

Form PTO-1594 (Rev. 06/04)  
OMB Collection 0651-0027 (exp. 6/30/2005)

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

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**

The Frost National Bank

- Individual(s)
- General Partnership
- Corporation-State
- Other National banking association
- Association
- Limited Partnership

Citizenship (see guidelines) \_\_\_\_\_

Execution Date(s) 12/01/04

Additional names of conveying parties attached?  Yes  No

**3. Nature of conveyance:**

- Assignment
- Security Agreement
- Other Termination and Release of Security Interests in Certain Trademarks
- Merger
- Change of Name

**2. Name and address of receiving party(ies)**

Additional names, addresses, or citizenship attached?  Yes  No

Name: Softball Sales, Inc.

Internal Address: \_\_\_\_\_  
Address: \_\_\_\_\_

Street Address: 1051 East Nakoma

City: San Antonio

State: Texas

Country: USA Zip: 78216

- Association Citizenship \_\_\_\_\_
- General Partnership Citizenship \_\_\_\_\_
- Limited Partnership Citizenship \_\_\_\_\_
- Corporation Citizenship Texas
- Other \_\_\_\_\_ Citizenship \_\_\_\_\_

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)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,474,074

Additional sheet(s) attached?  Yes  No

**C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):**

PROBOLT (See Attachment for additional trademarks)

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

Name: Pamela B. Huff

Internal Address: Cox Smith Matthews Incorporated

Street Address: 112 East Pecan Street Suite 1800

City: San Antonio

State: Texas Zip: 78205

Phone Number: 210-554-5450

Fax Number: 210-226-8495

Email Address: ipdocket@coxsmith.com

**6. Total number of applications and registrations involved:**

8

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 215.00**

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

**8. Payment Information:**

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 03-3483

Authorized User Name P. Huff

9. Signature: Pamela B. Huff

Signature

December 2, 2004

Date

Pamela B. Huff

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 6

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

CH \$240.00 033483 75606302

## ATTACHMENT TO RECORDATION COVER SHEET

Trademarks

<u>Trademark</u>	<u>Serial No.</u>	<u>Registration No.</u>	<u>Registration Date</u>
PROBOLT <i>Listed on Cover Sheet</i>	75/605,302	2,474,074	07/31/01
SOFTBALL SALES	75/795,970		
PROBOLT	75/887,712		
PROBOLT	75/887,714		
PROBOLT	75/887,715		
PROBOLT	75/887,716		
PROBOLT	75/887,717		
SOFTBALL SALES & DESIGN	76/050,490	2,651,088	11/19/02

**TERMINATION AND RELEASE  
OF SECURITY INTERESTS IN CERTAIN TRADEMARKS**

**TERMINATION AND RELEASE OF SECURITY INTERESTS IN CERTAIN TRADEMARKS** ("Release"), dated as of Dec. 1, 2004, by **THE FROST NATIONAL BANK** a national banking association, as collateral agent (the "Agent") for itself and the other lending institutions which are parties to that certain Amended and Restated Loan Agreement dated as of September 30, 2000 (as amended and in effect from time to time, the "Credit Agreement"), among Softball Sales, Inc. ("Softball Sales"), as borrower, the Agent and the lenders party thereto.

**WHEREAS**, pursuant to the terms of that certain Trademark Agreement, dated as of September 30, 2000 between Softball Sales and The Frost National Bank, as collateral agent, and recorded with the USPTO on or about November 3, 2000 (Reel Number 002172 and Frame Number 0612) (referred to as the "Trademark Agreement"), Softball Sales, for the purpose of securing certain obligations of Softball Sales to the Agent, on behalf of itself and the lenders party thereto, granted a security interest in and lien on, and collaterally assigned to the Agent, certain trademark applications, trademark registrations and associated goodwill, including, without limitation, those trademarks listed on Schedule 1 attached hereto (collectively referred to herein as the "Named Trademarks"); and

**WHEREAS**, the Agent has agreed to terminate and release its security interest and all of its right, title and interest in the Named Trademarks as herein provided;

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Agent and Softball Sales hereby agree as follows:

1. **Release and Assignment.** The Agent hereby terminates and releases its security interest in and first priority lien on the Named Trademarks and the Agent hereby assigns and transfers to Softball Sales, without recourse, all of the Agent's right, title and interest to the Named Trademarks and the related trademark registrations and goodwill, effective as fo the date set forth above.
2. **Acknowledgment and Acceptance.** Softball Sales hereby acknowledges and accepts the foregoing release by the Agent.
3. **Counterparts.** This Release may be executed in any number of counterparts which shall together constitute one and the same agreement.

