

12-20-2004

RECORD  
TRADE



102906972

12-16-04

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):

Congress Financial Corporation

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

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

Execution Date(s) 9/9/04

Additional names of conveying parties attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other Release of security interest
- Merger
- Change of Name

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?  Yes  No

Name: W. Atlee Burpee Company

Internal

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

Street Address: 300 Park Avenue

City: Warminster

State: PA

Country: USA Zip: 18974

- Association Citizenship \_\_\_\_\_
- General Partnership Citizenship \_\_\_\_\_
- Limited Partnership Citizenship \_\_\_\_\_
- Corporation Citizenship Delaware
- 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)

75-864248

B. Trademark Registration No.(s)

170,785

Additional sheet(s) attached?  Yes  No

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

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

Name: Dawn L. Vahey, Esq.

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

Street Address: White and Williams LLP

1800 One Liberty Place

City: Philadelphia

State: PA Zip: 19103

Phone Number: 215-864-6808

Fax Number: 215-789-7678

Email Address: vaheyd@whiteandwilliams.com

6. Total number of applications and registrations involved:

27

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 690.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed Checks 171983 & 045580

8. Payment Information:

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

b. Deposit Account Number \_\_\_\_\_

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

9. Signature:

*Dawn L. Vahey*  
Signature

12/14/04

Date

Dawn L. Vahey

Name of Person Signing

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

5

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

12/17/2004 EDDOPER 00000300 75864248

01 P03860  
02 P018522

Continuation of item 4 from assignment cover sheet

W. A. Burpee & Co.

U.S. Registered Trademarks

<u>Trademark Name</u>	<u>Registration No.</u>	<u>Registration Date</u>
FLORADALE (Stylized)	170,785	7/24/1923
BURPEE'S BIG BOY	609,760	8/2/1955
BURPEE and Design	680,935	6/23/1959
GALAXY	698,319	5/31/1960
SEED'N START	1,005,906	3/4/1975
EARLY START	1,013,651	6/17/1975
DEEP ROOT	1,046,386	8/17/1976
BURPEE'S BIG GIRL	1,049,783	10/5/1976
BURPEE and Design	1,690,412	6/2/1992
FORDHOOK	1,927,331	10/17/1995
ROLY POLY	1,962,261	3/12/1996
PRIZEWINNERS	1,962,263	3/12/1996
FUN SEED FOR KIDS	1,962,264	3/12/1996
LISIANTHUS "THE BLUE ROSE"	1,962,275	3/12/1996
FRENCH VANILLA	2,160,962	5/26/1998
PHYTO-TRIM	2,205,719	11/24/1998
LIFE LOCK	2,218,043	1/19/1999
GARDEN-PACK	2,225,884	2/23/1999
SEA BREEZE	2,231,134	3/9/1999
SURE START	2,237,928	4/13/1999
LEMON CHIFFON	2,289,232	10/26/1999
FORDHOOK COLLECTION	2,510,077	11/20/2001
Miscellaneous Design (Vintage Packet)	2,657,489	12/10/2002
Miscellaneous Design (Spanish/English Pkt.)	2,687,685	2/18/2003
BIG BOY	2,698,132	3/18/2003
CRAFTER'S COLLECTION	2,537,414	2/5/2002
<u>Trademark Application</u>	<u>Serial Number</u>	<u>Date filed</u>
FORDHOOK	75-864248	12/6/1999

RELEASE OF SECURITY INTEREST IN  
TRADEMARKS AND TRADEMARK APPLICATIONS

WHEREAS, W. Atlee Burpee Company, a Pennsylvania corporation, with offices at 300 Park Avenue, Warminster, PA 18974 (the "Grantor") executed a Trademark Security Agreement dated February 28, 2002, which was recorded in the U.S. Patent and Trademark Office on August 12, 2002 at Reel 2570, Frame 0331 (hereinafter the "Grant") to Congress Financial Corporation (Central), an Illinois corporation with a place of business at 150 South Wacker Drive, Suite 2200, Chicago, IL 60606 (hereinafter the "Bank");

