

12-10-2003



102618830

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

EET Y

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): 12-4-03 AGREVO ENVIRONMENTAL HEALTH, LTD.

- Individual(s) Association General Partnership Limited Partnership Corporation-State Other Foreign corporation

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

- 3. Nature of conveyance: Assignment Merger Security Agreement Change of Name Other

Execution Date: April 25, 2001

2. Name and address of receiving party(ies) Name: SUMITOMO CHEMICAL CO., LTD.

Internal Address: Street Address: 5-33 Kitahama 4-chome City: Chuo-Ku State: Osaka Zip: JAPAN

- Individual(s) citizenship Association General partnership Limited Partnership Corporation-State Other Foreign corporation

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) 1,911,036

Additional number(s) attached Yes No

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

Name: Johanna F. Sisteck, Esq. Internal Address: Howard, Rice, Nemerovski, Canady, Falk & Rabkin, A Professional Corporation

Street Address: Three Embarcadero Center 7th Floor San Francisco State: CA Zip: 94111-4065

6. Total number of applications and registrations involved: 1

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

- Enclosed; IF FOUND INSUFFICIENT, THEN Authorized to be changed to deposit account

8. Deposit account number:

08-2792

DO NOT USE THIS SPACE

9. Signature.

JOHANNA F. SISTEK Name of Person Signing

Johanna F. Sisteck Signature

12/2/03 Date

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

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

12/03/2003 ECDOPER 00000283 1911036

12/03/2003

40.00 OP

WD 102103/1-1427073/1109595/v1

TRADEMARK REEL: 002876 FRAME: 0252

2003 DEC -4 AM 7:29 OPR/FINANCE

TRADEMARK ASSIGNMENT AGREEMENT

This Trademark Assignment Agreement is made and entered into as of the 25 day of ~~February~~, 2003 by and between Agrevo Environmental Health Ltd corporation located at Hauxton, Cambridge, UK ("**Assignor**") and Sumitomo Chemical Co., Ltd., Japanese corporation located at 5-33, Kitahama 4-chome, Chuo-ku, Osaka, Japan ("**Assignee**").

RECITALS

WHEREAS, Assignor owns all right, title, and interest in and to the U.S. Trademark registration listed in Exhibit A attached hereto (the "**Registration**"), the mark described in the Registration (the "**Mark**"), and the goodwill of the business represented and symbolized by the Mark (the "**Business**"); and

WHEREAS, Assignee is the successor to the Business and wishes to acquire all right, title, and interest in and to the Registration, the Mark, and the goodwill of the Business.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows.

1. **Assignment.** Assignor hereby assigns, conveys, and transfers to Assignee (and its successors and assigns) all of Assignor's right, title, and interest in and to the Registration and the Mark, including without limitation all of the goodwill of the Business, all extensions and renewals of the Registration, all common law rights in and to the Mark, the right to register, renew, protect, and defend the Mark and to sue for past, present, and future infringements of the Mark, the right to any other claims arising out of or relating to the use or ownership of the Registration or the Mark, and all rights corresponding to the Registration and the Mark throughout the world, effective as of the date first set forth above.

2. **Warranty.** Assignor represents and warrants that it is the sole owner of all right, title, and interest in and to the Registration and the Mark, that it has not conveyed, licensed, or otherwise transferred any right or interest in the Registration or the Mark to any third party, that it has not restricted or encumbered the Registration or the Mark in any way, and that no party other than the Assignee hereafter retains any right, title, or interest in or to the Registration or the Mark.

3. **Cooperation.** Assignor will cooperate with Assignee in filing documents with the U.S. Patent and Trademark Office (the "**PTO**") to record this Assignment with the PTO. Assignor will also do, execute, acknowledge, deliver, file, or record, or cause to be done, executed, acknowledged, delivered, filed, or recorded, all such further acts, deeds, assignments, transfers, conveyances, powers of attorney, instruments, and assurances as Assignee may reasonably request, or as may be required by the law of the United States or any foreign country, in order to convey the rights set forth in Section 1 (Assignment) above to Assignee.

4. **Counterparts.** This Trademark Assignment Agreement may be executed in one or two faxed or original counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

WD 021203/1-1427073/131/1056132/v1

011

WD 021203/1-1427073/131/1056132/v1

Date of Deposit: _____, 2003

I hereby certify that this paper or fee is being deposited as first-class mail with the United States Postal Service on the date indicated above and is addressed to the Commissioner for Trademarks, BOX POST-REG—NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: Sumitomo Chemical Co., Ltd.

Mark: ESBIOTHRIN

Reg. No.: 1,911,036

Reg. Date: August 15, 1995

BOX POST-REG—NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Madam/Sir:

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND APPOINTMENT OF NEW ATTORNEY**

Registrant, Sumitomo Chemical Co., Ltd., hereby revokes all prior powers of attorney and appoints the following as its new attorneys of record: Carole F. Barrett, Neil A. Smith and Tyler J Fuller, admitted to practice before the Supreme Court of the State of California, and the law firm of Howard, Rice, Nemerovski, Canady, Falk & Rabkin, a Professional Corporation, Three Embarcadero Center, 7th Floor, San Francisco, California 94111.

Please direct all future correspondence concerning this matter to the address listed above, and all communications and inquiries relating to this application should be addressed to Neil A. Smith, Esq., at (415)434-1600.

WD 011503/1-1427073/1049849/v1

TRADEMARK
REEL: 002876 FRAME: 0254

DESIGNATION OF DOMESTIC REPRESENTATIVE

Sumitomo Chemical Co., Ltd., hereby appoints the firm of Howard, Rice,

Nemerovski, Canady, Falk & Rabkin, a Professional Corporation, Three Embarcadero Center, 7th

Floor, San Francisco, California 94111, as Registrant's domestic representative upon whom

notice or process in proceedings affecting the mark may be served.

Dated: November 7 2003

SUMITOMO CHEMICAL CO., LTD.

By: *Takashi Kuboyama*
Name: TAKASHI KUBOYAMA
Title: GENERAL MANAGER
INTELLECTUAL PROPERTY DEPARTMENT