*[Remainder of page intentionally left blank.]*

**The Frost National Bank, as Agent**

By: *Rick Young*  
Printed Name: RICK YOUNG  
Title: VP

Accepted:

**Softball Sales, Inc.**

By: *Patrick M Cowles*  
Printed Name: PATRICK M. COWLES  
Title: VICE PRESIDENT

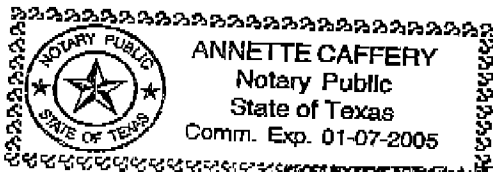
*[Remainder of page intentionally left blank.]*

**CERTIFICATE OF ACKNOWLEDGMENT**

STATE OF TEXAS )  
 )  
COUNTY OF BEXAR )

Before me, the undersigned, a Notary Public in and for the state aforesaid, on this 2<sup>nd</sup> day of [December], 2004, personally appeared RATRICK M. COLWICK to me known personally, and who, being by me duly sworn, deposes and says that he is VICE PRESIDENT of **SOFTBALL SALES, INC.**, and that said instrument was signed and sealed on behalf of said corporation by authority of its respective Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporations.

Annette Caffery  
Notary Public, State of Texas  
My Commission Expires: 1-7-05



**CERTIFICATE OF ACKNOWLEDGMENT**

STATE OF TEXAS )  
 )  
COUNTY OF BEXAR )

Before me, the undersigned, a Notary Public in and for the state aforesaid, on this 1<sup>st</sup> day of [December], 2004, personally appeared RICK YOUNG to me known personally, and who, being by me duly sworn, deposes and says that he is Executive Vice Pres of **THE FROST NATIONAL BANK**, and that said instrument was signed and sealed on behalf of said corporation by authority of its respective Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporations.

Tracy Bailey  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_



**SCHEDULE 1  
TO  
AGREEMENT  
(Trademark)**

**BY AND BETWEEN  
THE FROST NATIONAL BANK  
AND  
SOFTBALL SALES, INC.**

**Trademark Registrations**

<u>Country</u>	<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
Texas	<b><u>SOFTBALL SALES</u></b>	59,637	06/08/00

**Pending Trademark Applications**

<u>Country</u>	<u>Trademark</u>	<u>Serial No.</u>	<u>Filing Date</u>
United States	PROBOLT	75/605,302	12/14/98
United States	SOFTBALL SALES	75/795,970	09/09/99
United States	PROBOLT	75/887,712	01/05/00
United States	PROBOLT	75/887,714	01/05/00
United States	PROBOLT	75/887,715	01/05/00
United States	PROBOLT	75/887,716	01/05/00
United States	PROBOLT	75/887,717	01/05/00
United States	SOFTBALL SALES & DESIGN	76/050,490	05/17/00
Australia	SOFTBALL SALES	827,950	03/17/00

**Trademark Applications in Preparation**

<u>Country</u>	<u>Trademark</u>	<u>Docket No.</u>	<u>Expected Filing Date</u>	<u>Products/Services</u>

NONE

**Item B.**

**Trademark Licenses**

<u>Country or Territory</u>	<u>Trademark</u>	<u>Licensor</u>	<u>Licensee</u>	<u>Effective Date</u>	<u>Expiration Date</u>

NONE

TERMINATION AND RELEASE OF SECURITY INTERESTS IN CERTAIN TRADEMARKS