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U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office



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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 ENERGY ROYAL, 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: ENVIRONMENTAL PRODUCTS LC

Internal Address:

Street Address: 4415 Pheasant Ridge Road Suite 305-B

City: Roanoke State: VA Zip: 24014

- Individual(s) citizenship, Association, General Partnership, Limited Partnership, Corporation-State, Other limited liability company (Virginia)

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: April 20, 2004

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

A. Trademark Application No.(s)

78/238003

B. Trademark Registration No.(s)

Table with 4 columns of registration numbers: 1,825,689, 2,232,522, 1,712,865, 2,435,039, 2,383,917, 1,868,510, 1,726,851, 1,930,513, 2,403,368, 1,824,001, 2,436,816, 1,881,071

Additional number(s) attached Yes No

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: 28246

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: Charge Fee

500327 shortage only

(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. DOCUMENT ID NO.: 700082674 and No. 700084590 / FILE DATE OF 05/05/2004

Anne M. Reece, Paralegal

Name of Person Signing

Signature

May 25, 2004

Date

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

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

### ASSIGNMENT OF MARKS

This ASSIGNMENT OF MARKS AGREEMENT (the "Agreement"), dated as of April 20, 2004, is between Duke Energy Royal, LLC, a Delaware limited liability company (the "Assignor"), and Environmental Products LC, a Virginia limited liability company (the "Assignee").

### BACKGROUND STATEMENT

Assignor has adopted, used and is using certain trademark(s) and/or service mark(s) that are registered in the United States Patent and Trademark Office, as identified on Appendix A attached hereto (the "Marks"). Assignor desires to assign and Assignee desires to acquire all rights that Assignor has in the Marks, and the registrations thereof, together with the goodwill of the business represented by the Marks for the consideration and on the terms set forth herein.

### STATEMENT OF AGREEMENT

The parties hereto agree as follows:

- 1. Assignment.** Assignor does hereby assign to Assignee all of Assignor's right, title and interest in and to the Marks in the United States and throughout the world, any common law rights relating to the Marks and the registrations thereof, together with the goodwill of the business represented by the Marks, with the right to sue and recover for, and the right to profits, penalties or damages due or accrued arising out of or in connection with any and all past, present or future infringements or dilution of or damage or injury to the Marks or such represented goodwill.
- 2. Further Acts.** Assignor hereby covenants and agrees that, without compensation to Assignor, it will, and will cause its legal representatives, employees, agents and assigns to, execute and deliver to Assignee any and all documents, and take such further acts, that may be necessary or appropriate to convey, assign, transfer, endorse and confirm in Assignee all of Assignor's rights and benefits in, to and under the Marks.

(Signatures continued on following page)

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

DUKE ENERGY ROYAL, LLC

By: [Signature]  
Name: J. David Duncan III  
Title: VP

STATE OF North Carolina  
COUNTY OF Mecklenburg

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

(SEAL)

[Signature]  
Notary Public

*My Commission Expires May 3, 2006.*

ACCEPTANCE

The undersigned, Environmental Products LC hereby declares that it has accepted the foregoing assignment.

SIGNED AND SEALED at Roanoke, VA, U.S.A. this 20 day of April, 2004.

ENVIRONMENTAL PRODUCTS LC

By: [Signature]  
Name: JAMES R. SMITH  
Title: MANAGER

**APPENDIX A**

**TRADEMARKS**

<u>Trademark</u>	<u>Registration No.</u>	<u>International Class(es)</u>	<u>Date Registered</u>
TURF-FIX	2,436,816	1 - Chemicals	01-21-2000
TNT	2,435,039	1 - Chemicals	01-21-2000
TOP COAT	2,403,388	1 - Chemicals	02-01-1999
BIONITE	2,383,917	1 - Chemicals	07-20-1998
COMPLETE TURF & LANDSCAPE	2,232,522	1 - Chemicals	11-13-1995
HARMONY IN TUNE WITH NATURE	1,881,071	31 - Natural Agricultural Products	11-30-1990
ENVIROBASE	1,930,513	1 - Chemicals	08-26-1993
HARMONY	1,868,510	31 - Natural Agricultural Products	03-01-1993 (expired)
BRIDGE	1,825,689	1 - Chemicals	02-25-1992
THE REAL POOP	1,726,851	1 - Chemicals	11-15-1991
HARMONY	1,824,001	1 - Chemicals	09-06-1991
HARMONY IN TUNE WITH NATURE	1,712,865	1 - Chemicals	11-30-1990 (renewed)

**TRADEMARK APPLICATIONS**

<u>Trademark</u>	<u>Application No.</u>	<u>International Class(es)</u>	<u>Date Filed</u>
NUTRICARE	78/238003	1 - Chemicals	04/15/2003

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