#### 12/21/2012 900242226

# 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
American Capital, Ltd.		12/20/2012	CORPORATION: DELAWARE
General Electric Capital Corporation		12/20/2012	CORPORATION: DELAWARE

#### **RECEIVING PARTY DATA**

Name:	Tensar International Corporation	
Street Address:	2500 Northwinds Parkway	
Internal Address:	Suite 500	
City:	Alpharetta	
State/Country:	GEORGIA	
Postal Code:	30009	
Entity Type:	CORPORATION: GEORGIA	

# PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	4088325	ENDURABLEND

# **CORRESPONDENCE DATA**

Fax Number: 2125562222

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent

via US Mail.

Phone: 2125562100

Email: patentmailnyc@kslaw.com

Correspondent Name: King & Spalding

1185 Avenue of the Americas Address Line 1: Address Line 4: New York, NEW YORK 10036

ATTORNEY DOCKET NUMBER:	05241254063
NAME OF SUBMITTER:	Susan Shen-Frattura

REEL: 004927 FRAME: 0920

**TRADEMARK** 

900242226

Signature:	/Susan Shen-Frattura/
Date:	12/21/2012
Total Attachments: 5 source=Release of IP#page1.tif source=Release of IP#page2.tif source=Release of IP#page3.tif source=Release of IP#page4.tif source=Release of IP#page5.tif	

# TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY COLLATERAL

This **TERMINATION AND RELEASE OF INTELLECTUAL PROPERTY SECURITY INTEREST** (this "**Release**"), dated as of December 20, 2012, is made by AMERICAN CAPITAL, LTD. (as Agent) and GENERAL ELECTRIC CAPITAL CORPORATION (as Administrative Agent), as collateral assignee of TCO Funding Corp. ("<u>TCO Funding</u>"), and by TCO Funding in favor of Tensar International Corporation, a Georgia Corporation (the "<u>Grantor</u>") as follows:

**WHEREAS**, the Grantor, manufactures, markets and sells certain equipment, inventory, intellectual property and other assets, and operates a business as a division (within its other unrelated businesses) relating to a polymer cement slurry pavement surfacing system (the "ENDURABLEND Business");

**WHEREAS**, the Grantor is selling its ENDURABLEND Business worldwide (other than in the Excluded Territory defined below) pursuant to an Asset Purchase Agreement, to be dated on or about December 13, 2012 (the "<u>Purchase Agreement</u>") between Grantor and Pavement Surface Coatings LLC (the "<u>Buyer</u>");

**WHEREAS**, pursuant to the Purchase Agreement the Grantor will convey the Acquired Assets (as defined in the Purchase Agreement) owned by it to the Buyer;

WHEREAS, in connection with the Purchase Agreement, the Grantor has requested that TCO Funding, Administrative Agent, and Agent release, terminate and otherwise discharge all of their security interests in all Endurablend Intellectual Property (as defined in the Purchase Agreement) and the goodwill associated therewith, including without limitation the following intellectual property under the laws of any jurisdiction worldwide, except for the United Kingdom, Germany, Russia, the other countries and territories within the Commonwealth of Independent States, Afghanistan, Pakistan, India, Sri Lanka, Mongolia, Nepal, China, Bangladesh, Bhutan, Myanmar, Laos, Thailand, Cambodia, Vietnam, Malaysia, Hong Kong, North Korea, South Korea, Japan, Philippines, Singapore, Indonesia, East Timor, New Guinea, Australia, New Zealand, Guam and the other islands in the Pacific Ocean west of the International Dateline, (such enumerated jurisdictions being referred to herein collectively as the "Excluded Territory"): a) U.S. Patent No. 7,714,058, granted on May 11, 2010, entitled "Pavement Life Extension Product and Method," b) pending U.S. Patent Application No. 13/019,535, filed on February 2, 2011, entitled "Pavement Overlay Material and Method," c) abandoned U.S. Patent Application No. 12/542,916 filed August 18, 2009, entitled "Pavement Life Extension Product and Method," d) International Patent Application No. PCT/US2011/023461 entitled "Pavement Overlay Material and Method" with respect to all jurisdictions except the Excluded Territory, e) U.S. Trademark Registration No. 4,088,325 for "ENDURABLEND," and f) The unregistered trademark **CRACKFILL**, (the "Released IP Collateral");

