

# TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Floragem, LLC		10/06/2009	LIMITED LIABILITY COMPANY: CALIFORNIA
RECEIVING PARTY DATA			
Name:	Homer TLC, Inc.		
Street Address:	1007 Orange St., Nemours Bldg.		
Internal Address:	Suite 1424		
City:	Wilmington		
State/Country:	DELAWARE		
Postal Code:	19801		
Entity Type:	CORPORATION: DELAWARE		
PROPERTY NUMBERS Total: 11			
Property Type	Number	Word Mark	
Registration Number:	2718435	VIVA!	
Registration Number:	3275650	VIVA!	
Registration Number:	3261434	VIVA!	
Registration Number:	2485981	VIVA!VEGGIES	
Registration Number:	2362305	VIVA! HERBS	
Registration Number:	3225900	FAVORITE GARDEN PLAN	
Registration Number:	3126391	BRING ON THE SUN!	
Registration Number:	3359339	LEMON ZEST PETUNIA	
Registration Number:	3554864	DOUBLICIOUS HYDRANGEA	
Serial Number:	77465503	ORANGE ZEST PETUNIA	
Registration Number:	3277961	SUNPANZY	
CORRESPONDENCE DATA			

CH \$290.00 2718435

900145379

TRADEMARK  
 REEL: 004078 FRAME: 0812

Fax Number: (770)384-5831

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 770 433 8211

Email: trade\_marks@homedepot.com,  
sheldon\_shorter@homedepot.com

Correspondent Name: Homer TLC, Inc.

Address Line 1: 1007 Orange St., Nemours Bldg.

Address Line 2: Suite 1424

Address Line 4: Wilmington, DELAWARE 19801

NAME OF SUBMITTER:

Issac T. Lin

Signature:

/Issac T. Lin/

Date:

10/15/2009

Total Attachments: 3

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**TRADEMARK ASSIGNMENT**

THIS TRADEMARK ASSIGNMENT is made and entered into as of the 6 day of Oct, 2009 by Floragem, LLC, a California company having its principal place of business at 3742 Blue Bird Canyon Road, Vista, California 92084 ("Assignor"), to HOMER TLC, Inc., a Delaware corporation having its principal place of business at 1007 Orange Street, Nemours Building, Suite 1424, Wilmington, Delaware 19801 ("Assignee").

WITNESSETH:

WHEREAS, Assignor desires to assign to Assignee all of Assignor's worldwide right, title and interest in and to all marks having or containing the expressions listed in Schedule A (the "Marks"), together with the goodwill of the business associated therewith, and any applications or registrations thereof.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby grant, assign, and convey to Assignee all of Assignor's worldwide right, title and interest in and to the Marks, to include, but not limited to, the registration/application numbers listed in Schedule A, with the goodwill of the business symbolized by the Marks, including, without limitation, Assignor's right, title and interest in and to (1) the right to sue for past, present and future infringements of the Marks; (2) all damages and payments for past or future infringements thereof; (3) the right to secure registrations for the Marks; and (4) the right to secure all renewals for any registration of the Marks. Assignor shall execute such further documentation as Assignee may request in order to establish and secure worldwide rights in and to the Marks.

IN WITNESS WHEREOF, the undersigned has caused this Trademark Assignment to be executed effective as of the date first above written.

ASSIGNOR  
FLORAGEM, LLC

By: Ken Altman

Name: Ken Altman

Title: Managing Director

State of CALIFORNIA )  
County of SANDIEGO )

I, VICKIE SPURLOCK, a Notary Public for said County and State, do hereby certify that KEN ALTMAN personally appeared before me this day and acknowledged the due execution of the foregoing instrument. I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

Witness my hand and official seal, this 6<sup>th</sup> day of OCTOBER, 2009.

(Official Seal)

Vickie Spurlock

Notary Public

My commission expires FEB. 23, 2013

\* PLEASE SEE ATTACHED  
FOR NOTARY STAMP. MS

SCHEDULE A

MARKS

VIVA!	US Registration No. 2718435 US Registration No. 3275650 US Registration No. 3261434 Canada Registration No. TMA630141 Mexico Registration No. 835020 Puerto Rico Registration No. 69,251 Puerto Rico Registration No. 69,252 Puerto Rico Registration No. 69,253
VIVA design	Canada Registration No. TMA611868
VIVA! Veggies	US Registration No. 2485981 Canada Registration No. TMA630140
VIVA! Herbs	US Registration No. 2362305 Canada Registration No. TMA630139
Favorite Garden Plan	US Registration No. 3225900 Canada Registration No. TMA668417
Bring on the Sun!	US Registration No. 3126391
Lemon Zest Petunia	US Registration No. 3359339
Doublicious Hydrangea	US Registration No. 3554864
Orange Zest Petunia	US Application No. 77465503
Sunpanzy	US Registration No. 3277961

State of California )  
County of SAN DIEGO )

## CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On OCTOBER 6, 2009 before me, VICKIE SPURLOCK, Notary Public,  
(here insert name and title of the officer)

personally appeared KEN ALTMAN, MANAGING DIRECTOR -  
FLORAGEM, LLC

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the  
State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Vickie Spurlock

(Seal)

### OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

#### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document  
titled/for the purpose of TRADEMARK

ASSIGNMENT

containing 2 pages, and dated OCTOBER 6, 2009.

PLUS THIS ATTACHMENT

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)  
☐ Attorney-in-Fact  
☒ Corporate Officer(s) MANAGING DIRECTOR  
Title(s)  
FLORAGEM, LLC.

- ☐ Guardian/Conservator  
☐ Partner - Limited/General  
☐ Trustee(s)  
☐ Other: \_\_\_\_\_

representing: \_\_\_\_\_  
Name(s) of Person(s) or Entity(ies) Signer is Representing

#### Additional Information

##### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:  
☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

##### Other

- ☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)  
☐ \_\_\_\_\_