

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM459440

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------|---------------------------------------|
| SUBMISSION TYPE: | NEW ASSIGNMENT | | |
| NATURE OF CONVEYANCE: | ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL | | |
| CONVEYING PARTY DATA | | | |
| Name | Formerly | Execution Date | Entity Type |
| Mid-States Distributing Co., Inc. | | 01/24/2018 | Cooperative Association: NORTH DAKOTA |
| RECEIVING PARTY DATA | | | |
| Name: | Midco Distributing, LLC | | |
| Street Address: | 1370 Mendota Heights Road | | |
| City: | Mendota Heights | | |
| State/Country: | MINNESOTA | | |
| Postal Code: | 55120 | | |
| Entity Type: | Limited Liability Company: DELAWARE | | |
| PROPERTY NUMBERS Total: 1 | | | |
| Property Type | Number | Word Mark | |
| Serial Number: | 87503201 | BLACK DIAMOND | |
| CORRESPONDENCE DATA | | | |
| Fax Number: | 6123398200 | | |
| <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> | | | |
| Phone: | 612.339.8300 | | |
| Email: | haugenmail@haugenlaw.com | | |
| Correspondent Name: | Eric O. Haugen | | |
| Address Line 1: | 121 S. Eighth Street | | |
| Address Line 2: | 1130 TCF Tower | | |
| Address Line 4: | Minneapolis, MINNESOTA 55402 | | |
| ATTORNEY DOCKET NUMBER: | BLACK DIAMOND Assignment | | |
| NAME OF SUBMITTER: | Eric O. Haugen | | |
| SIGNATURE: | /Eric O. Haugen/ | | |
| DATE SIGNED: | 01/25/2018 | | |
| Total Attachments: 3 | | | |
| source=BLACK DIAMOND Assignment#page1.tif | | | |
| source=BLACK DIAMOND Assignment#page2.tif | | | |
| source=BLACK DIAMOND Assignment#page3.tif | | | |

CH \$40.00 87503201

ASSIGNMENT OF INTENT-TO-USE TRADEMARK APPLICATION

WHEREAS, Mid-States Distributing Co., Inc., a Cooperative Association of North Dakota ("Mid-States") has intended to use the mark BLACK DIAMOND in commerce and has filed a trademark application with the United States Patent and Trademark Office, now assigned Serial No. 87/503,201, and now covering the following goods:

Lubricating oil for chainsaw bars and chainsaws; lubricants, namely, engine oil for use with outdoor power equipment in International Class 004;

Metal tool storage containers, namely, tool boxes and tool chests; metal hardware, namely, nuts, bolts, screws, rivets, grommets, brackets, locks, picture hangers, chains, cables, hooks, and links; ramps for use with vehicles; lifts; truck accessories; trailer boxes; portable storage units; steel cables in International Class 006;

Lawn mowers; seed spreaders; lawn chemical spreaders; drum rollers; drag harrows; log splitters; mechanical leaf collectors; mechanical lawn sweepers; lawn aerators; blowers for lawn debris; lawn and garden edgers; lawn trimmers and hedge sheers; leaf blowers; snow blowers; powered shovels; chainsaws; chainsaw replacement parts; power-operated tools for use in landscaping, lawn and garden maintenance, and agriculture, namely, augers and post-hole drills and component parts; electronic door opening and closing systems; security products, namely, entry door systems comprising touch pads; remote control systems for doors and gates; remote control systems and components thereof- namely radio controls for garage and warehouse entrance doors and gates, automatic garage door openers, lights, motors, antennas, transmitters, receivers and controllers responding thereto and used in such systems; garage doors ; pumps, namely, irrigation pumps, sump pumps, utility pumps, sewage pumps, centrifugal pumps, pond pumps, fuel transfer pumps, fountain pumps, well pumps, sprinkler pumps, jet pumps, submersible pumps, and component parts and fittings therefore; corded and cordless power tools, namely, multi-purpose power tool used for sanding, grinding, polishing, sharpening, rasping, sawing, and scraping ; power drills and bits; impact drills and bits; rotary hammer drills; drill presses; planers, grinders and abrasive disks; jigsaw and jigsaw blades; circular saws and blades; reciprocating saws and blades; table saws and blades; scroll saws and blades; miter compound saws and blades; band saws and blades; power screwdriver and bits; power sanders; power sander accessories, namely, abrasive belts and disks; power polisher and pads used therewith; router and router bits; planer and blades; rotary tool and bits; burrs; staplers; bench type power tools, namely, tile cutters and blades; bench drills and bits; bench grinders and abrasive wheels; power lathes, and nibblers; shop vacuums; power fastening tools, namely, pneumatic coil utility nailers, pneumatic crown staplers, pneumatic palm nailers, pneumatic straight brad nailers, pneumatic angled brad nailers, pneumatic headless pinners in the nature of pneumatic headless pin nail guns, pneumatic straight framing nailers, and pneumatic angled framing nailers; accessories for power tools, namely, profile sanders, sharpeners, sanding pads, sanding sheets, carbide rasps, saw blades, polishing pads; air filters for mechanical

purposes and parts and fittings for use therewith; air compressors and parts and fittings for use therewith in International Class 007;

