

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Trademark and Service Mark Assignment		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
MCRAE INDUSTRIES, INC.		07/06/2005	CORPORATION: DELAWARE
RECEIVING PARTY DATA			
Name:	DAN POST BOOT COMPANY		
Street Address:	400 North Main Street		
Internal Address:	c/o MCRAE INDUSTRIES, INC.		
City:	Mt. Gilead		
State/Country:	NORTH CAROLINA		
Postal Code:	27306		
Entity Type:	CORPORATION: TENNESSEE		
PROPERTY NUMBERS Total: 3			
Property Type	Number	Word Mark	
Serial Number:	78625120	PERFORMAIR	
Serial Number:	78623418	CODE WEST	
Serial Number:	78622042	J. CHISHOLM HANDCRAFTED BOOTS	
CORRESPONDENCE DATA			
Fax Number:	(704)353-3145		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	704.331.7400		
Email:	docket@kennedycovington.com		
Correspondent Name:	Myra T. Askins-Sullivan		
Address Line 1:	214 North Tryon Street		
Address Line 2:	Hearst Tower, 47th Floor		
Address Line 4:	Charlotte, NORTH CAROLINA 28202		
ATTORNEY DOCKET NUMBER:	1386.899		
NAME OF SUBMITTER:	Myra T. Askins-Sullivan		

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Signature:	/Myra T. Askins-Sullivan/
Date:	10/27/2005
Total Attachments: 6 source=Mccrae to Dan Post #page1.tif source=Mccrae to Dan Post #page2.tif source=Mccrae to Dan Post #page3.tif source=Mccrae to Dan Post #page4.tif source=Mccrae to Dan Post #page5.tif source=Mccrae to Dan Post #page6.tif	

TRADEMARK AND SERVICE MARK ASSIGNMENT

WHEREAS, McRae Industries, Inc., a Delaware corporation (“**Assignor**”), owns all rights, title and interests to and in the trademarks, service marks, trade names, logos and corporate names identified in Appendix A (the “**Marks**”);

WHEREAS, Dan Post Boot Company, a Tennessee corporation and wholly owned subsidiary of Assignor (“**Assignee**”), is desirous of acquiring all rights in the Marks and the goodwill of the business associated therewith, as well as all federal, state, and foreign applications and registrations therefore; and

WHEREAS, this assignment is being made pursuant to that certain Asset Purchase Agreement between Assignor and Texas Boot, Inc., a Delaware corporation, dated as of May 18, 2005.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby conveys, transfers, and assigns to Assignee all its worldwide rights, title, and interests in and to the Marks (whether or not registered), together with translations, adaptations, derivations and combinations thereof, and all the federal, state, and foreign applications and registrations therefor, including any and all renewals and extensions thereof, together with the goodwill of the business symbolized thereby. Assignor further assigns to Assignee all rights to sue for, recover and retain damages occurring from past infringements of the Marks.

This Assignment shall be binding on Assignor and all others acting by, through, with, or under its direction.

[SIGNATURES FOLLOW ON NEXT PAGE]

“ASSIGNOR”

McRAE INDUSTRIES, INC.

By: *D. Gary McRae*
Name: D. Gary McRae
Title: President

State of North Carolina
County of Montgomery

Before me personally appeared D. Gary McRae, the above-identified individual who acknowledged that he executed the foregoing assignment in the capacity indicated on behalf of McRae Industries, Inc. on the 6th day of July, 2005.

Betty L. Coble
Notary Public in and for
State of North Carolina
My Commission Expires: January 12, 2008

Appendix A

**MARKS
(U.S. - Federal)**

<u>Marks</u>	<u>Goods & Services</u>	<u>Serial No.</u>	<u>Registration No.</u>	<u>Registration Date</u>
AMERICA'S BOOTMAKER	Boots	74/168,828	1,691,672	06/09/1992
AMERICA'S BOOTMAKER (stylized)	Boots	73/544,992	1,411,864 (P)	09/30/1986
AMERICA'S BOOTMAKER	Retail shoe store services	74/457,078	1,877,045	01/31/1995
BOOT COUNTRY	Retail shoe and boot store services	74/529,141	1,901,056	06/20/1995
BOOT COUNTRY & design	Retail shoe and boot store services	73/468,886	1,508,609 (P)	10/11/1988
BOOT EZE	Shoe care products, namely cleaners and polishes for shoes and boots	74/160,499	1,852,775	09/06/1994
BOOT FACTORY	Retail store services specializing in western-style leather boots	74/017,324	1,644,686	05/14/1991
BRONCO	Cowboy boots	74/646,133	1,951,425	01/23/1996
CEDAR CREST	Shoes and boots	72/439,838	0,971,920	10/30/1973
CIMARRON	Shoes and boots	73/800,117	1,751,334	02/09/1993
CODE WEST	Shoes and boots	73/693,336	1,495,199 (P)	07/05/1988
CODE WEST	Retail store services in the field of apparel and footwear	73/315,798	1,769,020	05/04/1993
CODE WEST & design	Footwear and clothing; namely, shoes, boots, shirts and jackets	74/427,110	1,872,558 (P)(1)	01/10/1995

