

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM361340

<b>SUBMISSION TYPE:</b>	RESUBMISSION		
<b>NATURE OF CONVEYANCE:</b>	Correction by Declaration of incorrect Registration No. 1369134 (FOAMTREADS) assignment recorded at Reel 5403, Frame 0941		
<b>RESUBMIT DOCUMENT ID:</b>	900342129		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
GREDICO FOOTWEAR LTD.		10/23/2015	CORPORATION: CANADA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	GREDICO FOOTWEAR LTD.		
<b>Street Address:</b>	415 Annagem Blvd		
<b>City:</b>	Mississauga, Ontario		
<b>State/Country:</b>	CANADA		
<b>Postal Code:</b>	L5T 3A7		
<b>Entity Type:</b>	CORPORATION: CANADA		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
Registration Number:	1369134	FOAMTREADS	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	9053190809		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
<b>Phone:</b>	9053199168		
<b>Email:</b>	keh@capatents.com, usptomail@capatents.com		
<b>Correspondent Name:</b>	Kevin E. Holbeche		
<b>Address Line 1:</b>	3350 Fairview Street, Suite 3-166		
<b>Address Line 2:</b>	(Hofbauer Professional Corporation)		
<b>Address Line 4:</b>	Burlington, Ontario, CANADA L7N 3L5		
<b>ATTORNEY DOCKET NUMBER:</b>	2505/T1402US00		
<b>NAME OF SUBMITTER:</b>	Kevin E. Holbeche		
<b>SIGNATURE:</b>	/K~E~H/		
<b>DATE SIGNED:</b>	11/05/2015		
<b>Total Attachments: 7</b>			
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## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM323616

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL
<b>SEQUENCE:</b>	1

## CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Wellco Enterprises, Inc.		08/14/2014	CORPORATION:

## RECEIVING PARTY DATA

<b>Name:</b>	The Original Footwear Company
<b>Street Address:</b>	1821 Industrial Drive
<b>City:</b>	Stockton
<b>State/Country:</b>	CALIFORNIA
<b>Postal Code:</b>	95206
<b>Entity Type:</b>	CORPORATION: CALIFORNIA

## PROPERTY NUMBERS Total: 9

Property Type	Number	Word Mark
Registration Number:	3445980	W WELLCO
Registration Number:	3573108	W
Registration Number:	4390487	THERE // AND // BACK
Registration Number:	4337457	W
Registration Number:	2813180	TUFFKUSHION
Registration Number:	2810762	V-TRAX
Registration Number:	3073345	WELLCO
Registration Number:	1369134	FOAMTREADS
Serial Number:	85587700	ALWAYS A STEP AHEAD

## CORRESPONDENCE DATA

Fax Number: 2092344250

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.*

Phone: 2092344200

Email: kevin@originalswat.com

Correspondent Name: Kevin Cole

Address Line 1: 1821 Industrial Drive

Address Line 4: Stockton, CALIFORNIA 95206

NAME OF SUBMITTER: Kevin D. Cole

TRADEMARK

<b>SIGNATURE:</b>	/Kevin D. Cole/
<b>DATE SIGNED:</b>	11/19/2014
<b>Total Attachments: 10</b> source=Trademark Assignment Wellco#page1.tif source=Trademark Assignment Wellco#page2.tif source=Trademark Assignment Wellco#page3.tif source=Trademark Assignment Wellco#page4.tif source=Trademark Assignment Wellco#page5.tif source=Trademark Assignment Wellco#page6.tif source=Trademark Assignment Wellco#page7.tif source=Trademark Assignment Wellco#page8.tif source=Trademark Assignment Wellco#page9.tif source=Trademark Assignment Wellco#page10.tif	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 73/507,180  
Filing Date: 4 November 1984  
Registration No: 1,369,134  
Reg. Date: 5 November 1985  
Registrant: WELLCO ENTERPRISES, INC.  
Mark: FOAMTREADS  
Assignor: GREDICO FOOTWEAR LTD.  
Assignee: GREDICO FOOTWEAR LTD.  
Our Ref: 2505/T1402US00

DECLARATION OF KEVIN E. HOLBECHE

Mail Stop Assignment Recordation Services  
Director of the United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

I, KEVIN E. HOLBECHE, of the Town of Oakville, in the Province of Ontario, Canada, hereby declare as follows:

1. I am a lawyer licensed to practice in the Province of Ontario, Canada with the firm Hofbauer Professional Corporation, which firm acts on behalf of Gredico Footwear Ltd. ("**Gredico**"), a Canadian corporation, to which all right, title and interest in and to the above-referenced U.S. Trademark Registration (the "**Registration**") were duly sold, assigned and transferred, together

with the goodwill attaching to the associated FOAMTREADS mark, by Ernst & Young, Inc. as court-appointed receiver for William H. Kaufman Inc., a Canadian corporation, (“**Kaufman**”) by way of an assignment executed on 24 October 2000 and recorded with the United States Patent and Trademark Office (“**USPTO**”) at Reel 2464, Frame 0950 on 4 March 2002. As such, I have knowledge of the facts set forth below.

