

02-07-2002

Reference Nos. 29973/60072



101975180

To the Honorable Commissioner of Pat-  
thereof.

original documents or copies

1. Name of conveying party(ies):  
Waller Genetics, Inc.

P.O. Box 70  
Guadalupe, California 93434

1-24-02

- Individuals
- Association
- General Partnership
- Limited Partnership
- Corporation- California
- Other

Additional name(s) of conveying party(ies) attached?  Yes  
 No

2. Name and address of receiving party(ies):

Ball Horticultural Company  
622 Town Road  
West Chicago, Illinois 60185

- Individual(s) citizenship: \_\_\_\_\_
- Association: \_\_\_\_\_
- General Partnership: \_\_\_\_\_
- Limited Partnership: \_\_\_\_\_
- Corporation-State: Illinois \_\_\_\_\_
- Other: Limited Liability Company \_\_\_\_\_

If assignee is not domiciled in the United States, a  
domestic representative designation is attached:

Yes  No

(Designation must be a separate document from  
Assignment).

Additional name(s) & address(es) attached?

Yes  No

3. Nature of Conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other \_\_\_\_\_

Execution Date: October 25, 2001

AN 24 2002

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark registration No.(s) 2,261,621

Additional numbers attached?  Yes  No

5. Mail correspondence to:

Jill Anderfuren  
MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower -- 233 South Wacker Drive  
Chicago, Illinois 60606  
(312) 474-6300

6. Total number of applications and registrations  
involved: 1

7. Attached is a check in the amount of \$40.00 the  
total fee due pursuant to 37 C.F.R. §3.41.

8. Commissioner is hereby authorized to charge any  
deficiency in the amount enclosed or any additional  
fees which may be required under 37 C.F.R. §3.41, or  
credit any overpayment, to Deposit Account No. 13-2855.  
A copy of this Recordation Form Cover Sheet is enclosed.

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a  
true copy of the original document.*

Jill Anderfuren  
Name of Person Signing

Jill Anderfuren  
Signature

October 30, 2001  
Date

Total number of pages comprising cover sheet: 3

MOGDOC #64273

02/07/2002 LMUELLER 00000035 2261621

01 FC:481

40.00 DP

# TRADEMARK ASSIGNMENT

This Agreement is entered into nunc pro tunc, effective as of 9/01/01 between WALLER GENETICS, INC., a California corporation with a principal place of business of P.O. Box 70, Guadalupe, California 93434 ("Waller"), and BALL HORTICULTURAL COMPANY, an Illinois corporation with a principal place of business of 622 Town Road, West Chicago, Illinois 60185 ("Ball").

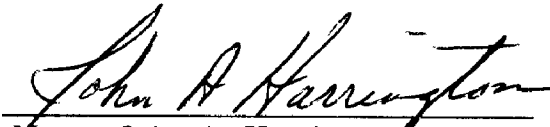
WHEREAS, Waller and Ball have entered into an agreement whereby Waller has assigned its entire business to Ball; and

WHEREAS, Waller is the owner of the U.S. trademark applications and registrations set forth in Exhibit A hereto in connection with the business it has assigned to Ball; and

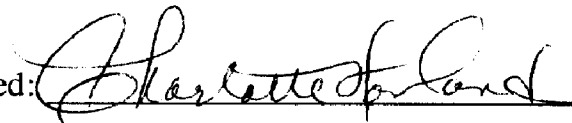
WHEREAS, Waller wishes to assign and Ball wishes to accept the assignment of the U.S. trademark applications and registrations set forth in Exhibit A hereto;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and affirmed, Waller hereby assigns to Ball all its rights, title, and interest in and to the aforesaid marks listed in Exhibit A hereto, together with the goodwill appurtenant thereto along with the right to assert and initiate litigation in order to protect all rights in the aforesaid marks for both present and past infringement.

SIGNED:

  
Name: John A. Harrington  
Title: Secretary

Dated: OCTOBER 25, 2001

Witnessed: 

Date: 10-26-01

**EXHIBIT A**

<u>Trademark</u>	<u>Serial No./Registration No.</u>	<u>Status</u>
PANOLA	2,261,621	Registered
THE WAY TO GROW	75/756940	Pending
WALLER GENETICS, INC.	75/905573	Pending
21 <sup>ST</sup> CENTURY	78/033771	Pending