

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM507929

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	SECURITY INTEREST		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
ENERGY FOCUS, INC.		12/11/2018	Corporation: DELAWARE
RECEIVING PARTY DATA			
Name:	AUSTIN FINANCIAL SERVICES, INC.		
Street Address:	11111 Santa Monica Boulevard, Suite 900		
City:	Los Angeles		
State/Country:	CALIFORNIA		
Postal Code:	90025-9823		
Entity Type:	Corporation: DELAWARE		
PROPERTY NUMBERS Total: 6			
Property Type	Number	Word Mark	
Serial Number:	88229893	INVISITUBE	
Registration Number:	5487299	REDCAP	
Registration Number:	4154748	INTELLITUBE	
Registration Number:	3712493	E	
Registration Number:	3854131	ENERGY FOCUS	
Registration Number:	3880187	ENERGY FOCUS	
CORRESPONDENCE DATA			
Fax Number:	2136305788		
<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:	213-891-5935		
Email:	hpanneck@buchalter.com		
Correspondent Name:	Helen Panneck		
Address Line 1:	1000 Wilshire Boulevard, Suite 1500		
Address Line 4:	Los Angeles, CALIFORNIA 90017		
ATTORNEY DOCKET NUMBER:	A8852-0084		
NAME OF SUBMITTER:	Helen Panneck		
SIGNATURE:	/Helen Panneck/		
DATE SIGNED:	01/30/2019		

CH \$165.00 88229893

Total Attachments: 8

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INTELLECTUAL PROPERTY SECURITY AGREEMENT

This Intellectual Property Security Agreement which is entered into as of January 30, 2019 and effective as of December 11, 2018, is made by and between AUSTIN FINANCIAL SERVICES, INC., a Delaware corporation (“Lender”) and ENERGY FOCUS, INC. a Delaware corporation (“Grantor”).

RECITALS

A. Lender and Grantor entered into that certain Loan and Security Agreement, dated as of December 11, 2018 (as amended, restated, supplemented, or otherwise modified from time to time, the “Agreement”), pursuant to which Lender provides certain financial accommodations to Grantor. Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Agreement.

B. Pursuant to the Agreement, Grantor has granted to Lender a security interest in all of the Collateral, including the intellectual property described on the exhibits attached hereto (collectively, the “Intellectual Property Collateral”).

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, and intending to be legally bound, as collateral security for the prompt and complete payment when due of its obligations under the Loan Documents and all other agreements now existing or hereafter arising between Grantor and Lender, Grantor hereby represents, warrants, covenants and agrees as follows:

AGREEMENT

To secure its obligations under the Loan Documents and under any other agreement now existing or hereafter arising between Lender and Grantor, Grantor grants and pledges to Lender a security interest in all of Grantor’s right, title and interest in, to and under its Intellectual Property Collateral, which is part of the Collateral, including without limitation those Copyrights, Patents and Trademarks listed on Exhibits A, B and C hereto, respectively, and including without limitation all proceeds thereof (such as, by way of example but not by way of limitation, license royalties and proceeds of infringement suits), the right to sue for past, present and future infringements, all rights corresponding thereto throughout the world and all re-issues, divisions continuations, renewals, extensions and continuations-in-part thereof.

This security interest is granted in conjunction with the security interest granted to Lender under the Loan Documents. The rights and remedies of Lender with respect to the security interest granted hereby are in addition to those set forth in the Agreement and the other Loan Documents, and those which are now or hereafter available to Lender as a matter of law or equity. Each right, power and remedy of Lender provided for herein or in the Agreement or any of the Loan Documents, or now or hereafter existing at law or in equity shall be cumulative and concurrent and shall be in addition to every right, power or remedy provided for herein and the exercise by Lender of any one or more of the rights, powers or remedies provided for in this Intellectual Property Security Agreement, the Agreement or any of the other Loan Documents, or now or hereafter existing at law or in equity, shall not preclude the simultaneous or later exercise by any person, including Lender, of any or all other rights, powers or remedies.

