# 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
Manufacturers and Traders Trust Company		04/20/2011	CORPORATION: NEW YORK

#### RECEIVING PARTY DATA

Name:	Weather-Rite LLC	
Street Address:	1250 William Street	
City:	Buffalo	
State/Country:	NEW YORK	
Postal Code:	14240	
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE	

## PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Serial Number:	73630082	WEATHER-RITE

## CORRESPONDENCE DATA

Fax Number: (416)865-7380

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

Phone: 416-865-7304
Email: jnardi@torys.com
Correspondent Name: Torys LLP

Address Line 1: Suite 3000, 79 Wellington St. West Address Line 4: Toronto, CANADA M5K 1N2

ATTORNEY DOCKET NUMBER:	33764-2028
NAME OF SUBMITTER:	Joanne Nardi
Signature:	/joanne nardi/
Date:	05/03/2011

# Total Attachments: 3

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REEL: 004533 FRAME: 0183

### TRADEMARK TERMINATION AND RELEASE

(for Weather-Rite LLC)

This TRADEMARK TERMINATION AND RELEASE is dated as of April 20, 2011, and made by Manufacturers and Traders Trust Company, a New York banking corporation, as Agent (the "Secured Party"), in favor of Weather-Rite LLC, a Delaware limited liability company (the "Pledgor").

# **WITNESSETH:**

WHEREAS, the Pledgor and the Secured Party are parties to that certain Patent and Trademark Security Agreement dated as of February 15, 2008 pursuant to which the Pledgor granted a security interest in certain Collateral (as hereinafter defined) to the Secured Party (the "Security Interest"); and

WHEREAS, the Security Interest was recorded in the Trademark Division of the United States Patent and Trademark Office on May 7, 2008, at Reel 3773, Frame 0030; and

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and upon the terms set forth in this Termination and Release, the Secured Party hereby terminates and releases the Security Interest in the Collateral as follows:

- 1. <u>Collateral</u>. The term "Collateral," as used herein, shall mean all of the Pledgor's right, title and interest of every kind and nature in the trademarks and service marks set forth on <u>Schedule A</u> attached hereto and (i) all registrations, applications, recordings and common-law rights relating thereto; (ii) all reissues, continuations, continuations-in-part or extensions thereof/ all renewals thereof; (iii) all income, license royalties, damages and payments now and hereafter due and/or receivable with respect thereto, including, without limitation, all damages and payments receivable for past, present and/or future infringements thereof; (iv) the right to sue for past, present and/or future infringements thereof; (v) all rights corresponding thereto throughout the world; and (vi) the goodwill of the Pledgor's business connected with or symbolized by the foregoing.
- 2. <u>Further Assurances</u>. The Secured Party hereby agrees to execute, acknowledge, procure and deliver any further documents and to do such other acts as may be reasonably necessary to effect the release of the Security Interests contemplated hereby.

\* \* \*

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TRADEMARK REEL: 004533 FRAME: 0184 IN WITNESS WHEREOF, the undersigned has executed this Trademark Termination and Release by its duly authorized officer as of the date first above written.

MANUFACTURERS AND TRADERS TRUST COMPANY, as Agent

Bv:

Name: Vincent J. Harper

Title: Vice President

**REEL: 004533 FRAME: 0185** 

# SCHEDULE A

Mark	Serial Number	Filing Date	Registration Number	Registration Date
THERM-O-CELL	73134796	7/21/1977	1085443	2/14/1978
WEATHER-RITE	73630082	9/15/1986	1491013	6/7/1988
CUSTOM AIR- RITE BY WEATHER-RITE	75225618	1/14/1997	2291336	11/9/1999

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**RECORDED: 05/03/2011** 

TRADEMARK REEL: 004533 FRAME: 0186