2. I have been recognized to represent Canadian trademark applicants before the USPTO since 2002 and, as such, have familiarity with the filing requirements for trademark assignments and corrective trademark assignments before the USPTO.
3. My review of the USPTO records has revealed that a cover sheet and document were recorded with the USPTO at Reel 5403, Frame 0941 on 19 November 2014 (collectively, the “**TOFCo document**”), by which The Original Footwear Company, a California corporation, (“**TOFCo**”) was purported to have been assigned the entire interest in, *inter alia*, the Registration by Wellco Enterprises, Inc., a North Carolina corporation, (“**Wellco**”). However, Wellco had more than twenty-eight (28) years previously assigned the entire right, title and interest in the Registration to Kaufman on 18 February 1986 (as evidenced by the conveyance recorded with the USPTO at Reel 0519, Frame 0893 on 10 March 1986) and does not appear to have had or retained any valid right, title or interest therein since then. Moreover, as indicated above, Kaufman properly assigned the Registration to Gredico on 24 October 2000 (as recorded with the USPTO at Reel 2464, Frame 0950 on 4 March 2002). Accordingly, the TOFCo document appears to have been improperly recorded against the Registration.
4. The TOFCo document indicates it was recorded with the USPTO by Mr. Kevin Cole (“**Cole**”) whose telephone number and email address were listed therein as (209) 234-4200 and [kevin@originalswat.com](mailto:kevin@originalswat.com), respectively. I understand, and verily believe it to be true, that Cole is CEO of TOFCo as evidenced by **Exhibit “A”** hereto (which reproduces a portion of a LinkedIn profile which I accessed via the URL <https://www.linkedin.com/pub/kevin-cole/31/132/513> on 22 October 2015). I corresponded with Cole by email between 9 October 2015 and 15 October 2015, using his above-referenced email address and my [keh@capatents.com](mailto:keh@capatents.com) email address, to request that Cole record a corrective assignment to remove the association

between the TOFCo document and the Registration in the records of the USPTO at aforesaid Reel 5403, Frame 0941. On 15 October 2015, in my last such email correspondence to Cole, I indicated that without express word from him to the contrary by 19 October 2015, I would understand that Cole will not timely file any such corrective assignment. Cole replied by email that same day, although he failed to indicate he would file any such corrective assignment. As of the below-written date of this declaration, I have not received any further correspondence of any kind from Cole. Accordingly I understand, and verily believe it to be true, that Cole does not intend to, and will not, file any corrective assignment to remove the association between the TOFCo document and the Registration in the records of the USPTO at aforesaid Reel 5403, Frame 0941.

5. Based on all of the foregoing I understand, and verily believe it to be true, that: (a) Wellco assigned the entire right, title and interest in the Registration to Kaufman on 18 February 1986 (as recorded with the USPTO at USPTO Reel 0519, Frame 0893 on 10 March 1986) and did not have or retain any valid right, title or interest therein since then; (b) Kaufman properly assigned the Registration to Gredico on 24 October 2000 (as recorded with the USPTO at Reel 2464, Frame 0950 on 4 March 2002); and (c) the TOFCo document was ineffective and invalid to assign the Registration to TOFCo and was improperly recorded with the USPTO against the Registration (at Reel 5403, Frame 0941 on 19 November 2014).
6. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified trademark registration to which this verified statement is directed.

Date: 26 October 2015



Kevin E. Holbeche

EXHIBIT "A"

To the Declaration of Kevin E. Holbeche

In the Matter of

U.S. Trademark Registration No. 1,369,134

Registered on November 5, 1985



Accessed via the URL

<https://www.linkedin.com/pub/kevin-cole/31/132/513>

On October 22, 2015



**Kevin Cole** 3rd  
CEO at The Original Footwear Company  
Stockton, California | Law Enforcement

Current: Original Swat, Original Footwear Holding  
Education: University of Vermont

[Send Kevin InMail](#)

**500+**  
connections

 [Contact Info](#) <https://www.linkedin.com/pub/kevin-cole/31/132/513>