# 900259574 07/02/2013

#### 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
Wilbur-Ellis Company		06/13/2013	CORPORATION: CALIFORNIA

#### **RECEIVING PARTY DATA**

Name:	Sears Ecological Applications Co., LLC	
Street Address:	1914 Black River Boulevard	
City:	Rome	
State/Country:	NEW YORK	
Postal Code:	13440	
Entity Type:	LIMITED LIABILITY COMPANY: NEW YORK	

Name:	Sears Petroleum & Transport Corp.	
Street Address:	1914 Black River Boulevard	
City:	Rome	
State/Country:	NEW YORK	
Postal Code:	13440	
Entity Type:	CORPORATION: NEW YORK	

#### PROPERTY NUMBERS Total: 2

Property Type	Number	Word Mark
Registration Number:	1407237	ICE BUSTER
Registration Number:	1407239	ICE BUSTER

#### **CORRESPONDENCE DATA**

**Fax Number**: 3157036252

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

via US Mail.

Phone: 315.425.2868

Email: ipdocket@hblaw.com

Correspondent Name: Denis J. Sullivan

TRADEMARK REEL: 005061 FRAME: 0706 65.00 1407237

900259574

Address Line 2: One P	Hiscock & Barclay, LLP One Park Place, 300 South State Street Syracuse, NEW YORK 13202		
ATTORNEY DOCKET NUMBER:	3063958		
NAME OF SUBMITTER:	Melanie L. Lavacca		
Signature:	/Melanie L. Lavacca/		
Date:	07/02/2013		
Total Attachments: 3 source=ICE BUSTER Agremeent (FULLY EXECUTED)#page1.tif source=ICE BUSTER Agremeent (FULLY EXECUTED)#page2.tif source=ICE BUSTER Agremeent (FULLY EXECUTED)#page3.tif			

TRADEMARK
REEL: 005061 FRAME: 0707

# ASSIGNMENT of TRADEMARK OWNERSHIP

### **PARTIES**

Wilbur-Ellis Company, a California corporation, having its principal place of business at 345 California Street, 27<sup>th</sup> Floor, San Francisco California 94104 USA (hereinafter called "Assignor"); and

JOINTLY (hereinafter called "Assignees")

- 1. Sears Ecological Applications Co., LLC, a New York Limited Liability Company, having its principal place of business at 1914 Black River Boulevard, Rome, New York 13440, and
- 2. Sears Petroleum & Transport Corp., a New York Corporation, having its principal place of business at 1914 Black River Boulevard, Rome, New York 13440.

#### WHEREAS

- I. Assignor is the owner of all rights and is a proprietor of the marks including all copyright and other rights therein;
- II. The parties hereto have agreed that the mark ICE BUSTER and all ancillary rights thereto should be assigned by the Assignor to the Assignees for the consideration hereinafter set forth.

### The parties agree to this Assignment per the following terms.

1. Assignor agrees to assign exclusively to Assignees as joint owners, Assignor's entire right, title, and interest, including common law rights, in the United States of America and all other countries and jurisdictions of the world, in and to the trademarks listed in "The Schedule," below, together with the goodwill of the business symbolized by said trademarks and with that portion of Assignor's business to which the marks pertain, and together with all applications, registrations, and renewals worldwide relating thereto along with the right to recover damages and profits for past infringements thereof.

#### THE SCHEDULE

Mark	Registration No.	Class	Specification of goods/services
ICE BUSTER	1407237	001	Ice melting chemicals for use on pavement, walkways, streets and the like
ICE BUSTER and ship design	1407239	001	Ice melting chemicals for use on pavement, walkways, streets and the like

2. Assignees agree to accept the assignment of the aforementioned Marks in exchange for payment of to Assignor and for other good and valuable consideration, receipt of which is hereby acknowledged by Assignor. Assignees shall

make payment to Assignor no later than 5 business days after execution of the agreement by all parties.

- 3. Assignees agree that they will not use the mark ICE BUSTER and design mark, as reflected in U.S. Reg. No. 1,407,239, but can use the mark ICE BUSTER apart from the design.
- 4. Assignees agree that they will allow the ICE BUSTER and design registration, U.S. Reg. No. 1,407,239, to expire; they will not renew the registration when it comes due in the year 2016.
- 5. Assignor will retain ownership and all rights in its "ship design," including all rights in U.S. Reg. No. 1,407,238.
- 6. Assignor agrees to execute and deliver at the request of Assignees, all papers, instruments and assignments, and to perform any other reasonable acts that Assignees may require in order to vest all of Assignor's right, title, and interest in and to said mark in the Assignees and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by Assignees, to the extent such evidence is in the possession or control of Assignor.

Signed at 345 California Street 27<sup>th</sup> Floor, San Francisco, California 94104, this <u>\lambda</u> day of June, 2013.

WILBUR ELLIS COMPANY, Assignor
By:

(Signature)

David P Granoff, Vice President

**ACKNOWLEDGMENT** 

STATE OF CALIFORNIA ) : ss. COUNTY OF SAN FRANCISCO )

On June 13, 2013 before me, Beverly Verrett, Notary Public in and for such county and state, personally appeared David P. Granoff, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Beverly Verrett

My Commission Expires: December 6, 2014

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BEVERLY VERRETT Commission # 1915492

Notary Public - California San Francisco County My Comm, Expires Dec 6, 2014

Signed at:  1914 Black River Boulevard, Rome SEARS ECOLOGICAL APPLICAT  By:		of June, 2013.
(Signature)		
David H. Wood President		
Signed at:  1914 Black River Boulevard, Rom SEARS PETROLEUM & TRANSPORT  By:   Maril Hood		y of June, 2013.
(Signature)		

David H. Wood Vice President