

05-21-2004

5750104

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/20) Tab settings



EET Y

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

102749931

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

1. Name of conveying party(ies): Wells Fargo Foothill, Inc., f/k/a Foothill Capital Corporation, as Agent. [ ] Individual(s) [ ] Association [ ] General Partnership [ ] Limited Partnership [X] Corporation-State California [ ] Other. Additional name(s) of conveying party(ies) attached? [ ] Yes [X] No

2. Name and address of receiving party(ies) Name: Easy Gardener Products, Ltd. Internal Address: Street Address: 3022 Franklin Avenue City: Waco State: TX Zip: 76710. [ ] Individual(s) citizenship [ ] Association [ ] General Partnership [X] Limited Partnership Texas [ ] Corporation-State [ ] 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

3. Nature of conveyance: [ ] Assignment [ ] Merger [ ] Security Agreement [ ] Change of Name [X] Other Release of Assignment Execution Date: 05/07/04

4. Application number(s) or registration number(s): A. Trademark Application No.(s) 76-443123 76-350436 B. Trademark Registration No.(s) 1,841,457 1,870,742 Additional number(s) attached [X] Yes [ ] No

5. Name and address of party to whom correspondence concerning document should be mailed: Name: Attn: Penelope J.A. Agodoa Federal Research Company, LLC 1030 15th Street, NW, Suite 920 Washington, DC 20005 202.783.2700 Street Address: City: State: Zip:

6. Total number of applications and registrations involved: 84 7. Total fee (37 CFR 3.41): \$ 215.00 [X] Enclosed [ ] Authorized to be charged to deposit account 8. Deposit account number:

DO NOT USE THIS SPACE

9. Signature. Name of Person Signing: Mary A. Schmidt Signature: Mary A. Schmidt Date: 5/14/04 Total number of pages including cover sheet, attachments, and document: 8

05/21/2004 ECDOOPER 00000021 76443123 01 FC:8521 40.00 OP 02 FC:8522 2075.00 OP

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

TRADEMARK REEL: 002969 FRAME: 0883

# SCHEDULE 1

## TRADEMARK SCHEDULE

### Registrations:

<u>Trademark Description</u>	<u>U.S. Registration #</u>	<u>Registration Date</u>
Ampet	1,841,457	06/21/94
Ampet Bioflush	1,870,742	12/27/94
Amturf	1,452,412	08/11/87
Amturf & Eagle Design	2,145,80	03/17/98
Amturf Lawn Patch	2,308,303	01/18/00
BioBlock	1,938,066	11/28/95
BirdBlock	1,804,536	11/16/93
Born to Be Wild	2,261,719	07/13/99
CloudCover	1,252,606	10/04/83
Country Classic Border	2,667,208	12/24/02
Daisy Patch	2,120,539	12/09/97
DeerBlock	1,802,112	11/02/93
Dog Patch	2,269,486	08/10/99
Easy Gardener (Repellents)	2,294,225	11/23/99
Easy Gardener & Design	1,445,222	06/30/87
Easy Gardener & Design (new)	2,356,107	06/06/00
Emerald Edge	1,928,560	10/17/95
Erosion Patch	1,833,987	05/03/94
FabricPegs (Prin. Reg.)	1,981,079	06/18/96
FabricPegs (Supp. Reg.)	1,557,426	09/19/89
FastStart	1,671,754	01/14/92
FlexiTrim	2,479,878	08/21/01
"Great Results, Less Work"	2,359,625	06/20/00
Green Again	2,015,572	11/12/96
Gro-Bags	1,447,569	07/14/87
GroCover & Design	1,475,961	02/09/88
Gro-Stakes (b.l.)	1,664,643	11/19/91
Herb Patch	1,705,938	08/04/92
It Works, You Don't (b.l.)	1,768,337	05/04/93
Jobe's (old design)	0,982,195	04/16/74
Jobe's (new design)	2,261,733	07/13/99
Jobe's Weed Control Fabric	2,321,088	02/22/00
Kids Patch	2,063,862	05/20/97
Kids Flower Patch	2,093,630	09/02/97
Kitty Soft	2,153,029	04/21/98
Landscape Solutions	2,044,327	03/11/97
MicroPore	1,766,881	04/20/93

