

10/14/03



Form PTO-1594

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10-14-2003

11-06-2003

(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

U.S. Patent & TMO/TM Mail Rpt Dt. #74



Tab settings

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To the Honorable Commissioner of Patents and Trademarks: Please record the

1. Name of conveying party(ies):

James Thorlo Development, LLC

- Individual(s)
- General Partnership
- Corporation-State
- Other North Carolina limited liability company
- Association
- Limited Partnership

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

3. Nature of conveyance:

- Assignment Nunc Pro Tunc
- Security Agreement
- Other effective February 27, 2003
- Merger
- Change of Name

Execution Date: October 1, 2003

2. Name and address of receiving party(ies)

Name: James L. Throneburg

Internal Address: _____

Address: _____

Street Address: 635 Hauser Road

City: Lewisville State: NC Zip: 27023

Individual(s) citizenship U.S.A.

Association

General Partnership

Limited Partnership

Corporation-State

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) _____

76/356,187 - PURE ATHLETIC

B. Trademark Registration No.(s) _____

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 & Bird LLP

Internal Address: Bank of America Plaza

Street Address: 101 S. 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

John L. Sullivan Jr.
Signature

10/7/03
Date

5

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

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

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

THIS ASSIGNMENT, is made by *James Thorlo Development, LLC*, a North Carolina limited liability company, having a principal place of business at 635 Hauser Road, Lewisville, North Carolina 27023 (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 Application therefor:

Mark: **PURE ATHLETIC**
Appl. No.: 76/356,187
Filed: January 8, 2002
Int. Classes: 18 and 25

WHEREAS, *James L. Throneburg*, a citizen of the United States of America, having a principal place of business at 635 Hauser Road, Lewisville, North Carolina 27023 (hereinafter referred to as "ASSIGNEE"), has acquired and purchased from ASSIGNOR the above-identified Trademark and the corresponding United States Trademark Application, and associated goodwill from ASSIGNOR effective February 27, 2003, and is desirous of confirming that it has done so.

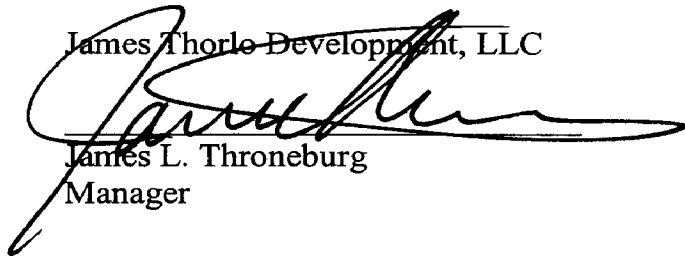
WHEREAS, ASSIGNOR and ASSIGNEE desire to confirm and perfect the sale and assignment of said Trademark and corresponding United States Trademark Application therefor effective February 27, 2003;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby acknowledges and confirms that effective February 27, 2003, 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 Application 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 15th day of October, 2003.

James Thorlo Development, LLC

A handwritten signature in black ink, appearing to read "James L. Throneburg", is written over a horizontal line. The signature is fluid and cursive.

James L. Throneburg
Manager

CLT01/4609528v1