

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Japan Agribio Kabushiki Kaisha		09/21/2010	CORPORATION: JAPAN
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Ball Horticultural Company		
<b>Street Address:</b>	622 Town Road		
<b>City:</b>	West Chicago		
<b>State/Country:</b>	ILLINOIS		
<b>Postal Code:</b>	60185		
<b>Entity Type:</b>	CORPORATION: ILLINOIS		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
Registration Number:	3177668	PRIMLET	
<b>CORRESPONDENCE DATA</b>			
Fax Number:	(312)474-0448		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	3124746300		
Email:	janderfuren@marshallip.com		
Correspondent Name:	Marshall, Gerstein & Borun LLP		
Address Line 1:	233 S. Wacker Drive		
Address Line 2:	Suite 6300		
Address Line 4:	Chicago, ILLINOIS 60606-6357		
ATTORNEY DOCKET NUMBER:	29973/10037		
NAME OF SUBMITTER:	Jill Anderfuren		
Signature:	/ja/		
Date:	10/14/2010		

OP \$40.00 3177668

Total Attachments: 7

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Master

## TRADEMARK ASSIGNMENT

THIS ASSIGNMENT entered into between JAPAN AGRIBIO KABUSHIKI KAISHA (also trading as Japan Agribio Company, Limited), a Japanese Corporation, of 5-11 Irifune, 1-Chome, Chuo-ku, Tokyo 104-0042, Japan ("JAPAN AGRIBIO") and Ball Horticultural Company, an Illinois Corporation, 622 Town Road, West Chicago, Illinois 60185 ("BALL").

WHEREAS, JAPAN AGRIBIO is the owner of all right, title and interest in and to the trademarks listed on the attached Schedule, including the goodwill of the business symbolized thereby, and the corresponding applications or registrations ("the Trademarks"); and

WHEREAS, BALL desires to acquire and JAPAN AGRIBIO wishes to assign to BALL any and all rights in and to the Trademarks and the goodwill appurtenant thereto;

NOW, THEREFORE:

In consideration of and in exchange for the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, JAPAN AGRIBIO hereby assigns to BALL all of its right, title and interest in and to the Trademarks, together with the goodwill of the business symbolized thereby, the right to sue for past infringement, the right to prosecute and maintain registrations. JAPAN AGRIBIO further agrees to fully cooperate with BALL in transferring and recording the assignment of

these marks, including executing any documentation or taking action as necessary for  
recordal in the respective Trademark Offices.

Dated this 21 day of SEPTEMBER, 2010.

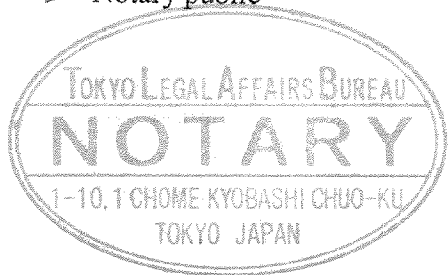
Japan Agribio Kabushiki Kaisha

By: *AKIRA SHIMIZU*  
Name: **AKIRA SHIMIZU**  
Title: **DIRECTOR**

Signed before me this  
21<sup>st</sup> day of September, 2010.



*S. Reda*  
Notary public



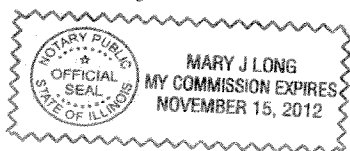
Accepted:

Ball Horticultural Company

By: *Todd Frauendorfer*  
Name: Todd Frauendorfer  
Title: Corporate Secretary and Treasurer

Signed before me this  
4 day of October, 2010.

*Mary J. Long*  
Notary public



SCHEDULE

Benelux

<u>Mark</u>	<u>Registration No.</u>
Primlet	739744
Ride The Wave	726339
Wonderwave	729844

Canada

<u>Mark</u>	<u>Registration No.</u>
Easy Wave	TMA585993
Shock Wave	TMA701964
Tidal Wave	TMA586066
Wave	TMA640733
Ripple	TMA717154
Double Wave	TMA625601

China

<u>Mark</u>	<u>Registration No.</u>
Easy Wave	3415509
Easy Wave 輕浪	3412321
Shock Wave	5608701
Shock Wave 錦浪	5608702
Tidal Wave	3090370
Tidal Wave 潮波	3150131
Wave	1997003
Wave 波浪	3090371

CTM

<u>Mark</u>	<u>Registration No.</u>
Easy Wave	002378008
Mini Wave	004285011
Ride The Wave	004285029
Ripple	004379962
Shock Wave	005091921
Tidal Wave	002377950
Wave	004284981
Double Wave	002377927

Germany

<u>Mark</u>	<u>Registration No.</u>
Primlet	30335031
Ride The Wave	30231133
Wonderwave	30303141
FirstKiss	751485