WHEREAS, the Grant grants to the Bank a security interest in certain trademarks ("Trademarks") and trademark applications ("Applications") as more particularly described therein and as hereinafter set forth, the goodwill of the business symbolized by said Trademarks and Applications and any and all license agreements relating thereto, in order to secure the payment and performance of certain obligations (hereinafter the "Obligations") of Grantor to Bank, and Bank still holds such security interest; and

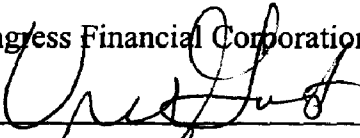
WHEREAS, Grantor has satisfied the Obligations, and Bank's security interest is being terminated and cancelled concurrently herewith;

NOW, THEREFORE, in consideration of the foregoing premises, and the satisfaction of the Obligations, Bank hereby releases Grantor and all its successors in interest from any and all interest Bank now has or which it may have with respect to the right, title and interest in and to the subject Trademarks and Applications (including, without limitation, the Trademarks and Applications set forth on Exhibit A attached hereto), the goodwill of the business symbolized by said Trademarks and Applications and any and all license agreements relating thereto, and all other rights and interests set forth in the Grant.

IN WITNESS WHEREOF, the Bank has executed this Release this 9<sup>th</sup> day of September, 2004.

Congress Financial Corporation (Central)

By



Vicki Geist

Print Name and Title

STATE OF Illinois

:  
:  
: SS  
:

COUNTY OF cook

On this the 9th day of September, 2004, before me personally appeared Vicky Geist, who acknowledged to me that s/he is the Vice President of Congress Financial Corporation (Central), known to me to be the person who executed and within Release on behalf of said banking association, and that s/he is authorized to execute this document on behalf of Congress Financial Corporation.

Mark B Dunne  
Notary Public

My Commission Expires:

[Seal]



**EXHIBIT "A"**  
**TO**  
**RELEASE OF SECURITY INTEREST IN**  
**TRADEMARKS AND TRADEMARK APPLICATIONS**

W. A. Burpee & Co.

U.S. Registered Trademarks

<u>Trademark Name</u>	<u>Registration No.</u>	<u>Registration Date</u>
FLORADALE (Stylized)	170,785	7/24/1923
BURPEE'S BIG BOY	609,760	8/2/1955
BURPEE and Design	680,935	6/23/1959
GALAXY	698,319	5/31/1960
SEED'N START	1,005,906	3/4/1975
EARLY START	1,013,651	6/17/1975
DEEP ROOT	1,046,386	8/17/1976
BURPEE'S BIG GIRL	1,049,783	10/5/1976
BURPEE and Design	1,690,412	6/2/1992
FORDHOOK	1,927,331	10/17/1995
ROLY POLY	1,962,261	3/12/1996
PRIZEWINNERS	1,962,263	3/12/1996
FUN SEED FOR KIDS	1,962,264	3/12/1996
LISIANTHUS "THE BLUE ROSE"	1,962,275	3/12/1996
FRENCH VANILLA	2,160,962	5/26/1998
PHYTO-TRIM	2,205,719	11/24/1998
LIFE LOCK	2,218,043	1/19/1999
GARDEN-PACK	2,225,884	2/23/1999
SEA BREEZE	2,231,134	3/9/1999
SURE START	2,237,928	4/13/1999
LEMON CHIFFON	2,289,232	10/26/1999
FORDHOOK COLLECTION	2,510,077	11/20/2001
Miscellaneous Design (Vintage Packet)	2,657,489	12/10/2002
Miscellaneous Design (Spanish/English Pkt.)	2,687,685	2/18/2003
BIG BOY	2,698,132	3/18/2003
CRAFTER'S COLLECTION	2,537,414	2/5/2002
 <u>Trademark Application</u>	 <u>Serial Number</u>	 <u>Date filed</u>
FORDHOOK	75-864248	12/6/1999