# 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                            |
|--|----------|----------------|--|
| D.E. Shaw Sure Fit Acquisition<br>Holdings, L.L.C. |          | 103/26/2010 I  | LIMITED LIABILITY<br>COMPANY: DELAWARE |
| D.E. Shaw AQ-SP Series 2-04,<br>L.L.C.             |          | 103/26/2010 I  | LIMITED LIABILITY<br>COMPANY: DELAWARE |

### RECEIVING PARTY DATA

| Name:           | Sure Fit Inc.                  |  |
|-----------------|--------------------------------|--|
| Street Address: | 6575 SNOWDRIFT ROAD, SUITE 101 |  |
| City:           | Allentown                      |  |
| State/Country:  | PENNSYLVANIA                   |  |
| Postal Code:    | 18106                          |  |
| Entity Type:    | CORPORATION: DELAWARE          |  |

### PROPERTY NUMBERS Total: 7

| Property Type        | Number   | Word Mark              |
|----------------------|----------|------------------------|
| Registration Number: | 3598846  | HOMESTYLE BY SURE FIT  |
| Registration Number: | 3043711  | SURE FIT               |
| Registration Number: | 3028573  | THE 10-MINUTE MAKEOVER |
| Registration Number: | 0521780  | SURE-FIT               |
| Registration Number: | 3725361  | FURNITURE FRIEND       |
| Serial Number:       | 77818646 | TRANSIT COVER          |
| Serial Number:       | 77701073 | STRETCH LEATHER        |

### **CORRESPONDENCE DATA**

Fax Number: (215)979-1020

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

Phone: 215-979-1837

Email: jmgunther@duanemorris.com

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Correspondent Name: Jarrad M. Gunther/Duane Morris LLP Address Line 1: 30 S. 17th Street Philadelphia, PENNSYLVANIA 19103 Address Line 4: ATTORNEY DOCKET NUMBER: F4934-00001 NAME OF SUBMITTER: Jarrad M. Gunther Signature: /jmg/ Date: 03/26/2010 **Total Attachments: 3** source=SUREFIT - Assignment 3#page1.tif

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# TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY RIGHTS

This TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY RIGHTS ("Termination and Release") is made March 2010 by D.E. SHAW SURE FIT ACQUISITION HOLDINGS, L.L.C., and D.E. SHAW AQ-SP SERIES 2-04, L.L.C., (collectively "D.E. Shaw"), to confirm the satisfaction and grant back of certain security interests in intellectual property formerly granted to D.E. Shaw by SURE FIT INC. ("Sure Fit").

#### WITNESSETH:

WHEREAS, Sure Fit entered into an agreement with D.E. Shaw that included the grant of a security interest recorded in the United States Patent and Trademark Office ("USPTO") on April 18, 2006 at Reel 017480, Frame 0739, and another agreement that included the grant of a security interest recorded on February 7, 2007 at Reel 018866, Frame 0241 and in the U.S. Copyright Office against certain Intellectual Property Collateral (as defined below) then owned by Sure Fit that had been pledged by Sure Fit as collateral security for the payment and performance of certain obligations of Sure Fit to D.E. Shaw;

WHEREAS, pursuant to that certain Consent, Waiver and Release Agreement (the "Release Agreement") dated December 30, 2009 between Sure Fit and D.E. Shaw, D.E. Shaw terminated, released and discharged its said security interest in the Intellectual Property Collateral; and

WHEREAS, the Release Agreement omitted any express reference as to the Intellectual Property Collateral, and D.E. Shaw desires to provide to Sure Fit and its successors and assigns confirmation of the termination and release the entirety of D.E. Shaw's security interest as to all of the Intellectual Property Collateral for the purpose, inter alia, of having such confirmation filed with the USPTO and the U.S. Copyright Office.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, D.E. Shaw hereby acknowledges and agrees as follows:

### 1. Definitions.

The term "Intellectual Property Collateral" as used herein, shall mean all of the right, title, and interest of every kind and nature as of the date hereof in each of the patents, trademarks, copyrights, licenses, and know how (including, without limitation, those items listed in Schedule A hereto) that are or may be subject to the grant of a security interest recorded in the USPTO on April 18, 2006 at Reel 017480, Frame 0739 and on February 7, 2007 at Reel 018866, Frame 0241 and in the U.S. Copyright Office.

### Release of Security Interest.

D.E. Shaw hereby confirms the termination, release and discharge of its security interest in the Intellectual Property Collateral as well as any all rights secured therein by the SECURITY AGREEMENTS recorded on April 18, 2006 and on February 7, 2007 without representation,

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warranty, or recourse of any kind or nature. All right and title in and to the Intellectual Property Collateral hereby reverts to Sure Fit and its successors and assigns, including without limitation Sure Fit Inc., a Delaware corporation formerly known as Sure Fit Acquisition, Inc. D.E. Shaw acknowledges that this Termination and Release is being given for good and valuable consideration and in furtherance of D.E. Shaw's obligations under the Release Agreement.

IN WITNESS WHEREOF, the undersigned has executed this Termination and Release by its duly authorized officer as of the date first above written.

D.E. SHAW SURE FIT ACQUISITION HOLDINGS L.L.C.

By:

Name: Title:

Brandon Baer Authorized Signatory

D.E. SHAW AQ-SP SERIES 2-04, L.L.C.

By:

Name:

Title:

Brandon Baer Authorized Signatory

# SCHEDULE A U.S. Trademarks

| U.S. Trademark            | Registration/App.<br>No. | Registration/Filing date |
|---------------------------|--------------------------|--------------------------|
| HOMESTYLE BY SURE FIT     | 3598846                  | 03/31/2009               |
| SURE FIT                  | 3043711                  | 01/17/2006               |
| THE 10-MINUTE MAKEOVER    | 3028573                  | 12/13/2005               |
| SURE-FIT (Stylized)       | 0521780                  | 03/07/1950               |
| FURNITURE FRIEND & Design | 3725361                  | 12/15/2009               |
| TRANSIT COVER             | 77/818646                | 09/02/2009               |
| STRETCH LEATHER           | 77/701073                | 03/27/2009               |
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