

05-21-2004

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

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Wells Fargo Foothill, Inc., f/k/a Foothill Capital Corporation, as Agent

2. Name and address of receiving party(ies) Name: Easy Gardener, Inc. Internal Address: Street Address: 655 Montgomery Street City: San Francisco State: CA Zip: 94111

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

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

Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Delaware 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

Execution Date: 05/07/04

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

A. Trademark Application No.(s) 76-443123 76-427852 76-413472

B. Trademark Registration No.(s) 2356925 1447569 2356107

Additional number(s) attached Yes No

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

Name:

Attn: Penelope J.A. Agodoa Federal Research Company, LLC 1030 15th Street, NW, Suite 920 Washington, DC 20005 202.783.2700

Street Address:

City: State: Zip:

6. Total number of applications and registrations involved: 60

7. Total fee (37 CFR 3.41) \$ 1515.00

Enclosed Authorized to be charged to deposit account

8. Deposit account number:

DO NOT USE THIS SPACE

9. Signature.

Mary A. Schmidt Name of Person Signing

Mary A. Schmidt Signature

5/14/04 Date

Total number of pages including cover sheet, attachments, and document: 8

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

05/21/2004 ECDOPER 00000023 76443123

01 FC:8521 40.00 OP 02 FC:8522 1475.00 OP

TRADEMARK REEL: 002967 FRAME: 0703

SCHEDULE 1

TRADEMARK SCHEDULE

Registrations:

<u>Trademark Description</u>	<u>U.S. Registration</u>	<u>Registration Date</u>
Great Results Less Work.	2359625	6/20/00
Gro-Bags	1447569	7/14/87
Easy Gardener	2356107	6/06/00
Easy Gardener	2294225	11/23/99
Jobe's Weed Control Fabric	2321088	2/22/00
Weed Block	2334841	3/28/00
Fabricpegs	1981079	6/18/96
XP-20	1989049	7/23/96
Scatter Cap	1986161	7/09/96
Bio Block	1938066	11/28/95
Stops Weeds For Years	1921278	9/19/95
Polyspun 350	1905636	7/18/95
Deer Block	1802112	11/02/93
Bird Block	1804536	11/16/93
Tree Stakit	1769537	5/04/93
Easy Feeder	1733116	11/17/92
Micropore	1766881	4/20/93
Fast Start	1671754	1/14/92
Fabricpegs	1557426	9/19/89
Gro Cover	1475961	2/9/88

WeedBlock	1408576	9/9/86
Easy Gardener	1445222	6/30/87
Cloud Cover	1252606	10/4/83
Tomato Boomers	1084414	2/7/78
Green-Again	2015572	11/12/96
It Works. You Don't.	1768337	5/04/93
Ross	1741296	12/22/92
Ross	1682545	4/14/92
Ross	1684947	5/05/92
Gro-Stakes	1664643	11/19/91
Ross Root Feeder	1675783	2/18/92
Jobe's	982195	4/16/74
Emerald Edge	1928560	10/14/95
FlexiTrim	2479878	8/21/01
Weed Wizard	2327614	3/14/00
Tree Gard	2010199	10/22/96
Jobes	2261733	7/13/99

Applications:

<u>Trademark Description</u>	<u>U.S. Serial</u>	<u>Application Date</u>
All American Wild Flowers	76-443123	8/21/02
Garden Cottage Border	76-427852	07/01/02
Gothic Border	76-413472	5/28/02
Garden Defense Owl	76-352192	12/26/01

Easy Feeder	76-35436	12/20/01
Garden Braid	76-328076	10/23/01
Villa Garden Tiles	76-328077	10/23/01
Decotile Border	76-293338	8/02/01
Whimsical Jewels	76-293330	8/02/01
Whimsical Dragonfly	76-293343	8/02/01
Whimsical Butterfly	76-293345	8/02/01
Whimsical Garden Border	76-293336	8/02/01
Easy Gardener Pound In	76-293346	8/02/01
Whimsical Silver Ridge	76-293344	8/02/01
Villa Garden Tiles – English Stone	760293339	8/02/01
Villa Garden Tiles – English Stone Final	760293340	8/02/01
Garden Braid Border	76-293335	8/02/01
Country Classic Border	76-293337	8/02/01
Whimsical Loop	76-293342	8/02/01
Villa Garden Tiles – Roma	76-293331	8/02/01
Villa Garden Tiles – Venicia	76-293102	8/01/02
Villa Garden Tiles – Adobe	76-293101	8/01/01
Whimsical Arch	76-293341	8/02/01

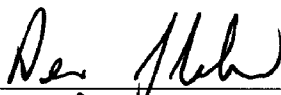
RELEASE OF ASSIGNMENT FOR SECURITY OF TRADEMARKS

THIS RELEASE is made as of this 7th day of May, 2004, by Wells Fargo Foothill, Inc., a California corporation f/k/a Foothill Capital Corporation, as Agent ("Foothill"), in favor of Easy Gardener, Inc., a Delaware corporation ("Easy Gardener").

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, Foothill hereby unconditionally and expressly releases, terminates, and extinguishes any and all of its right, title and interest in and to any and all liens and security interests it may have upon the trademarks of Easy Gardener, including without limitation the trademarks listed on Schedule 1 attached hereto and made a part hereof, which liens and security interests were established under and pursuant to that certain Collateral Assignment of Trademarks dated as of October 30, 2002, made by Easy Gardener in favor of Foothill.

This Release shall be binding upon Foothill's legal representatives, assigns and successors.

Wells Fargo Foothill, Inc., f/k/a Foothill Capital Corporation, as Agent

By: 
Name: DENNIS J. ROMAN
Title: V.P.

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Villa Garden Tiles – Venicia	76-293102	8/01/02
Villa Garden Tiles – Adobe	76-293101	8/01/01
Whimsical Arch	76-293341	8/02/01