

10-19-2007



HEET
LY

To the Director of the U. S. P

103454577

Attached documents or the new address(es) below.

10-18-07

1. Name of conveying party(ies):

5 mississippi

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

Citizenship (see guidelines)

Additional names of conveying parties attached? Yes No

3. Nature of conveyance)/Execution Date(s) :

Execution Date(s) October 4, 2007

- 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: Swimways Corp.
 Internal Address: Anthony Vittone
 Street Address: 5816 Ward Court
 City: Virginia Beach
 State: Virginia
 Country: U.S.A. Zip: 23226

- Association
- General Partnership
- Limited Partnership
- Corporation
- Other

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)

76/657, 860

B. Trademark Registration No.(s)

Additional sheet(s) attached? Yes No

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

Submergency is a word mark, with no claim to any particular font style, size or color

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

Name: Gavin Law Offices, PLC

Internal Address: Pamela C. Gavin
Angela T. Isabell

Street Address: 1127 Gaskins Road,
Suite 600

City: Richmond

State: VA Zip: 23238

Phone Number: (804) 740-0667

Fax Number: (804) 740-6414

Email Address: Pgavin@gavinlawoffices.com

6. Total number of applications and registrations involved:

1

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

\$40.00

- 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 _____

10-19-2007 76657860 40.00 BP 00000071 76657860 01

9. Signature:

Pamela C. Gavin
Signature

10/16/07
Date

Pamela C. Gavin
Name of Person Signing

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

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

UNITED STATES TRADEMARK AND SERVICE MARK ASSIGNMENT

WHEREAS, 5 MISSISSIPPI,LLC, a limited liability company duly organized and existing under the laws of the State of Virginia, and having offices at 6301 Ridgeway Road, Richmond, VA 23226, hereinafter referred to as "5 Mississippi," is the owner of the Trademark entitled "Submergency", set forth on Schedule A, in connection with the goods described therein (the "Mark"), together with the goodwill of the business to which the Mark pertains (the "Goodwill"), and the application for a United States Trademark Registration set forth on Schedule A (the "Application"); and

WHEREAS, SWIMWAYS CORP., a corporation duly organized and existing under the laws of the State of Virginia and having its principal office at 5816 Ward Court, Virginia Beach, VA 23455, hereinafter referred to as "Swimways," is desirous of acquiring the Mark, together with the Goodwill, and the Trademark Application;

NOW, THEREFORE, for the sum of ten dollars ("\$10.00"), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, 5 Mississippi has agreed to sell and has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over unto Swimways 5 Mississippi's entire right, title and interest in and to the Mark, the Goodwill, and the Application, to be held and enjoyed by Swimways for its own use and benefit, for the full extent of the life of the Mark and any registration issued based upon the Application, to be used as fully and entirely as such rights would have been held and enjoyed by 5 Mississippi had this Assignment and sale not been made.

5 Mississippi covenants that 5 Mississippi is the owner of the Mark and the holder of record title to the Application, that 5 Mississippi has full power to make this Assignment and that

5 Mississippi agrees to execute such further assignments and related documents with respect to the Mark, the Goodwill, and the Application as Swimways shall reasonably request.

IN WITNESS WHEREOF, 5 Mississippi has caused this Assignment to be executed by its proper officers who are duly authorized, this

4th day of October, 2008.7

Clay Hilbert

By: 
Clay Hilbert

Title: *Managing Member*

Schedule A

Application

<u>Mark</u>	<u>Application No.</u>	<u>Date</u>	<u>Goods or Services</u>
SUBMERGENCY	76/657,860	April 5, 2006	Class 28 – Outdoor action skill games

FILING PURSUANT TO CERTIFICATE OF MAILING
BY "FIRST - CLASS MAIL" PROCEDURE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that on this 16th day of October 2007 the attached Recordation Form Cover Sheet and check are being deposited with the United States Postal Services via First Class Mail in an envelope addressed to:

Commissioner for Trademarks
Mail Stop Assignment Recordation Services
P.O. Box 1450
Alexandria, Virginia 22313-1450


Tiffany R. Gray

Dated: October 16, 2007

1127 Gaskins Rd
Suite 600
Richmond, VA 23238
Ph: 804.740.0667
Fax: 804.740.6414
<http://www.gavinlawoffices.com>

Angela T. Isabell, J.D.
Direct: 804.740.0667
Email: aisabell@gavinlawoffices.com

**INTELLECTUAL PROPERTY PROTECTION AND
ENFORCEMENT**

October 16, 2007

VIA FIRST-CLASS MAIL

Commissioner for Trademarks
Mail Stop Assignment Recordation Services
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Trademark: SUBMERGENCY
Application No.: 76/657,860**

Dear Sirs:

Enclosed please find: (i) a Recordation Form Cover Sheet, (ii) Short Form Assignment, (iii) Certificate of Mailing and (iv) a check in the amount of \$40.00 to cover the fee associated with this recordation.

Please contact me if you have any questions .

Sincerely,

GAVIN LAW OFFICES, PLC



Angela T. Isabell, J.D.
Entry-Level Associate

Enclosures

cc: Anthony Vittone – via email

RICHMOND, VIRGINIA

[gavinlawoffices.com](http://www.gavinlawoffices.com)