Grantor represents and warrants that Exhibits A, B, and C attached hereto set forth any and all intellectual property rights in connection to which Grantor has registered or filed an application with either the United States Patent and Trademark Office or the United States Copyright Office, as applicable.

IN WITNESS WHEREOF, the parties have caused this Intellectual Property Security Agreement to be duly executed by its officers thereunto duly authorized as of the first date written above.

GRANTOR:

ENERGY FOCUS, INC.,
a Delaware corporation

By: 

Name: Jerry Turner

Title: Chief Financial Officer

LENDER:

AUSTIN FINANCIAL SERVICES, INC.,
a Delaware corporation.

By: 
Name: Lance Gillis
Title: Senior Vice President

Intellectual Property Security Agreement – Energy Focus, Inc.

TRADEMARK
REEL: 006545 FRAME: 0112

EXHIBIT A

Copyrights

[None reported by Grantor.]

EXHIBIT B

Patents

Owner	Patent Title	Registration/ Application No.	Registration/ Filing Date
Energy Focus, Inc.	OPTICAL FIBER LIGHTING APPARATUS AND METHOD	5345531	09/06/1994
Energy Focus, Inc.	FLEXIBLE LIGHT PIPE CURED COMPOSITE AND PROCESSES FOR PREPARATION THEREOF	5406641	04/11/1995
Energy Focus, Inc.	FIBER OPTIC LIGHT ASSEMBLY METHOD	5430825	07/04/1995
Energy Focus, Inc.	LIGHTING SYSTEM AND METHOD FOR FIBER OPTIC AND AREA ILLUMINATION	5479322	12/26/1995
Energy Focus, Inc.	CURED COMPOSITE, PROCESSES AND COMPOSITION	5485541	01/16/1996
Energy Focus, Inc.	CURED COMPOSITE AND PROCESS THEREFOR	5616638	04/01/1997
Energy Focus, Inc.	LIGHTING APPARATUS AND METHOD	5708749	01/13/1998
Energy Focus, Inc.	WEATHER-PROTECTED LIGHTING APPARATUS AND METHOD	5779353	07/14/1998
Energy Focus, Inc.	SEVERING DEVICE	5816128	10/06/1998
Energy Focus, Inc.	FLEXIBLE SHEATHING AND CLADDING	5916648	06/29/1999
Energy Focus, Inc.	ACRYLIC FLEXIBLE LIGHT PIPE OF IMPROVED THERMAL STABILITY	5930442	07/27/1999
Energy Focus, Inc.	FIBER OPTIC LIGHTING SYSTEM WITH LOCKABLE SPOT LIGHTS	5999686	12/07/1999
Energy Focus, Inc.	METHOD AND APPARATUS FOR FORMING SURFACE LIGHTING	6050715	04/18/2000
Energy Focus, Inc.	FLEXIBLE LIGHT PIPE FOR SIDE-LIT APPLICATIONS	6091878	07/18/2000
Energy Focus, Inc.	ACRYLIC FLEXIBLE LIGHT PIPE OF IMPROVED PHOTO-THERMAL STABILITY	6207747	03/27/2001
Energy Focus, Inc.	FLEXIBLE LIGHT PIPE FOR SIDE-LIT APPLICATIONS	6215947	04/10/2001
Energy Focus, Inc.	OPTICAL COUPLER FOR COUPLING LIGHT BETWEEN ONE AND A PLURALITY OF LIGHT PORTS	6219480	04/17/2001
Energy Focus, Inc.	OPTICAL COUPLER AND SYSTEM FOR DISTRIBUTING LIGHT IN A 360-DEGREE PATTERN	6272267	08/07/2001
Energy Focus, Inc.	WATERPROOF SYSTEM FOR DELIVERING LIGHT TO A LIGHT GUIDE	6302571	10/16/2001
Energy Focus, Inc.	EFFICIENT ARRANGEMENT FOR COUPLING LIGHT BETWEEN LIGHT SOURCE AND LIGHT GUIDE	6304693	10/16/2001
Energy Focus, Inc.	EFFICIENT FIBEROPTIC DIRECTIONAL LIGHTING SYSTEM	6350050	02/26/2002
Energy Focus, Inc.	LIGHT-GENERATING AND BEAM-ESTABLISHING DEVICE	6379027	04/30/2002

