

10-28-1998



10-26-98

RE 100861834 ET

TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

10-26-98

Conveyance Type

- Assignment
- License
- Security Agreement
- Nunc Pro Tunc Assignment
- Merger
- Change of Name
- Other \_\_\_\_\_

Effective Date  
Month Day Year  
3 30 98

Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name HYPONEX CORPORATION

10 21 98

Formerly \_\_\_\_\_

- Individual
- General Partnership
- Limited Partnership
- Corporation
- Association
- Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization DELAWARE

Receiving Party

Mark if additional names of receiving parties attached

Name THE SCOTTS COMPANY

DBA/AKA/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 14111 SCOTTS LAWN ROAD

Address (line 2) \_\_\_\_\_

Address (line 3) MARYSVILLE

OHIO

43041

City

State/Country

Zip Code

- Individual
- General Partnership
- Limited Partnership
- Corporation
- Association
- Other \_\_\_\_\_

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

Citizenship/State of Incorporation/Organization OHIO

10/27/1998 TTUN11 00000133 874117

FOR OFFICE USE ONLY

01 FC:481  
02 FC:482

40.00 DP  
75.00 DP

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK  
REEL: 1804 FRAME: 0626

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number 614 464-6383

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

Pages Enter the total number of pages of the attached conveyance document including any attachments. # 5

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<u>874,117</u>	<u>1,457,862</u>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<u>874,118</u>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<u>1,141,937</u>	<input type="text"/>	<input type="text"/>

Number of Properties Enter the total number of properties involved. # 4

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): \$ 115.00

Method of Payment: Enclosed  Deposit Account

Deposit Account (Enter for payment by deposit account or if additional fees can be charged to the account.) Deposit Account Number: #

Authorization to charge additional fees: Yes  No

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. Charges to deposit account are authorized, as indicated herein.

JOSEPH R. DREITLER Joseph R. Dreidler 10/23/98  
Name of Person Signing Signature Date Signed

**NUNC PRO TUNC ASSIGNMENT**

STATE OF OHIO     )  
                           ) SS:  
 COUNTY OF UNION)

WHEREAS, Hyponex Corporation, a Delaware corporation located at 14111 Scottslawn Road, Marysville, Ohio 43041, has adopted, owns and used the trademarks shown on the attached Schedule A; and,

WHEREAS, The Scotts Company, an Ohio corporation, located and doing business at 14111 Scottslawn Road, Marysville, Ohio 43041, is desirous of acquiring all of the right, title and interest in and to the aforesaid marks, the registrations thereof, including all trade names embodying wholly or in part the aforesaid marks as of an effective date of March 30, 1998.

NOW, THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Hyponex Corporation does hereby assign, sell, transfer and convey to The Scotts Company, all of its right, title and interest in and to the said marks and trade names, including all claims for past infringement and all causes of action with respect to or arising out of the said marks and trade names, together with the good will of its business symbolized by the name, the marks, and the registrations thereof.

Hyponex Corporation further covenants with The Scotts Company, to execute, when requested, such additional assignments, instruments and documents as may be necessary or desirable to effectuate this agreement and assignment.

Hyponex Corporation further covenants with The Scotts Company, to execute, when requested, such additional assignments, instruments and documents as may be necessary or desirable to effectuate this agreement and assignment.

IN WITNESS WHEREOF, the undersign authorized officer of Hyponex Corporation has hereunto set his hand and the Seal of the Corporation on this 21<sup>st</sup> day of October, 1998.

**HYPONEX CORPORATION**

By: Robert Lucas  
Title: Vice President and Secretary

Subscribed to and sworn before me this 21<sup>st</sup> day of October 1998.

Joan C. Makley  
Notary Public



JOAN C. MAKLEY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES SEPT. 13, 1999

# SCHEDULE A

<u>Registration Number</u>	<u>Mark</u>	<u>Date of Registration</u>
874,117	Fertilife	8/5/69
874,118	Fertilife (Stylized)	8/5/69
1,141,937	Vita Hume	12/2/80
1,457,862	Vita Hume	9/22/87