Morning Glory Patch	2,155,512	05/05/98
Mother Earth Premium Flower Collection	2,250,586	06/01/99
Polyspun 350	1,905,636	07/18/95
Poppy Patch	2,120,568	12/09/97
Ross	1,684,947	05/05/92
Ross (b.l.)	1,741,296	12/22/92
Ross (leaf design in "O" of Ross)	1,682,545	04/10/92
Ross Root Feeder	1,675,783	02/18/92
Scatter Cap (b.l.)	1,986,161	07/09/96
Stops Weeds for Years	1,921,278	09/19/95
Tomato Boomers & design	1,084,414	02/07/78
Tree Gard	2,010,199	10/22/96
TreeStaKit	1,769,537	05/04/93
WeedBlock (Arrow style)	1,408,576	09/09/86
WeedBlock (New stylized)	2,334,841	03/28/00
XP-20 (b.l.)	1,989,049	07/23/96
Weed Wizard	2,327,614	03/14/00
Whimsical Arch	2,664,490	12/17/02
Whimsical Loop	2,696,514	03/11/03
Zinnia Patch	2,292,883	11/16/99

**Applications:**

<u>Trademark Description</u>	<u>U.S. Serial #</u>	<u>Application Date</u>
All American Wildflowers	76-443123	08/21/02
Easy Feeder (Root feeder)	76-350436	12/20/01
Easy Gardener Pot Top & Liner	78-282234	06/26/03
Easy Gardener Root Feeder	78-282226	06/26/03
Easy Gardener Root Feeder	78-269589	07/02/03
Garden Braid	76-328076	10/23/01
Garden Defense Owl	76-352192	12/26/01
Gothic Border	78-286471	05/28/02
Green Again	78-263429	08/08/03
MaxiShade	78-282229	07/02/03
Villa Garden Tiles	76-328077	10/23/01
Roma - Villa Garden Tiles	76-293331	8/2/01
Garden Braid Border	76-293335	8/2/01
Easy Gardener Pound In	76-293346	8/2/01
English Stone Villa Garden Tiles	76-293339	8/2/01
English Stone Finial Villa Garden Tiles	76-293340	8/2/01
Villa Garden Tiles - Adobe	76-293101	8/1/01
Villa Garden Tiles - Venicia	76-293102	08/02/01
WeedBlock - one word format	78-263421	06/17/03
Whimsical Butterfly	76-293345	08/02/01

Whimsical Dragonfly	76-293343	08/02/01
Whimsical Garden Border	76-293336	08/02/01
Whimsical Jewels	76-293330	08/02/01
Whimsical Silver Ridge	76-293344	08/02/01
ErgoSoft	76-500725	03/26/03
Jobe's (Block letter)	78-282218	08/01/03
FastStart Fertilizer	76-502834	04/01/03

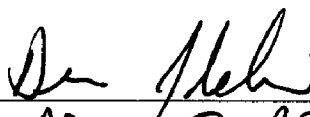
**RELEASE OF ASSIGNMENT FOR SECURITY OF TRADEMARKS**

THIS RELEASE is made as of this 7<sup>th</sup> day of MAY, 2004, by Wells Fargo Foothill, Inc., a California corporation f/k/a Foothill Capital Corporation, as Agent ("Foothill"), in favor of Easy Gardener Products, Ltd., a Texas limited partnership ("Easy Gardener").

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, Foothill hereby unconditionally and expressly releases, terminates, and extinguishes any and all of its right, title and interest in and to any and all liens and security interests it may have upon the trademarks of Easy Gardener, including without limitation the trademarks listed on Schedule 1 attached hereto and made a part hereof, which liens and security interests were established under and pursuant to that certain Collateral Assignment of Trademarks dated as of October 29, 2003, made by Easy Gardener in favor of Foothill.

This Release shall be binding upon Foothill's legal representatives, assigns and successors.

Wells Fargo Foothill, Inc., f/k/a Foothill Capital Corporation, as Agent

By:   
Name: DENNIS J. REISMAN  
Title: V. P.