Owner	Patent Title	Registration/ Application No.	Registration/ Filing Date
Energy Focus, Inc.	FIBER OPTICS ILLUMINATORS AND LIGHTING SYSTEM	6382824	05/07/2002
Energy Focus, Inc.	MULTI-STRANDED FIBEROPTIC LIGHT DELIVERY SYSTEM WITH SMOOTH COLOR TRANSITIONING	6453099	09/17/2002
Energy Focus, Inc.	LIGHTING APPARATUS FOR ILLUMINATING WELL-DEFINED LIMITED AREAS	6508579	01/21/2003
Energy Focus, Inc.	LIGHTING APPARATUS AND METHOD	4763984	08/16/1988
Energy Focus, Inc.	COOLED LIGHTING APPARATUS AND METHOD	4825341	04/25/1989
Energy Focus, Inc.	COOLED LIGHTING APPARATUS AND METHOD	4922385	05/01/1990
Energy Focus, Inc.	FOCUSED LIGHT SOURCE AND METHOD	5016152	05/14/1991
Energy Focus, Inc.	OPTICAL FIBER LIGHTING APPARATUS AND METHOD	5416875	05/16/1995
Energy Focus, Inc.	COUPLING DEVICE FOR LIGHT PIPE SYSTEM	5530940	06/25/1996
Energy Focus, Inc.	CUTTING APPLIANCE FOR FILAMENT TYPE MATERIAL	5901449	05/11/1999
Energy Focus, Inc.	ADJUSTABLE FIBER OPTIC LIGHTING FIXTURE FOR INDIVIDUALLY ADJUSTING THE COLOR, FOCAL LENGTH AND AIM OF THE PRODUCED LIGHT AND METHOD	6082884	07/04/2000
Energy Focus, Inc.	LIGHT PIPE COMPOSITION	6526213	02/25/2003
Energy Focus, Inc.	METHOD OF MAKING OPTICAL COUPLING DEVICE	6546752	04/15/2003
Energy Focus, Inc.	FIBEROPTIC LIGHTING SYSTEM WITH SHAPED COLLECTOR FOR EFFICIENCY	6942373	09/13/2005
Energy Focus, Inc.	LIGHT COLLECTION SYSTEM CONVERTING ULTRAVIOLET ENERGY TO VISIBLE LIGHT	7008071	03/07/2006
Energy Focus, Inc.	EFFICIENT LUMINAIRE WITH DIRECTIONAL SIDE-LIGHT EXTRACTION	7163326	01/16/2007
Energy Focus, Inc.	ADJUSTABLE LIGHT PIPE FIXTURE	7163329	01/16/2007
Energy Focus, Inc.	SIDE-LIGHT EXTRACTION BY LIGHT PIPE-SURFACE ALTERATION	7164819	01/16/2007
Energy Focus, Inc.	LIGHT-PIPE ARRANGEMENT WITH REDUCED FRESNEL-REFLECTION LOSSES	7190863	03/13/2007
Energy Focus, Inc.	LIGHT PIPE WITH SIDE-LIGHT EXTRACTION	7194184	03/20/2007
Energy Focus, Inc.	ADJUSTABLE-AIM LIGHT PIPE FIXTURE	7198398	04/03/2007
Energy Focus, Inc.	COMPACT, HIGH-EFFICIENCY ILLUMINATION SYSTEM FOR VIDEO-IMAGING DEVICES	7220035	05/22/2007
Energy Focus, Inc.	FIBEROPTIC LUMINAIRE WITH SCATTERING AND SPECULAR SIDE-LIGHT EXTRACTOR PATTERNS	7330632	02/12/2008
Energy Focus, Inc.	PLUG-AND-SOCKET HUB ARRANGEMENT FOR MOUNTING LIGHT PIPE TO RECEIVE LIGHT	7334945	02/26/2008