**WHEREAS**, pursuant to the Second Lien After-Acquired Intellectual Property Security Agreement dated December 29, 2010 (the "2010 Intellectual Property Security Agreement"), recorded with the U.S. Patent and Trademark Office on January 26, 2011 at Reel/Frame No. 025703/0433, the Grantor granted TCO Funding a security interest in and to

the Grantor's right, title and interest in and to certain Released IP Collateral;

WHEREAS, pursuant to the Second Lien Collateral Assignment of Intellectual Property Security, (the "2010 Supplemental Collateral Assignment"), recorded with the U.S. Patent and Trademark Office on January 26, 2011 at Reel/Frame No. 025703/0466, TCO Funding granted a security interest in all of its assets, including the security interest granted to TCO Funding under the 2010 Intellectual Property Security Agreement, to American Capital, Ltd., in its capacity as Agent;

**WHEREAS**, pursuant to the First Lien Intellectual Property Security Agreement dated April 27, 2012 (the "2012 Intellectual Property Security Agreement"), recorded with the U.S. Patent and Trademark Office on May 3, 2012 at Reel/Frame No. 028149/0521 and 004771/0734, the Grantor granted TCO Funding a security interest in and to the Grantor's right, title and interest in and to certain Released IP Collateral;

**WHEREAS**, pursuant to the Second Lien After-Acquired Intellectual Property Security Agreement dated April 27, 2012 (the "2012 Supplemental Filing"), recorded with the U.S. Patent and Trademark Office on May 7, 2012 at Reel/Frame No. 028169/0864 and 004774/0734, the Grantor granted TCO Funding a security interest in and to the Grantor's right, title and interest in and to certain Released IP Collateral;

WHEREAS, pursuant to the Second Lien Collateral Assignment of Intellectual Property Security, (the "2012 Supplemental Collateral Assignment"), recorded with the U.S. Patent and Trademark Office on May 7, 2012 at Reel/Frame No. 028169/0888 and 004774/0768 (and as corrected at Reel/Frame No. 004778/0913), TCO Funding granted a security interest in all of its assets, including the security interest granted to TCO Funding under the 2012 Supplemental Filing, to American Capital, Ltd., in its capacity as Agent;

WHEREAS, pursuant to the Collateral Assignment of Intellectual Property Security (the "Collateral Assignment"), recorded with the U.S. Patent and Trademark Office on May 8, 2012 at Reel/Frame No. 028177/0029 and 004775/0289, TCO Funding granted a security interest in all of its assets, including the security interest granted to TCO Funding under the 2012 Intellectual Property Security Agreement, to General Electric Capital Corporation, in its capacity as Administrative Agent;

**NOW THEREFORE**, TCO Funding, Administrative Agent, and Agent hereby release all of their right, title and interest in and to their security interests in the Released IP Collateral in any jurisdiction worldwide, except for the Excluded Territory, pursuant to the 2010 Intellectual Property Security Agreement, 2010 Supplemental Collateral Assignment, 2012 Intellectual Property Security Agreement, 2012 Supplemental Filing, 2012 Supplemental Collateral Assignment, and Collateral Assignment, which are incorporated herein by reference.

TCO Funding, Administrative Agent, and Agent agree to provide the Grantor, at Grantor's sole cost and expense with any information and additional authorization reasonably requested by Grantor and reasonably necessary to effect the release of TCO Funding's, Administrative Agent's and Agent's security interests in the Released IP Collateral.

This Release and the rights and obligations of the parties hereto shall be governed by, and construed and interpreted in accordance with, the laws of the State of New York.

**IN WITNESS WHEREOF**, TCO and the Administrative Agents have executed this Release as of the date first above written.

TCO FUNDING CORP.

By:

Jill A. Russo

# GENERAL ELECTRIC CAPITAL CORPORATION

By: Jers Vallablareni
Name: Desason Vallablareni
Title: Dury Authorized Signatory

[Signature Page to Release of Intellectual Property Security Interest]

AMERICAN CAPITAL, LTD.

By: Marshall white

Vice President Title:

[Signature Page to Release of Intellectual Property Security Interest]

**RECORDED: 12/21/2012**