

07-26-2004

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

102798830  
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):

Smith Mountain Properties, LLC.

7-19-04

- Individual(s)
- General Partnership
- Corporation-State
- Other Limited Liability Company
- Association
- Limited Partnership

Citizenship (see guidelines) United States

Execution Date(s) July 12, 2004

Additional names of conveying parties attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?  Yes  No

Name: Smith Mountain Industries, Inc.

Internal Address: 1000 Dillard Drive

Street Address: 1000 Dillard Drive

City: Forest

State: Virginia

Country: United States Zip: 24551

Association Citizenship United States

General Partnership Citizenship \_\_\_\_\_

Limited Partnership Citizenship \_\_\_\_\_

Corporation Citizenship United States

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)

See Attached Sheet

Additional sheet(s) attached?  Yes  No

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

See Attached Sheet

07/23/2004  
01 FC:8521  
02 FC:8522

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

Name: R. Tracy Crump

Internal Address: P.O. Box 604

Street Address: 32790 Dunn Road

City: New Carlisle

State: Indiana Zip: 46552

Phone Number: 574/654-8222

Fax Number: 574/654-8577

Email Address: rtc@rtclaw.com

6. Total number of applications and registrations involved:

5

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 200.00

- 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 \_\_\_\_\_

Authorized User Name \_\_\_\_\_

07-19-2004

U.S. Patent & TMOs/TM Mail Rcpt Dt. #72

9. Signature:

R. Tracy Crump  
Signature

July 15, 2004  
Date

R. Tracy Crump  
Name of Person Signing

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

Refund Ref: 07/23/2004  
01 FC:8521  
02 FC:8522  
MSETACHE 0000137728

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

CHECK Refund Total: \$60.00

TRADEMARK  
REEL: 003012 FRAME: 0263

## Six (6) United States Registrations:

<i>U.S. Reg. No.</i>	<i>Issue Date</i>	<i>Mark</i>
2,507,143	11/13/2001	SIMPLY A BETTER BURN
2,607,182	8/13/2002	CANDLE CAPPER & Design (Logo mark)
2,714,881	5/13/2003	CANDLE CAPPER
2,762,666	9/9/2003	S'TOPPERS
2,846,997	5/25/2004	THE SOOT STOPPER TOPPER

## **ASSIGNMENT OF TRADEMARKS**

Whereas, Smith Mountain Properties, LLC. ( hereinafter referred to as "SMP"), a limited liability company formed under the laws of Virginia and having its place of business at 1000 Dillard Drive, Forest Virginia 24551, has acquired by assignment and /or owns by exclusive continuous use in commerce under common law, United States Trademark Law and/or international trademark conventions, all rights, title and interest to the following United States Trademark Registrations (hereinafter referred to collectively as the "Trademarks"):


<b><i>U.S. Reg. No.</i></b>	<b><i>Issue Date</i></b>	<b><i>1<sup>st</sup> Use</i></b>	<b><i>Mark</i></b>
2,507,143	11/13/2001	3/1/2001	SIMPLY A BETTER BURN
2,607,182	8/13/2002	3/1/2001	CANDLE CAPPER & Design (Logo mark)
2,714,881	5/13/2003	2/23/2000	CANDLE CAPPER
2,762,666	9/9/2003	6/1/2002	S'TOPPERS
2,846,997	5/25/2004	6/1/2002	THE SOOT STOPPER TOPPER

Whereas, Smith Mountain Industries, Inc. (hereinafter referred to as "SMI"), a corporation formed under the laws of Virginia and having its place of business at 1000 Dillard Drive, Forest Virginia 24551, is desirous of acquiring the entire right, title and interest in the Trademarks;

Now, therefore, in consideration of the sum of ten dollars (\$10.00), the receipt whereof is acknowledged, and other good and valuable consideration, SMP, hereby transfers, grants, conveys, assigns, and relinquishes exclusively to SMI, in perpetuity (or for the longest period of time otherwise permitted by law), all of SMP's right, title, and interest in and to the Trademarks, and accompanied by the goodwill of all business connected with the use of and symbolized by the Trademarks including the right to sue for, settle, or release any past, present, or future infringement thereof or unfair competition involving the same. SMP further transfers and assigns the right to file for and obtain registrations of trademark interests anywhere in the world with the right to base priority on SMP's first date of use or on any application and/or registration being assigned herein. SMP covenants not to use or display the Trademarks, or any mark

confusingly similar thereto, anywhere in the world except by authorization of Assignee, and further covenants not to contest or challenge the validity of the Trademarks, any applicable registrations thereof or the ownership of the Trademarks by SMI.

Executed this 12<sup>th</sup> day of July, 2004.



Charles Lunsford, President  
Smith Mountain Properties, LLC. ("SMP")

STATE OF Virginia  
CITY OF Synchbony

Before me the undersigned, a Notary Public in and for Synchbony County, City State of Virginia, personally appeared Charles Lunsford, and acknowledged the execution of the foregoing instrument this 12<sup>th</sup> day of July 2004.

July 12, 2004  
Date



Notary Public  
Lynn A. Clark

Printed Name of Notary  
Lynn A. Clark  
April 30<sup>th</sup> 2008

County of Residence

Commission Expires