

05-19-2004

5/18/04

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 8/30/ Tab settings



102748507

SHEET 1LY

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): Wells Fargo Foothill, Inc., f/k/a Foothill Capital Corporation, as Agent. Includes checkboxes for Individual(s), Association, General Partnership, Limited Partnership, Corporation-State California, and Other. Additional name(s) of conveying party(ies) attached? No.

2. Name and address of receiving party(ies): Name: Weatherly Consumer Products, Inc. Internal Address: 5-19-01. Street Address: 655 Montgomery Street. City: San Francisco State: CA Zip: 94111. Includes checkboxes for citizenship and partnership types. Corporation-State Delaware is checked. If assignee is not domiciled in the United States, a domestic representative designation is attached: No.

3. Nature of conveyance: Includes checkboxes for Assignment, Merger, Security Agreement, Change of Name, and Other Release of Assignment. Execution Date: May 7, 04.

4. Application number(s) or registration number(s): A. Trademark Application No.(s) 76-328076, 76-293331, 76-293335. B. Trademark Registration No.(s) None. Additional number(s) attached: Yes.

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: 7. Total fee (37 CFR 3.41): \$ 190.00. Enclosed is checked. Authorized to be charged to deposit account is unchecked. 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: 4.

RECEIVED OPR 2004 MAY 19 PM 4:49 ASSIGNMENTS DIV

05/19/2004 LWELLER 00000013 76328076 01 FC:8521 40.00 OP 02 FC:8522 150.00 OP

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

700129682

TRADEMARK REEL: 002974 FRAME: 0786

**SCHEDULE 1****TRADEMARK SCHEDULE****Registrations:**

NONE

**Applications:**

<u>Trademark Description</u>	<u>U.S. Serial</u>	<u>Application Date</u>
Garden Braid	76-328076	10/23/01
Roma - Villa Garden Tiles	76-293331	8/2/01
Garden Braid Border	76-293335	8/2/01
Easy Gardener Pound In	76-293346	8/2/01
English Stone Villa Garden Tiles	76-293339	8/2/01
English Stone Finial Villa Garden Tiles	76-293340	8/2/01
Villa Garden Tiles - Adobe	76-293101	8/1/01

**RELEASE OF ASSIGNMENT FOR SECURITY OF TRADEMARKS**

THIS RELEASE is made as of this 7<sup>th</sup> day of MAY, 2004, by Wells Fargo Foothill, Inc., a California corporation f/k/a Foothill Capital Corporation, as Agent ("Foothill"), in favor of Weatherly Consumer Products, Inc., a Delaware corporation ("Weatherly").

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 Weatherly, 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 Trademark Security Agreement dated as of October 30, 2002, made by Weatherly 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: *Den Rebman*  
Name: DENNIS J. REBMAN  
Title: V.P.

**SCHEDULE 1****TRADEMARK SCHEDULE****Registrations:**

NONE

**Applications:**

<u>Trademark Description</u>	<u>U.S. Serial</u>	<u>Application Date</u>
Garden Braid	76-328076	10/23/01
Roma – Villa Garden Tiles	76-293331	8/2/01
Garden Braid Border	76-293335	8/2/01
Easy Gardener Pound In	76-293346	8/2/01
English Stone Villa Garden Tiles	76-293339	8/2/01
English Stone Finial Villa Garden Tiles	76-293340	8/2/01
Villa Garden Tiles – Adobe	76-293101	8/1/01



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOVEMBER 04, 2004

PTAS



\*102748507A\*

FEDERAL RESEARCH COMPANY, LLC  
PENELOPE J.A. AGODOA  
1030 15TH STREET, NW, SUITE 920  
WASHINGTON, DC 20005

### UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO.: 102748507

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.

1. WHEN RESPONDING, PLEASE RETURN ALL ATTACHED PAPERS VIA FAX TO 703 306-5995
2. THE COVER SHEET SUBMITTED FOR RECORDING IS NOT ACCEPTABLE. AN EXECUTION DATE MUST BE INDICATED FOR EACH CONVEYING PARTY.

TRADEMARK