

01-08-2004



Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings

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

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

1. Name of conveying party(ies): 1-6-04 Magnum Sales and Distribution, Inc. 13913 Magnolia Avenue Chino, CA 91710

- Individual(s) Association General Partnership Limited Partnership Corporation-State - California Other

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

3. Nature of conveyance: Assignment Merger Security Agreement Change of Name Other Execution Date: 12/30/2003

2. Name and address of receiving party(ies) Name: Private Capital Management, Inc. Internal Address: Street Address: 3 Pointe Drive, Suite 117 City: Brea State: CA Zip: 92821

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State California 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 name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s): A. Trademark Application No.(s) B. Trademark Registration No.(s) 2,494,223

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed: Name: Law Office of F. Elliot Goldman Internal Address: Attn: F. Elliot Goldman Street Address: 420 South Brea Boulevard City: Brea State: CA Zip: 92821

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

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9. 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.

F. ELLIOT GOLDMAN Name of Person Signing

F. Elliot Goldman Signature

December 30, 2003 Date

Total number of pages including cover sheet, attachments, and document: 2

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

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ASSIGNMENT OF TRADEMARK

Whereas MAGNUM SALES AND DISTRIBUTION, INC., a California Corporation, formerly known as Magnum Sports, Incorporated, in business at 13913 Magnolia Avenue, in the City of Chino, County of San Bernardino, State of California, has adopted, owns, and is using the following trademark, JT WALLBALL, U.S. Registration No. 2, 494, 223 (hereinafter the "mark") for ball game in international class 28; and,

Whereas PRIVATE CAPITAL MANAGEMENT, INC., a California Corporation, in business at 3 Pointe Drive, Suite 117, in the City of Brea, County of Orange, State of California, is desirous of acquiring said Mark;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, said MAGNUM SALES AND DISTRIBUTION, INC., a California Corporation, as Assignor, does hereby assign onto the said PRIVATE CAPITAL MANAGEMENT, INC., a California Corporation, all rights, title and interest in and to the said Mark, together with the good will of the business symbolized by the Mark.

IN TESTIMONY WHEREOF, MAGNUM SALES AND DISTRIBUTION, INC., a California Corporation, has caused this document to be duly and legally executed on the 30th day of December, 2003.

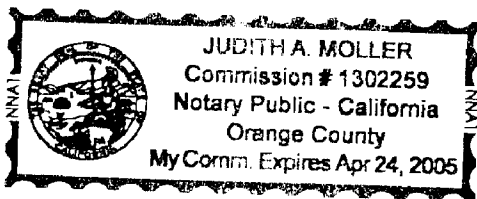
MAGNUM SALES AND DISTRIBUTION, INC.
A California Corporation

By: *Daniel W. Heath*
DANIEL W. HEATH, Chief Executive Officer

State of California }
County of Orange } ss.

ON December 30, 2003, before me, Judith A. Moller, Notary Public, personally appeared DANIEL W. HEATH,

- personally known to me
- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Judith A. Moller