

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	RELEASE BY SECURED PARTY

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
The Sumitomo Bank of California		01/08/2009	CORPORATION: CALIFORNIA

**RECEIVING PARTY DATA**

Name:	Chart House, Inc.
Street Address:	640 North Lasalle Street
City:	Chicago
State/Country:	ILLINOIS
Postal Code:	60610
Entity Type:	CORPORATION:

Name:	Chart House Enterprises, Inc.
Street Address:	640 North Lasalle Street
City:	Chicago
State/Country:	ILLINOIS
Postal Code:	60610
Entity Type:	CORPORATION:

**PROPERTY NUMBERS Total: 7**

Property Type	Number	Word Mark
Registration Number:	0944243	THE CHART HOUSE
Registration Number:	1061033	CHART HOUSE
Registration Number:	1507587	PEOHE'S
Registration Number:	1514976	PEOHE'S
Registration Number:	2001748	ALOHA CLUB
Registration Number:	2004628	ALOHA CLUB
Registration Number:	2086009	CHART HOUSE

**CORRESPONDENCE DATA**

**900124509**

**TRADEMARK  
 REEL: 003917 FRAME: 0883**

**CH \$190.00 0944243**

Fax Number: (214)200-0853  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
Phone: 713-547-2588  
Email: ipdocketing@haynesboone.com  
Correspondent Name: Haynes and Boone, LLP  
Address Line 1: 2323 Victory Ave.  
Address Line 2: Suite 700  
Address Line 4: Dallas, TEXAS 75202

ATTORNEY DOCKET NUMBER:	23805.106
NAME OF SUBMITTER:	Melissa S. LaBauve
Signature:	/melissalabauve/
Date:	01/13/2009

Total Attachments: 3  
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**AFFIDAVIT RELEASING SECURITY INTEREST**

**THE STATE OF TEXAS   §**  
  **§**  
**COUNTY OF HARRIS    §**

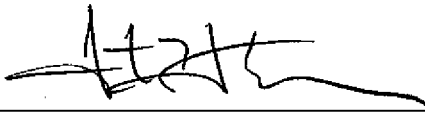
**BEFORE ME**, a Notary Public, on this 8th day of January, 2009, personally came and appeared Steven L. Scheinthal, Vice President of CHLN, Inc., located at 1510 West Loop South, Houston, Texas 77027, and after being by me duly sworn, deposed and stated as follows:

- "1. My name is Steven L. Scheinthal and I am the Vice President of CHLN, Inc.
2. The registered trademarks listed on the attached Exhibit A (hereinafter, "the Pledged Trademarks") were previously owned by The Chart House, Inc. On or about July 23, 2002, all rights in the Pledged Trademarks were assigned to CHLN, Inc., when CHLN, Inc. acquired The Chart House, Inc.
3. The Trademark Assignment Abstracts of Title for the Pledged Trademarks contain security interests in favor of The Sumitomo Bank of California as assigned from the Sanwa Bank of California. The security interests are listed as the Second Amended and Restated Notice of Security Interest in Trademarks and the Second Assignment of Notice of Security Interest in Trademarks. Both documents bear an execution date of June 27, 1997, and were recorded on August 8, 1997 with the USPTO. According to the Trademark Assignment Abstracts of Title for the Pledged Trademarks, neither security interest in favor of The Sumitomo Bank of California has been released.
4. The Trademark Assignment Abstracts of Title of the Pledged Trademarks also contain a security interest in favor of BankBoston, N.A. executed on April 26, 1999 and recorded on April 29, 1999. The security interest in favor of BankBoston, N.A. was properly released via a recordation of a Release of Security Interest, which was executed in connection with the sale of The Chart House, Inc. to CHLN, Inc.
5. In connection with the sale of The Chart House, Inc. to CHLN, Inc., The Chart House warranted clear title of all properties conveyed therewith.
6. I, on behalf of CHLN, Inc., hereby warrant, represent, swear and affirm that as of the date of this Affidavit:
  - a. CHLN, Inc. is unaware of any debt owed or owing to The Sumitomo Bank of California by either the former entity, The Chart House, Inc. or CHLN, Inc. During the more than six years time that CHLN, Inc. has owned the Pledged Trademarks, CHLN, Inc. has not made efforts nor has been aware of any requirements to satisfy any outstanding debt obligation to The Sumitomo Bank of California.

- b. CHLN, Inc. is unaware of any efforts by The Sumitomo Bank of California, or any entity relating thereto, to collect a debt against The Chart House, Inc. or CHLN, Inc. CHLN, Inc. is likewise unaware of any efforts on the part of The Sumitomo Bank of California to enforce any security interests in its favor against the Pledged Trademarks.
  - c. CHLN, Inc. has conducted a diligent search, and has instructed its counsel to conduct a diligent search, of the records relating to the acquisition of The Chart House, Inc. in an attempt to locate documentation sufficient to evidence the release of the security agreements in favor of The Sumitomo Bank of California against the Pledged Trademarks.
  - d. After several weeks of searching all available records, CHLN, Inc. and its representatives have been unable to locate a formal release of the security interests in favor of The Sumitomo Bank of California.
7. CHLN, Inc. now submits this Affidavit Releasing Security Interest (and requests that the USPTO accepts) as an attestation that no debt is due or owed to The Sumitomo Bank of California, and accordingly, requests that the security interests listed on the Trademark Assignment Abstracts of Title of the Pledged Trademarks in favor of The Sumitomo Bank of California be forever released.”

EXECUTED this the 8<sup>th</sup> day of January, 2009.

CHLN, INC.

By:   
Steven L. Scheinthal, Vice President

Sworn to, subscribed and acknowledged before me, on this 8<sup>th</sup> day of January, 2009, by Steven L. Scheinthal, Vice President of CHLN, Inc.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

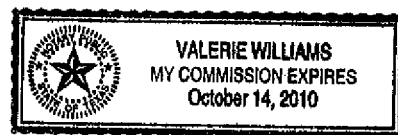


EXHIBIT A

**PLEDGED TRADEMARKS**

THE CHART HOUSE (& design)	0944,243
CHART HOUSE	1,061,033
PEOHE'S (stylized)	1,507,587
PEOHE'S (& design)	1,514,976
ALOHA CLUB	2,001,748
ALOHA CLUB (& design)	2,004,628
CHART HOUSE (& design)	2,086,009