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# TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1 Stylesheet Version v1.2 ETAS ID: TM422451

SUBMISSION TYPE:	NEW ASSIGNMENT	
NATURE OF CONVEYANCE:	RELEASE OF SECURITY INTEREST	
SEQUENCE:	1	

### **CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Bank of Montreal		04/03/2017	Chartered Bank: CANADA

### **RECEIVING PARTY DATA**

Name:	Velvac, Incorporated	
Street Address:	2405 South Calhoun Road	
City:	New Berlin	
State/Country:	WISCONSIN	
Postal Code:	53151-2709	
Entity Type:	Corporation: DELAWARE	

### **PROPERTY NUMBERS Total: 7**

Property Type	Number	Word Mark	
Registration Number:	1219045	EYEBALL	
Registration Number:	1267825	K-10 HEMISPHERE	
Registration Number:	1759605	VELVAC	
Registration Number:	1762434	VELVAC	
Registration Number:	2203827	DURABALL	
Registration Number:	2508748	K-10	
Registration Number:	2588103	K-10	

### **CORRESPONDENCE DATA**

**Fax Number:** 8602860115

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:** (860)286-2929

Email: TM-CT@cantorcolburn.com
Correspondent Name: Christopher J. Whalley
Address Line 1: Cantor Colburn LLP

**Address Line 2:** 20 Church Street, 22nd Floor

Address Line 4: Hartford, CONNECTICUT 06103-3207

ATTORNEY DOCKET NUMBER:	EAS0003AN	
NAME OF SUBMITTER:	Christopher J. Whalley	

900401145 REEL: 006027 FRAME: 0042

SIGNATURE:	/cjw/
DATE SIGNED:	04/04/2017

### **Total Attachments: 5**

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### RELEASE OF SECURITY INTEREST IN TRADEMARKS

THIS RELEASE OF SECURITY INTEREST IN TRADEMARKS ("Release") is made and effective as of April 3, 2017 ("Effective Date") and is granted by both Bank of Montreal, a Canadian chartered bank acting through its Chicago branch, whose principle address is c/o BMO Harris Bank N.A., 770 North Water Street, Milwaukee, Wisconsin 53202 ("BMO") and BMO Harris Bank N.A., (successor-by-merger to M&I Marshall & Ilsley Bank), a national banking association, whose principal address is 770 North Water Street, Milwaukee, Wisconsin 53202 ("Harris Bank", and collectively with BMO, the "Releasors") in favor of Velvac, Incorporated, a Delaware corporation, whose principal address is 2405 South Calhoun Road, New Berlin, Wisconsin 53151-2709 ("Velvac").

WHEREAS, Velvac and BMO entered into an Amended and Restated Loan Agreement dated December 13, 2013 (as amended from time to time, the "Loan Agreement").

WHEREAS, the Loan Agreement is an amendment and restatement of that Loan Agreement between Velvac and Harris Bank (successor-by-merger to M&I Marshall & Ilsley Bank) dated August 31, 2005, as amended (the "Original Loan Agreement").

WHEREAS, in connection with the Original Loan Agreement, Velvac and Harris Bank entered into a Security Agreement dated August 31, 2005 (as amended from time to time, the "Security Agreement") pursuant to which Velvac granted Harris Bank a security interest in all of Velvac's personal property and assets.

WHEREAS, in connection with the Original Loan Agreement, Velvac executed and delivered to Harris Bank that certain Confirmatory Assignment of Security Interest in United States Trademarks dated August 31, 2005 (including all annexes, exhibits or schedules thereto, and as from time to time amended, restated, supplemented or otherwise modified, the "2005 Trademark Security Agreement").

WHEREAS, pursuant to the 2005 Trademark Security Agreement, Harris Bank was the holder of a continuing security interest in all of Velvac's right, title and interest in and to the Trademarks (as defined in the 2005 Trademark Security Agreement).

WHEREAS, pursuant to a Commitment Assignment and Assignment of Loan Documents (collectively, the "Commitment Assignment"), Harris Bank assigned its interest in the Original Loan Agreement, Security Agreement, the 2005 Trademark Security Agreement and other documents related thereto to BMO.

WHEREAS, in connection with the Loan Agreement, Velvac and BMO entered into an Omnibus Amendment dated December 13, 2013 pursuant to which the Security Agreement was amended to recognize the assignment of Harris Bank's rights under the Security Agreement to BMO (the Security Agreement as amended by the Omnibus Amendment is referred to as the "Amended Security Agreement").

