

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

Form PT 315-4  
(Rev. 10/02)

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Herman Survivors, Inc.**  
**200 Business Park Drive**  
**Armonk, New York 10504**

Individual (s)  
 Association  
 General Partnership  
 Limited Partnership Germany  
 Corporation-State **NEW YORK**  
 Other

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

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

**Wal-Mart Stores, Inc.**  
**702 S.W. 8<sup>th</sup> Street**  
**Bentonville, Arkansas 72716-0290**

Individual - Citizenship  
 Association  
 General Partnership  
 Limited Partnership Germany  
 Corporation-State **DELAWARE**  
 Other

If assignee is not domiciled in the United States, a domestic representative designation is attached:  
 Yes  No  
 (Designations must be a separate document from Assignment)  
 Additional names(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

Assignment  
 Merger  
 Security Agreement  
 Change of Name

Execution Date: **FEBRUARY 16, 2004**

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

A. Trademark Application No.(s)

B. Trademark registration No.(s):

**Reg. No. 2,398,645**  
**Reg. No. 763,988**  
**Reg. No. 1,103,493**  
**Reg. No. 1,745,870**  
**Reg. No. 1,137,964**  
**Reg. No. 2,302,412**  
**Reg. No. 2,601,315**

Additional numbers attached?  Yes  No

5. Name and Address of party to whom correspondence concerning document should be mailed:

Name: **Mark Harrison, Esq.**  
 Internal Address: **VENABLE LLP**  
 Street Address: **P.O. Box 34385**  
**Washington, D.C. 20043**

6. Total number of applications involved: **7**

7. Total fee (37 CFR 3.41) **\$190.00**

Enclosed  
 Authorization is granted to deduct the above-referenced fee from our Deposit Account.

8. Deposit account number: **22-0261**

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

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.*

**MARK HARRISON**  
 Name of Person Signing

*Mark Harrison*  
 Signature

Date **3/2/04**

CH \$190.00 220261 2398645

**TRADEMARK ASSIGNMENT**

In accordance with the November 1, 2000 Agreement between the parties, the terms of which are incorporated herein by reference, the undersigned, **HERMAN SURVIVORS, INC.**, (hereinafter called the "Assignor"), the registered owner of the trademarks identified in Schedule "A" attached hereto (the "Trademarks"), in consideration of the sum of One dollar (\$1.00) and other good and valuable consideration to it paid by **WAL-MART STORES, INC.** (hereinafter called the "Assignee"), the receipt and sufficiency of which is hereby acknowledged, hereby unconditionally signs, transfers and sets over to and unto the said Assignee any and all rights, title and interest in the United States it may have in and to the Trademarks together with the entire goodwill in the United States attached to the Trademarks.

The Assignor further assigns to the Assignee all causes of action in favor of the Assignee heretofore accrued or hereafter accruing with respect to the Trademarks, registrations and applications shown in Schedule A, as well as the right to sue for past infringement and to recover and to hold all damages and profits arising therefrom.

The Assignor undertakes and agrees to execute such further assurances as may reasonably be required to permit the Assignee to obtain registration of, hold and enjoy the Trademarks assigned hereunder and the recording of this Agreement.

This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

The effective date of this Assignment is November 1, 2003.

Assignor: **HERMAN SURVIVORS, INC.** Assignee: **WAL-MART STORES, INC.**

By: *Anthony Di Paolo*  
Name: Anthony Di Paolo, Sr.

Title: Chairman

Date: 1/27/04

By: *David H. York*  
Name: David H. York

Title: Attn VP

Date: 2/16/04

*Jorge Valentin*  
JORGE VALENTIN  
NOTARY PUBLIC OF NEW YORK  
#01VA4958223  
QUALIFIED IN PUTNAM COUNTY  
MY COMMISSION EXPIRES OCT. 30, 2005  
1/27/04

Approved as to legal terms ONLY  
*Joyce E. Churn* 2/12/04  
*Joyce E. Churn*  
JOYCE E. CHURN  
NOTARY PUBLIC  
BENTON COUNTY  
My Comm. Exp. Feb. 14, 2007

**SCHEDULE A**

<b><u>TRADEMARK</u></b>	<b><u>REG. NO.</u></b>	<b><u>REG. DATE</u></b>
HARD TO KILL	2,398,645	October 24, 2000
HERMAN SURVIVOR BOOT & Design	763,988	January 28, 1964
HERMAN SURVIVORS	1,103,493	October 3, 1978
HERMAN SUVIVORS & Design	1,745,870	January 12, 1993
SURVIVORS	1,137,964	July 22, 1980
SURVIVOR-TEC	2,302,412	December 21, 1999
SURVIVOR-TEX	2,601,315	July 30, 2002