

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Early Morning LLC		02/28/2013	LIMITED LIABILITY COMPANY: DELAWARE

RECEIVING PARTY DATA

Name:	Gardens Alive, Inc.
Street Address:	5100 Schenley Place
City:	Lawrenceburg
State/Country:	INDIANA
Postal Code:	47025
Entity Type:	CORPORATION: DELAWARE

PROPERTY NUMBERS Total: 29

Property Type	Number	Word Mark
Serial Number:	78774760	BLUEBERRY FROSTING
Serial Number:	78774755	RAINBOW SORBET
Serial Number:	78774748	STRAWBERRY SWIRL
Serial Number:	78774743	LEMON SWIRL
Serial Number:	78774739	RASPBERRY RIPPLE
Registration Number:	3360630	THE MAGIC EGG
Registration Number:	3276882	EZ BULBS
Serial Number:	77369906	BLOOMING BUDDIES
Registration Number:	3768042	SLEEPING BEAUTIES
Registration Number:	3471063	DUTCH BULBS BY VAN BOURGONDIE
Registration Number:	3380512	HANS BRINKER
Serial Number:	75792420	BULBMALL.COM
Registration Number:	2582920	BULBMALL
Serial Number:	75792418	BULB MALL

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Serial Number:	75755664	BLOOMING BUDDIES
Serial Number:	75631875	INSTANT WATER GARDEN
Serial Number:	75608564	GARDENS OF DISTINCTION
Serial Number:	75608550	PERENNIAL PARTNERS
Registration Number:	2364029	FLOWERING FRIENDS
Registration Number:	2279764	THE BULB LADY
Registration Number:	2161746	THE BULB LADY
Registration Number:	2132152	HANS BRINKER
Registration Number:	1854799	VAN DYCK'S
Registration Number:	1918235	CAVALIER BULB COMPANY
Registration Number:	1885160	VAN BOURGONDIEN
Serial Number:	73814687	HANS BRINKER JUMBO PACK
Registration Number:	1595629	HANS BRINKER SAC-PAC
Registration Number:	1597723	HANS BRINKER MASTER GARDENER SERIES
Registration Number:	1051424	HANS BRINKER

CORRESPONDENCE DATA

Fax Number: 7168456474
Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.
Phone: 716-845-6000
Email: keagen@kavinokycook.com
Correspondent Name: Kelly E. Eagen, Esq., Kavinoky Cook LLP
Address Line 1: 726 Exchange Street, Suite 800
Address Line 4: Buffalo, NEW YORK 14210

ATTORNEY DOCKET NUMBER:	04894.22191
NAME OF SUBMITTER:	Kelly E. Eagen
Signature:	/Kelly E. Eagen/
Date:	03/19/2013

Total Attachments: 10

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REEL: 004985 FRAME: 0566

EARLY MORNING LLC

ASSIGNMENT OF TRADEMARKS/SERVICE MARKS

Whereas EARLY MORNING LLC ("Early Morning"), a Delaware limited liability company, has adopted and used certain trademarks, trade names and/or service marks, including but not limited to the trademarks, trade names and/or service marks listed on Schedule A attached hereto (hereinafter collectively described as the "Marks"); some of which Marks may be the subject of pending applications with the United States Patent and Trademark Office, some of which Marks may be the subject of registrations with the United States Patent and Trademark Office, some of which Marks may be the subject of pending applications with foreign trademark offices and some of which Marks may be the subject of registrations with foreign trademark offices, as more specifically described on Schedule A; and

Whereas Gardens Alive, Inc., a Delaware corporation, with an office at 5100 Schenley Place, Lawrenceburg, Indiana 47025 (the "Assignee"), is desirous of acquiring said Marks and the goodwill associated therewith.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Early Morning does hereby fully assign, transfer and release unto Assignee all of Early Morning's right, title and interest in and to the said Marks, worldwide, including, but not limited to, all of Early Morning's right, title, and interest in and to any national, foreign and United States federal and state pending applications, registrations, renewals and extensions thereof, as well as all common law rights, for such Marks, together with the goodwill of the business symbolized by the Marks and all benefits relating to the foregoing whether before or hereafter accrued (including, without limitation, the exclusive right to apply for, maintain and renew any application and registration for the Marks), free and clear of all liens, claims, encumbrances and interests of any kind. For any United States federal trademark application for which a supported claim of use has not been filed with and accepted by the United States Patent and Trademark Office as of the effective date of this Assignment, Early Morning also does hereby fully assign, transfer and release unto Assignee that portion of Early Morning's business to which the applicable Mark(s) pertain.