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WHERAS, pursuant to the Amended Security Agreement, Velvac granted BMO a security interest in all of Velvac's personal property and assets.

WHEREAS, in connection with the Amended Security Agreement, Velvac executed and delivered to BMO that certain Confirmatory Assignment of Security Interest in United States Trademarks dated December 13, 2013 (including all annexes, exhibits or schedules thereto, and as from time to time amended, restated, supplemented or otherwise modified, the "2013 Trademark Security Agreement" and collectively with the 2005 Trademark Security Agreement, the "Trademark Security Agreements").

WHEREAS, pursuant to the Trademark Security Agreements, BMO is the holder of a continuing security interest in all of Velvac's right, title and interest in and to the Trademark (as respectively defined in each of the Trademark Security Agreements) then owned or from time to time after the date of the applicable Trademark Security Agreement owned or acquired by Velvac.

WHEREAS, Velvac has requested that BMO and Harris Bank (to the extent Harris Bank has retained any security interest in any of the Patents under either of the Patent Security Agreements), enter into this Release in order to effectuate, evidence and record the release, termination and reassignment to Velvac of any and all right, title and interest that Releasors may have in the Trademarks pursuant to the Trademark Security Agreements.

**NOW, THEREFORE,** for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Releasors and Velvac agree as follows:

- 1. All initially capitalized terms used but not otherwise defined herein have the meanings given to them in the Trademark Security Agreements.
- 2. Releasors, on their respective own behalf and on behalf of their respective successors, legal representatives and assigns, hereby terminate the Trademark Security Agreements and forever unconditionally, expressly and irrevocably release, terminate and discharge all security interests Releasors have pursuant to the Trademark Security Agreements in, to and under the Trademarks (as respectively defined in each of the Trademark Security Agreements), including, without limitation, the trademarks listed in **Schedule 1** hereto.
- 3. Releasors hereby authorize and request (a) the Commissioner of Trademarks to record this Release in the United States Patent and Trademark Office with regard to the Trademark Security Agreements and the Trademarks (as respectively defined in each of the Trademark Security Agreements), including, without limitation, the trademarks listed in **Schedule 1** hereto and (b) any other state, federal and/or foreign government agency to record this Release with regard to the Trademark Security Agreements and the Trademark (as respectively defined in each of the Trademark Security Agreements), including, without limitation, the trademarks listed in **Schedule 1** hereto.

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IN WITNESS WHEREOF, Releasors have caused this Release of Security Interest in Trademarks to be executed by their respective duly authorized representative as of the Effective Date.

**BANK OF MONTREAL** 

By:

Name:

Thomas F. Bickelhaupt

Title:

Senior Vice President

### CERTIFICATE OF ACKNOWLEDGMENT

STATE OF WISCONSIN

ss.:

COUNTY OF MILWAUKEE

On this 24th day of March, 2017, before me, the undersigned, personally appeared Thomas F. Bickelhaupt, 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 instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

ALISON LOPATA NOTARY PUBLIC STATE OF WISCONSIN [NOTARY SEAL]
My Commission expires: 5/9/2022

Release of Security Interest in Trademarks (Velvac, Incorporated)

BMO HARRIS BANK N.A.

By:

Name:

Thomas F. Bickelhaupt

Title:

Senior Vice President

## CERTIFICATE OF ACKNOWLEDGMENT

STATE OF WISCONSIN

ss.:

COUNTY OF MILWAUKEE

On this 29th day of March, 2017, before me, the undersigned, personally appeared Thomas F. Bickelhaupt, 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 instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

ALISON LOPATA NOTARY PUBLIC STATE OF WISCONSIN [NOTARY SEAL] FORMATE : 5/9/2020

Release of Security Interest in Trademarks (Velvac, Incorporated)

# SCHEDULE 1

Jurisdiction	Registration Number	Word Mark
USA	2588103	K-10
USA	2508748	K-10
USA	2203827	DURABALL
USA	1759605	VELVAC
USA	1762434	VELVAC
USA	1219045	EYEBALL
USA	1267825	K-10 HEMISPHERE
China	812668	VELVAC
China	848930	VELVAC
Canada	TMA435324	VELVAC
Canada	TMA440274	VISION 2000
Japan	2712561	VELVAC
Japan	2714015	VELVAC
Mexico	433494	VELVAC
South Korea	277168	VELVAC

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**RECORDED: 04/04/2017**