Tools, namely, sledgehammers, axes, hatchets, sickles, post pounders, and parts for use therewith; edging and stakes for use in connection with landscaping projects; mechanical dethatchers; lawn aerators; hydraulic jacks; stands for hydraulic jacks; trailer mounted non-hydraulic jacks; stands for hand jacks; winches; manually operated hand tools, namely, staplers, wrenches, screwdrivers hammers, bolt cutters, clamps, grease guns, and pry bars; socket sets for use with socket wrenches; hand-operated cutting tools, namely, safety cutters, wire cutters, knives, tapping knives; extension bars for hand tools; knife sharpeners; mud pans; sanders; saws; trowels; tape measurers; wire strippers; crimpers; pliers; files, nippers, carpet rollers, scrapers, paint scrapers, replacement parts and blades for scrapers; tool belts; tool pouches for attachment to tool belts and/or buckets; levels, namely, hand levels in the nature of box levels, masonry levels, I-Beam levels, and torpedo-styled levels; bench vices; long handled tools, namely, shovels, spades, hoes, rakes, post-hole diggers, scoops, digging forks, and weeders in International Class 008;

Electric receptacles; light kits, namely, kits containing electrical switches, cords, and light bulbs; electrical devices for attracting and killing insects; electrical switches; electric cords; electrical tape; metal circuit boards; circuit testers; electrical power extension cord; electric wires; ground fault circuit interrupters; electric light dimmers; electronic motion sensitive switches; electrical outlets; extension cords; electric switch plate; electric outlet plates and covers; electrical outlet testers in International Class 009;

Rain water collection containers; agricultural torches for weeding applications; work lights, namely, electric lamps and portable battery-operated lights that can be placed on fluorescent light bulbs; LED shop lights; flashlights; lighting installations for vehicles; under counter lighting; accent lighting; propane and electric heaters, namely, home, work shop, and patio heaters; dehumidifiers; electric fans, namely, barn/agricultural fans, personal fans, fans for home, garage and shop, fans for purposes of drying in International Class 011;

Carts and carriers for moving firewood ; lawn and garden carts; garage carts; wheelbarrows; creepers; dollies; semi-fitted vehicle covers, namely, covers for boats, personal watercraft, snowmobiles, motorcycles, all-terrain vehicles, and automobiles; cargo carriers for vehicles; handling carts; trailer hitches and balls; metal locking device for trailer hitch couplers; locks, namely, padlocks and combination locks; cargo carriers for vehicles; handling carts; trailer hitches and balls; metal locking device for trailer hitch couplers; tarps, tie down straps, ratcheting tie down straps; and ropes in International Class 012;

Lawn and garden products, namely, garden hoses; watering hoses; RV and marine hoses; ranch hoses; garden hose menders; hose couplings for use with garden hoses; hose fittings for use with garden hoses; rubber washers for use with garden hoses; duct tape; masking tape; glue; and shop vacuums in International Class 017;

Landscaping equipment and supplies, namely, geotextile ground cloth/fabric sheeting for use in connection with landscaping activities; edging and stakes for use in connection with landscaping activities in International Class 019;

Kneeling pads for garage, household and garden use; shelving and component parts thereof, namely, shelves and brackets sold as a unit; non-metal fixtures comprising hooks, support arms, and shelving for hanging general household goods; adjustable shelving; wall-mounted shelving; drawers; workbenches; metal hooks; metal shelf brackets; stools; metal baskets for domestic and garage use; paper towel dispensers; stools in International Class 020;

Lawn and garden sprinklers; sprinkler accessories, namely, spikes, nozzles, faucet connections and sprayer wands for garden hoses; lawn and garden hose nozzles and sprayers attached to garden hoses; tripod sprinklers; watering cans; rain water collection containers; gloves, namely, nitrile gloves, latex gloves, gloves comprised of materials and fabrics for hand safety and protection in International Class 021; and

WHEREAS, Mid-States has indicated its intention to use the mark but has not yet filed an allegation of use under §§1(c) or 1(d) of the Trademark Act; and

WHEREAS, Midco Distributing, LLC, a limited liability company of the State of Delaware having a registered office address in Mendota Heights, Minnesota ("Midco"), is desirous of acquiring said trademark and the pending intent-to-use application therefore; and

WHEREAS, Mid-States is assigning to Midco the mark and the above-identified application as part of the entire business or portion thereof to which the mark pertains as required by 15 U.S.C. §1060;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Mid-States does hereby assign to Midco all right, title, and interest in and to the mark BLACK DIAMOND and the good will of the business symbolized thereby as well as all right, title and interest in and to the intent-to-use trademark application covering the BLACK DIAMOND mark, U.S. Serial No. 87/503,201.

Mid-States Distributing Co., Inc.
a Cooperative Association of North Dakota


By: Eric O. Haugen
Attorney for Mid-States Distributing Co., Inc.

Date: January 24, 2018