<u>Marks</u>	<u>Goods & Services</u>	<u>Serial No.</u>	<u>Registration No.</u>	<u>Registration Date</u>
CODE WEST	Sportswear; namely, jackets and shirts	74/108,262	1,654,968	08/27/1991
DURABUCK (stylized)	Men's, women's & children's cowboy boots made of leather	74/176,812	1,690,276	06/02/1992
EL DORADO	Men's, women's, and children's cowboy boots	74/372,741	1,882,281 (P)	03/07/1995
THE EL DORADO HANDMADE BOOT & design	Men's, women's and children's cowboy boots sold to western apparel stores only	73/377,307	1,440,013 (P)	05/19/1987
J. CHISHOLM HANDCRAFTED BOOTS & design	Boots	74/533,604	1,923,763 (P)(1)	10/03/1995
J. CHISHOLM & design	Boots	74/134,626	1,825,204	03/08/1994
LAREDO & design	Apparel and footwear; namely, shoes, boots, shirts and jackets	74/363,806	1,886,114 (P)	03/28/1995
LAREDO	Men's boots	73/193,691	1,251,177	09/13/1983
LAREDO & design	Belts	74/358,614	1,902,190	06/27/1995
LAREDO & design	Belts	74/358,612	1,893,645	05/09/1995
MAGIC-FLEX & design	Shoes	73/075,844	1,060,356	03/01/1977
MAGIC-FLEX & design	Western boots	73/835,350	1,597,608	05/22/1990
PERFORMAIR	Shoes and boots	75/105,538	2,043,798 (P)(1)	03/11/1997
SCOOTER'S BOOTS	(IC 25) Wearing apparel, namely, hats, belts, shirts, jeans, trousers, vests, jackets, skirts, blouses, and footwear (IC 42) retail clothing, hat, and footwear store	74/644,467	2,058,009	04/29/1997

<u>Marks</u>	<u>Goods & Services</u>	<u>Serial No.</u>	<u>Registration No.</u>	<u>Registration Date</u>
	services.			
SCOOTER'S WORLD TOUR 1959 KY-59 & design	(IC 25) hats, caps, shirts, T-shirts, blouses, jeans, jackets, vests, and coats. (IC 42) retail recorded music, hats, footwear and clothing store services.	74/664,775	2,162,333	06/02/1998
SCOOTER'S XY-59 WORLD TOUR 1959 & design	(IC 25) hats, caps, shirts, T-shirts, blouses, jeans, jackets, vests, and coats. (IC 35) retail recorded music, hats, footwear and clothing store services.	75/331,663	2,216,010	01/05/1999
TEXAS TEXAS BRAND BOOTS & design	Men's, women's, and children's boots	73/348,905	1,280,781	06/05/1984
TEXAS BRAND BOOTS	Cowboy boots	72/424,909	0,964,732	07/24/1973
TEXAS BRAND BOOTS & design	Cowboy boots	72/246,239	0,822,175 (P)	01/10/1967
T.O. PRIDE DRY GOODS	(IC 25) hats, boots, shoes and footwear, shirts, blouses, jeans, trousers, jackets, vests, suits, skirts, dresses and head bands. (IC 42) retail hat, footwear and clothing store services.	75/975,570	2,034,590	01/28/1997
TOUGH RIDERS	Western boots	73/544,517	1,376,028	12/17/1985
421	Western boots	73/521,722	1,389,154	04/08/1986

**MARKS
(U.S. - State)**

<u>Mark</u>	<u>Good & Services</u>	<u>State</u>	<u>Registration No.</u>	<u>Registration Date</u>
J. CHISHOLM & design		Kansas		12/02/1994
J. CHISHOLM		Oklahoma	27,017	04/14/1991
AMERICA's BOOTMAKER (stylized)		Tennessee		10/28/1993
J. CHISHOLM (stylized)	Cowboy boots	Texas	44,921	05/28/1995
J. CHISHOLM	Cowboy boots	Wisconsin	N/A	04/17/1985
J. CHISHOLM	Cowboy boots	Georgia	T5818	04/30/1985
J. CHISHOLM	Cowboy boots	Missouri	8591	04/18/1985
J. CHISHOLM	n/a	Nebraska	785628	04/16/1985
J. CHISHOLM	Cowboy boots	North Dakota	5373000	05/03/1985
J. CHISHOLM	Cowboy boots	Ohio	6132	04/17/1985
J. CHISHOLM	Cowboy boots	Iowa	6122	04/15/1985
J. CHISHOLM	Cowboy boots	Mass.	37045	05/31/1985
J. CHISHOLM	Cowboy boots	Alabama	102511	04/29/1985
J. CHISHOLM	Cowboy boots	Idaho	10384	04/15/1985
J. CHISHOLM	Cowboy boots	Maine	19850234	04/16/1985
J. CHISHOLM HAND CRAFTED	Western Boots	Tennessee		04/17/1985
J. CHISHOLM HAND CRAFTED	Clothing	West Virginia		04/18/1985

Legend:

(P) These registrations are primary registrations.

(1) These registrations were cancelled under 15 U.S.C. §1058. Seller has filed actual use applications to re-register these marks with the United States Patent and Trademark Office ("USPTO"): U.S. Serial No. 78/625,120 for PERFORMAIR to identify shoes and boots; U.S. Serial No. 78/623,418 for CODE WEST and design to identify footwear and clothing, namely, shoes, boots, shirts and jackets; and U.S. Serial No. 78/622,042 for J. CHISHOLM HANDCRAFTED BOOTS & design to identify boots. Seller represents and warrants that Seller has used these marks continuously in interstate commerce since cancellation of the original marks and believes that new registrations for these marks will be granted by the USPTO in due course.