

**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>
The Home Builders Association of Fort Wayne, Inc.		10/12/2010	CORPORATION: INDIANA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	The Builders Association of the Twin Cities		
<b>Street Address:</b>	2960 Centre Pointe Drive		
<b>City:</b>	Roseville		
<b>State/Country:</b>	MINNESOTA		
<b>Postal Code:</b>	55113		
<b>Entity Type:</b>	CORPORATION: MINNESOTA		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
Registration Number:	1639919	PARADE OF HOMES	
<b>CORRESPONDENCE DATA</b>			
Fax Number:	(651)686-7111		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	651-259-2302		
Email:	ljoyce@ip-firm.com		
Correspondent Name:	Linda M. Byrne, Crawford Maunu PLLC		
Address Line 1:	1150 Northland Drive, Suite 100		
Address Line 4:	St. Paul, MINNESOTA 55120		
ATTORNEY DOCKET NUMBER:	BATC.101LA		
NAME OF SUBMITTER:	Linda M. Byrne		
Signature:	/Linda M. Byrne/		
Date:	10/26/2010		

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**Total Attachments: 3**

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## PARADE OF HOMES AGREEMENT

This Agreement is between The Home Builders Association of Fort Wayne, Inc. ("Fort Wayne") located at 305 W. Main Street, Fort Wayne, Indiana 46802, and The Builders Association of the Twin Cities ("BATC") located at 2960 Centre Pointe Drive, Roseville, Minnesota 55113.

### Background

- A. Fort Wayne owns U.S. Registration No. 1,639,919 for PARADE OF HOMES & Design for promoting the services of builders, architects, interior decorators and furniture suppliers by organizing and arranging home tours. This registration is due for renewal on April 2, 2011. Fort Wayne also owns an Indiana state registration for PARADE OF HOMES & Design: Reg. No. 50099390, dated April 13, 1989. Fort Wayne's design mark (as registered in the U.S. and Indiana) is:



The trademark rights set forth in this Paragraph A are referred to as "Fort Wayne's Mark."

- B. BATC owns several state registrations for PARADE OF HOMES, including the registrations set forth on Exhibit A. In addition, BATC owns a pending federal application for PARADE OF HOMES WHERE DREAM HOMES COME TRUE (U.S. Serial No. 85-042,624, filed May 19, 2010). The latter application is for promoting the goods and services of members of the home building construction industry through the presentation of new and remodeled homes to the public; and promoting the services of builders by organizing and arranging home tours. BATC's design mark is:



The trademark rights set forth in this Paragraph B are referred to as "BATC's Marks."

### Agreement

1. With the exception of Fort Wayne's Indiana state registration, Fort Wayne assigns to BATC its rights in Fort Wayne's Mark, including the accompanying good will and U.S. Reg. No. 1,639,919, and the right to use the mark depicted in Paragraph A. In exchange for this assignment, BATC will pay Fort Wayne \$5,000.
2. BATC grants to Fort Wayne the non-exclusive right to use Fort Wayne's Mark in connection with the services described in Fort Wayne's registration in the state of Indiana and any other geographical area that is within 100 miles of Fort Wayne, Indiana. Fort Wayne shall not be required to pay a royalty to BATC for the rights granted in this paragraph.
3. Fort Wayne agrees to make proper use of the PARADE OF HOMES trademark and to endeavor to increase the reputation and good will of this mark. Fort Wayne's PARADE OF HOMES goods and services shall be of high quality and will comply with all applicable laws and regulations. Fort Wayne agrees to submit samples of its PARADE OF HOMES promotional materials for inspection when requested to do so by BATC. If the goods or services fail to meet

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BATC's prescribed standards. BATC may give notice to Fort Wayne specifying the failure. Unless the defects specified in such notice are remedied within sixty (60) days after notice, BATC can by further notice immediately terminate Fort Wayne's right to further use of the PARADE OF HOMES trademark.

4. Fort Wayne and BATC have considered the uses and proposed uses of each party's marks, and being familiar with the relevant marketplace, Fort Wayne and BATC agree that (a) to the best of their knowledge and belief, the goods and services of both parties have coexisted under their respective marks for many years without causing a single actual incidence of confusion, and (b) each party's goods and services are sold in separate and distinct geographical areas within the United States. As a result each party's use of its Mark does not create a likelihood of confusion with respect to the other party's use and registration of its Mark.
5. Fort Wayne agrees not to provide goods or services under Fort Wayne's PARADE OF HOMES Mark outside the state of Indiana, except that Fort Wayne may promote its PARADE OF HOMES Mark in the areas of southern Michigan and northwest Ohio that are within 100 miles of Fort Wayne, Indiana. In addition, Fort Wayne may promote its goods or services via the internet.
6. Fort Wayne consents to registration and use by BATC of BATC's Marks. BATC consents to use by Fort Wayne of Fort Wayne's Mark, provided such use is substantially similar to Fort Wayne's current use of the mark and complies with the other terms of this agreement.
7. Fort Wayne will use Fort Wayne's Mark in proximity to its organization's name, "Fort Wayne Home Builders Association," on all materials, including web pages, advertisements, signs, decals, brochures, displays, flyers, and other appearances of Fort Wayne's Mark. In the event that Fort Wayne's trade name changes in the future, the appropriate organization name will be used instead of "Fort Wayne Home Builders Association."
8. Fort Wayne consents to BATC's registration of any trademark containing the words "PARADE OF HOMES" with the U.S. Patent and Trademark Office.
9. Both parties agree to execute and file with the U.S. Patent and Trademark Office any and all documents which may be necessary or proper to effectuate this agreement. Within thirty days of this agreement, BATC will file an appropriate assignment document with the U.S. Patent and Trademark Office with respect to U.S. Reg. No. 1,639,919. In advance of the renewal deadline, BATC will file a timely application to renew Reg. No. 1,639,919.
10. The parties will notify each other if any actual confusion arises between Fort Wayne's and BATC's Marks. If either party learns of any actual confusion between the marks, the parties will mutually agree to reasonable steps to correct any such confusion and to prevent any such confusion in the future.
11. In the event of infringement of the PARADE OF HOMES mark by a third party, or in the event a third party attempts to register a trademark containing the words "PARADE OF HOMES," BATC will take appropriate action against the third party (in BATC's sole discretion and at BATC's expense), and Fort Wayne will cooperate with BATC's enforcement efforts if necessary and proper, and if such assistance is requested by BATC.
12. This agreement will automatically terminate in the event that either party abandons the use of its Mark.

13. Provided that each party complies with the terms of this agreement, neither party will take any action to oppose or challenge the use or registration of the other party's Mark or the validity of any rights relating thereto.

14. This agreement is binding upon each party's successors, assigns and affiliates, and constitutes the entire understanding between the parties. Any amendment to this agreement must be in writing. In the event of a dispute involving this agreement, the parties will negotiate in good faith, with the assistance of a mediator, to resolve the dispute.

IN WITNESS WHEREOF, the parties have executed this agreement as of the 12<sup>th</sup> day of October, 2010.

HOME BUILDERS ASSOCIATION OF FORT WAYNE, INC.

By: 

Printed Name: MAURICE HELLE

Its: EXECUTIVE DIRECTOR

BUILDERS ASSOCIATION OF THE TWIN CITIES

By: 

Printed Name: GARY M. AAHLE

Its: president