Owner	Patent Title	Registration/ Application No.	Registration/ Filing Date
Energy Focus, Inc.	LUMINAIRE WITH IMPROVED LATERAL ILLUMINANCE CONTROL	7374313	05/20/2008
Energy Focus, Inc.	EFFICIENT LUMINAIRE WITH DIRECTIONAL SIDE-LIGHT EXTRACTION	7549783	06/23/2009
Energy Focus, Inc.	LIGHTED REFRIGERATED DISPLAY CASE WITH REMOTE LIGHT SOURCE	7588342	09/15/2009
Energy Focus, Inc.	ILLUMINATION APPARATUS	D465038	10/29/2002
Energy Focus, Inc.	DOCKLIGHT	D587833	03/03/2009
Energy Focus, Inc.	LED LIGHTING ARRANGEMENT	8217578	07/10/2012
Energy Focus, Inc.	LED LIGHTING SYSTEM HAVING A REDUCED-POWER USAGE MODE	8283874	10/09/2012
Energy Focus, Inc.	METHOD OF MAKING AN ARRANGEMENT FOR COLLECTING OR EMITTING LIGHT	8347492	01/08/2013
Energy Focus, Inc.	ELONGATED SOLID LUMINAIRE WITH LIGHT-EMITTING PORTION WITH FIRST AND SECOND EXTRACTION REGIONS SPATIALLY DIVIDED ALONG THE LONGITUDINAL AXIS THEREOF	8348488	01/08/2013
Energy Focus, Inc.	ELONGATED LIGHTING SYSTEM	8480276	07/09/2013
Energy Focus, Inc.	ELONGATED LED LIGHTING ARRANGEMENT	8657476	02/25/2014
Energy Focus, Inc.	METHOD OF MAKING SOLAR COLLECTOR ASSEMBLIES WITH OPTICAL CONCENTRATOR ENCAPSULANT	8847061	09/30/2014
Energy Focus, Inc.	ELONGATED LED LIGHTING ARRANGEMENT	8870428	10/28/2014
Energy Focus, Inc.	ELONGATED LED LAMP FOR REPLACING A FLUORESCENT LAMP	8956006	02/17/2015
Energy Focus, Inc.	LED LAMP SYSTEM	9204504	12/01/2015
Energy Focus, Inc.	LED LAMP WITH DUAL MODE OPERATION	9557044	01/31/2017
Energy Focus, Inc.	LED ENDCAP	D783198	04/04/2017
Energy Focus, Inc.	LED ENDCAP	D783199	04/04/2017
Energy Focus, Inc.	LED ENDCAP	D809703	02/06/2018
Energy Focus, Inc.	LED ENDCAP	D822889	07/10/2018
Energy Focus, Inc.	TUBULAR LAMP AND LAMP SOCKET WITH POWER PIN CONNECTOR AND SIGNAL PIN CONNECTOR	15458497	03/14/2017
Energy Focus, Inc.	LAMP WITH BATTERY BACKUP CAPABILITY	15493216	04/21/2017
Energy Focus, Inc.	CIRCUIT FOR MITIGATING ELECTRIC SHOCK	15497127	04/25/2017

EXHIBIT C

Trademarks

Trademark Title	Serial No./ Registration. No.	File Date/ Date Registered
INVISITUBE	88229893	December 14, 2018
REDCAP	5487299	June 5, 2018
INTELLITUBE	4154748	June 5, 2012
	3712493	November 17, 2009
	3854131	September 28, 2010
ENERGY FOCUS	3880187	November 23, 2010
INVISITUBE	88229893	December 14, 2018