Early Morning further assigns, transfers and releases to Assignee any and all royalties, income, payments and proceeds, whether now accrued or accruing in the future, as well as all claims for damages by reason of past, present or future continuing infringement of said Marks, and the right to sue for and collect the same for its own use and benefit and that of its successors, assigns, or other legal representatives.

IN WITNESS WHEREOF, the undersigned has caused this Assignment of Trademarks/Service Marks to be executed as of the day and year indicated below.

Dated: As of February 26, 2013

EARLY MORNING LLC

By: Eric Hamant
Eric Hamant, President and CEO

my commission expires
NOV. 8, 2013.
Melinda M. Ambrose

STATE OF Ohio)
) SS.:
COUNTY OF Miami)

On the 29th day of February, 2013 before me the undersigned, personally appeared Eric Hamant, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Assignment and acknowledged to me that he executed the same in his capacity as an authorized representative of Early Morning LLC, and that by his signature on the Assignment he executed the Assignment on behalf of Early Morning LLC, and that Eric Hamant made such appearance before the undersigned in the City of Tippcity and State of Ohio.

Melinda M. Ankshaw

Notary Public

my commission expires
Nov. 8, 2013

406331.J

SCHEDULE A

OWNER: Early Morning LLC, a Delaware limited liability company

All, trademarks, trade names and service marks owned by Early Morning LLC, including, but not limited to, those identified in the below chart, as well as the below listed applications and/or registrations:

MARK	STATUS	REGISTRATION NUMBER	REGISTRATION DATE	SERIAL NUMBER	FILE DATE	COUNTRY
BLUEBERRY FROSTING	Abandoned	N/A	N/A	78774760	December 16, 2005	USA
RAINBOW SORBET	Abandoned	N/A	N/A	78774755	December 16, 2005	USA
STRAWBERRY SWIRL	Abandoned	N/A	N/A	78774748	December 16, 2005	USA
LEMON SWIRL	Abandoned	N/A	N/A	78774743	December 16, 2005	USA
RASPBERRY RIPPLE	Abandoned	N/A	N/A	78774739	December 16, 2005	USA

THE MAGIC EGG	Registered	3360630	December 25, 2007	78772867	December 14, 2005	USA
EZ BULBS	Registered	3276882	August 7, 2007	78633688	May 20, 2005	USA
BLOOMING BUDDIES	Abandoned	N/A	N/A	77369906	January 11, 2008	USA
SLEEPING BEAUTIES	Registered	3768042	March 30, 2010	77341021	November 30, 2007	USA
DUTCH BULBS BY VAN BOURGONDEN	Registered	3471063	July 22, 2008	77318865	November 1, 2007	USA
HANS BRINKER	Registered	3380512	February 12, 2008	77137398	March 22, 2007	USA
BULBMALL.COM	Abandoned	N/A	N/A	75792420	September 3, 1999	USA
BULBMALL	Cancelled	2582920	June 18, 2002	75792419	September 3, 1999	USA
BULB MALL	Abandoned	N/A	N/A	75792418	September 3, 1999	USA
BLOOMING BUDDIES	Abandoned	N/A	N/A	75755664	June 15, 1999	USA

INSTANT WATER GARDEN	Abandoned	N/A	N/A	Abandoned June 12, 2000	75631875	February 1, 1999	USA
GARDENS OF DISTINCTION	Abandoned	N/A	N/A	Abandoned July 6, 2001	75608564	December 17, 1998	USA
PERENNIAL PARTNERS	Abandoned	N/A	N/A	Abandoned May 7, 2002	75608550	December 17, 1998	USA
FLOWERING FRIENDS	Cancelled	2364029	July 4, 2000	Cancelled April 7, 2007	75607779	December 17, 1998	USA
THE BULB LADY	Cancelled	2279764	September 21, 1999	Cancelled June 24, 2006	75267530	April 1, 1997	USA
THE BULB LADY	Cancelled	2161746	June 2, 1998	Cancelled March 5, 2005	75267529	April 1, 1997	USA
HAINS BRINKER	Cancelled	2132152	January 27, 1998	Cancelled October 30, 2004	75191635	October 29, 1996	USA