### International

#### Mark

#### Registration No.

FirstKiss

751485

### Spain

#### Mark

#### Registration No.

FirstKiss

751485

### France

#### Mark

#### Registration No.

Primlet

03 3236442

Wonderwave

03 3203728

FirstKiss

751485

### Italy

#### Mark

#### Registration No.

FirstKiss

751485

### Japan

#### Mark

#### Registration No. (Serial No.)

FirstKiss

4520884

イージーウェーブ Easy Wave

4652020

ウェーブ Wave

5015684

ショックウェーブ Shock Wave

5015753

ウェーブ Wave

5029817

リップル Ripple

(2010-010484)

ファーストキッス

4367185

はなさか

2615297

Born Free

3094345

Double Wave

4599044

### New Zealand

#### Mark

#### Registration No.

Easy Wave

739815

Ride The Wave

739816

Wave

644152

### United Kingdom

#### Mark

#### Registration No.

Primlet

2337296

Ride The Wave

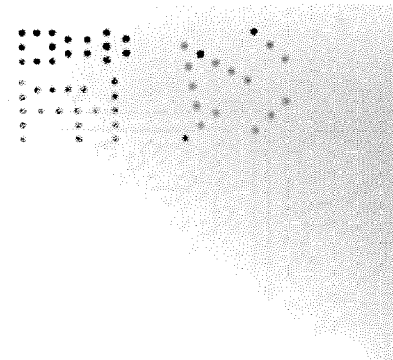
2303489

Wonderwave

2320930

FirstKiss

751485



United States

<u>Mark</u>	<u>Registration No.</u>
Easy Wave	2664474
Primlet	3177668
Ride The Wave	2263276
Ripple	3490227
Shock Wave	3327778
Tidal Wave	2570049
Tidal Wave	2584379
Wave	2679268
First Kiss	2795591
Double Wave	2848076

South Africa

<u>Mark</u>	<u>Registration No.</u>
Easy Wave	2002/10835
Tidal Wave	2002/10836
Wave	2002/10834

# KYOBASHI NOTARY OFFICE

1-10, KYOBASHI 1-CHOME, CHUO-KU,  
TOKYO 104-0031, JAPAN

PHONE: 81-03-3271-4677  
FAX: 81-03-3271-3606

Registered No. 727

## NOTARIAL CERTIFICATE

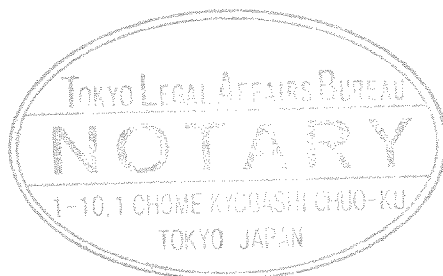
I, the undersigned NOTARY, do hereby certify that **Mr. Akira SHIMIZU**, Representative Director of **Japan Agribio Kabushiki Kaisha**(the "Company"), who has been duly authorized to execute and deliver the attached document for and on behalf of the Company, being legally established and existing under the laws of Japan and having its registered head office at 5-11, Irifune 1-chome, Chuo-ku, Tokyo 104-0042, Japan, has affixed his signature in my very presence to the attached document ("**TRADEMARK ASSIGNMENT**").

Dated this 21<sup>st</sup> day of September, 2010.



A handwritten signature in cursive script, reading "S. Ikeda".

**Shigeo IKEDA** NOTARY  
TOKYO LEGAL AFFAIRS BUREAU  
My commission expires; January 22, 2013.



TRADEMARK

REEL: 004296 FRAME: 0654



認 証



囑託人・ジャパンアグリバイオ株式会社 (Japan Agribio Kabushiki Kaisha  
本店：日本国東京都中央区入船一丁目5番11号) 代表取締役 清水 明 (Mr.  
Akira SHIMIZU) は、本公証人の面前において、添付書面「譲渡証 (TRADEMA  
RK ASSIGNMENT)」に署名した。

よって、これを認証する。

平成22年 9 月 21 日、本公証人役場において

東京都中央区京橋一丁目1番10号

東京法務局所属

公 証 人

Notary

池田 政行  
Shigeo IKEDA



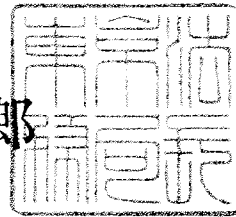
証 明

上記署名は、東京法務局所属公証人の署名に相違ないものであり、かつ、その押印は、  
真実のものであることを証明する。

平成22年 9 月 21 日

東京法務局長

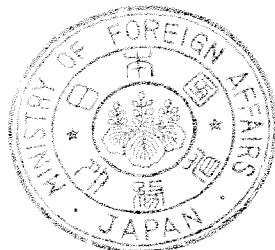
山 舗 弥 一 郎



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

- 1. Country: JAPAN  
This public document
  - 2. has been signed by Shigeo IKEDA
  - 3. acting in the capacity of Notary of the Tokyo Legal Affairs Bureau
  - 4. bears the seal/stamp of Shigeo IKEDA, Notary
- Certified
- 5. at Tokyo
  - 6. SEP. 21, 2010
  - 7. by the Ministry of Foreign Affairs
  - 8. 10-NO 012481
  - 9. Seal/stamp:
  - 10. Signature



*K. Oyabe*

Kazutoyo OYABE  
For the Minister for Foreign Affairs

TRADEMARK