital Partners, LLC	TURF-FIX	2,436,816	USA	01/21/00
Duke Capital Partners, LLC	TNT	2,435,039	USA	01/21/00
Duke Capital Partners, LLC	TOP COAT	2,403,388	USA	02/01/99
Duke Capital Partners, LLC	BIONITE	2,383,917	USA	07/20/98
Duke Capital Partners, LLC	COMPLETE TURF & LANDSCAPE	2,232,522	USA	11/13/95
Duke Capital Partners, LLC	HARMONY IN TUNE WITH NATURE	1,881,071	USA	11/30/90
Duke Capital Partners, LLC	ENVIROBASE	1,930,513	USA	08/26/93
Duke Capital Partners, LLC	HARMONY	1,868,510	USA	03/01/93
Duke Capital Partners, LLC	BRIDGE	1,825,689	USA	02/25/92
Duke Capital Partners, LLC	THE REAL POOP	1,726,851	USA	11/15/91
Duke Capital Partners, LLC	HARMONY	1,824,001	USA	09/06/91
Duke Capital Partners, LLC	HARMONY IN TUNE WITH NATURE	1,712,865	USA	11/30/90
Duke Capital Partners, LLC	NUTRICARE	78/238003	USA	04/15/03

**PATENTS AND PATENT APPLICATIONS**

<u>Conveying Party</u>	<u>Application or Registration No.</u>	<u>Country</u>	<u>Inventor</u>	<u>Issue or Filing Date</u>
Duke Capital Partners, LLC	4,109,019	USA	Moore	02/08/77
Duke Capital Partners, LLC	4,997,469	USA	Moore	06/11/90
Duke Capital Partners, LLC	5,021,247	USA	Moore	06/11/90
Duke Capital Partners, LLC	5,021,077	USA	Moore	01/10/90
Duke Capital Partners, LLC	5,087,474	USA	Moore	03/06/91
Duke Capital Partners, LLC	5,240,490	USA	Moore	03/13/92
Duke Capital Partners, LLC	5,411,568	USA	Moore	05/25/94
Duke Capital Partners, LLC	09/260,006	USA	n/a	applied