VAN DYCK'S	Registered	1854799	September 20, 1994	74407803	June 30, 1993	USA
CAVALIER BULB COMPANY	Cancelled	1918235	September 12, 1995 Cancellation Date June 24, 2006	74407387	June 30, 1998	USA
VAN BOURGONDEN	Registered	1885160	March 21, 1995	74407380	June 30, 1993	USA
HANS BRINKER JUMBO PACK	Abandoned	N/A	N/A Abandoned May 2, 1990	73814687	July 25, 1989	USA
HANS BRINKER SAC-PAC	Cancelled	1595629	May 8, 1990 Cancellation Date November 11, 1996	73814656	July 25, 1989	USA
HANS BRINKER MASTER GARDENER SERIES	Cancelled	1597723	May 22, 1990 Cancellation Date November 25, 1996	73805873	June 12, 1989	USA
HANS BRINKER	Expired	1051424	October 26, 1976	73063254	September 17, 1975	USA
EDIBLES BY VAN BOURGONDEN						USA
PERENNIALS BY VAN BOURGONDEN						USA

SHRUBS & VINES BY VAN BOURGONDIE									USA
SLEEPING BEAUTIES & Design (colour)	Registered	TMA800133	June 16, 2011	1383886	February 19, 2008			Canada	
VAN BOURGONDIE	Registered	TMA437713	December 30, 1994	0734418	August 6, 1993			Canada	
HANS BRINKER MASTER GARDENER SERIES	Expunged	TMA417013	September 17, 1993	0696968	January 9, 1992			Canada	
BULBMALL.COM	Abandoned	N/A	N/A	1028631	September 10, 1999			Canada	
THE MAGIC EGG	Registered	TMA729385	November 25, 2008	1292858	March 8, 2006			Canada	
INSTANT WATER GARDEN	Registered	TMA540297	January 25, 2001	1006173	February 23, 1999			Canada	
BULBMALL	Registered	TMA586636	August 6, 2003	1028650	September 10, 1999			Canada	
PERENNIAL PARTNERS	Abandoned	N/A	N/A	1000173	December 21, 1998			Canada	
CAVALIER BULB COMPANY & DESIGN	Registered	TMA438446	January 27, 1995	0736493	September 2, 1993			Canada	
BULB MALL	Abandoned	N/A	N/A	1028628	September 10, 1999			Canada	
			Inactivated December 27, 2001						
			Inactivated November 13, 2001						
			Inactivated December 27, 2001						

VAN DYCK'S FLOWER FARMS, INC.	Registered	TMA434512	October 14, 1994	0734416	August 6, 1993	Canada
GARDENS OF DISJUNCTION	Abandoned	N/A	N/A	1000174	December 21, 1998	Canada
HANS BRUNKER	Registered	TMA409548	March 12, 1993	0696969	January 9, 1992	Canada
BLOOMING BUDDIES	Registered	TMA576709	February 28, 2003	1090413	January 24, 2001	Canada
FLOWERING FRIENDS	Abandoned	N/A	N/A	1000175	December 21, 1998	Canada
DUTCHBULBS BY VAN BOURGONDJEN			Inactivated October 2, 2002			Canada
VAN DYCK'S						Canada
THE BULB LADY and Design ENGLISH	Registered	4408147	August 11, 2000	H11-089540	October 1, 1999	Japan
THE BULB LADY and Design KATAKANA	Registered	4408149	August 11, 2000	H11-89554	October 1, 1999	Japan
VAN BOURGONDJEN ENGLISH	Registered	4408148	August 11, 2000	H11-89551	October 1, 1999	Japan
VAN BOURGONDJEN KATAKANA	Registered	4442176	December 22, 2000	2000-001560	January 14, 2000	Japan

BLOOMING BUDDIES	Registered	001967942	March 5, 2002	001967942	November 23, 2000	CIM
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