# SCHEDULE 1

## TRADEMARK SCHEDULE

### Registrations:

<u>Trademark Description</u>	<u>U.S. Registration #</u>	<u>Registration Date</u>
Ampet	1,841,457	06/21/94
Ampet Bioflush	1,870,742	12/27/94
Amturf	1,452,412	08/11/87
Amturf & Eagle Design	2,145,80	03/17/98
Amturf Lawn Patch	2,308,303	01/18/00
BioBlock	1,938,066	11/28/95
BirdBlock	1,804,536	11/16/93
Born to Be Wild	2,261,719	07/13/99
CloudCover	1,252,606	10/04/83
Country Classic Border	2,667,208	12/24/02
Daisy Patch	2,120,539	12/09/97
DeerBlock	1,802,112	11/02/93
Dog Patch	2,269,486	08/10/99
Easy Gardener (Repellents)	2,294,225	11/23/99
Easy Gardener & Design	1,445,222	06/30/87
Easy Gardener & Design (new)	2,356,107	06/06/00
Emerald Edge	1,928,560	10/17/95
Erosion Patch	1,833,987	05/03/94
FabricPegs (Prin. Reg.)	1,981,079	06/18/96
FabricPegs (Supp. Reg.)	1,557,426	09/19/89
FastStart	1,671,754	01/14/92
FlexiTrim	2,479,878	08/21/01
"Great Results, Less Work"	2,359,625	06/20/00
Green Again	2,015,572	11/12/96
Gro-Bags	1,447,569	07/14/87
GroCover & Design	1,475,961	02/09/88
Gro-Stakes (b.l.)	1,664,643	11/19/91
Herb Patch	1,705,938	08/04/92
It Works, You Don't (b.l.)	1,768,337	05/04/93
Jobe's (old design)	0,982,195	04/16/74
Jobe's (new design)	2,261,733	07/13/99
Jobe's Weed Control Fabric	2,321,088	02/22/00
Kids Patch	2,063,862	05/20/97
Kids Flower Patch	2,093,630	09/02/97
Kitty Soft	2,153,029	04/21/98
Landscape Solutions	2,044,327	03/11/97
MicroPore	1,766,881	04/20/93

Morning Glory Patch	2,155,512	05/05/98
Mother Earth Premium Flower Collection	2,250,586	06/01/99
Polyspun 350	1,905,636	07/18/95
Poppy Patch	2,120,568	12/09/97
Ross	1,684,947	05/05/92
Ross (b.l.)	1,741,296	12/22/92
Ross (leaf design in "O" of Ross)	1,682,545	04/10/92
Ross Root Feeder	1,675,783	02/18/92
Scatter Cap (b.l.)	1,986,161	07/09/96
Stops Weeds for Years	1,921,278	09/19/95
Tomato Boomers & design	1,084,414	02/07/78
Tree Gard	2,010,199	10/22/96
TreeStaKit	1,769,537	05/04/93
WeedBlock (Arrow style)	1,408,576	09/09/86
WeedBlock (New stylized)	2,334,841	03/28/00
XP-20 (b.l.)	1,989,049	07/23/96
Weed Wizard	2,327,614	03/14/00
Whimsical Arch	2,664,490	12/17/02
Whimsical Loop	2,696,514	03/11/03
Zinnia Patch	2,292,883	11/16/99

**Applications:**

<u>Trademark Description</u>	<u>U.S. Serial #</u>	<u>Application Date</u>
All American Wildflowers	76-443123	08/21/02
Easy Feeder (Root feeder)	76-350436	12/20/01
Easy Gardener Pot Top & Liner	78-282234	06/26/03
Easy Gardener Root Feeder	78-282226	06/26/03
Easy Gardener Root Feeder	78-269589	07/02/03
Garden Braid	76-328076	10/23/01
Garden Defense Owl	76-352192	12/26/01
Gothic Border	78-286471	05/28/02
Green Again	78-263429	08/08/03
MaxiShade	78-282229	07/02/03
Villa Garden Tiles	76-328077	10/23/01
Roma – Villa Garden Tiles	76-293331	8/2/01
Garden Braid Border	76-293335	8/2/01
Easy Gardener Pound In	76-293346	8/2/01
English Stone Villa Garden Tiles	76-293339	8/2/01
English Stone Finial Villa Garden Tiles	76-293340	8/2/01
Villa Garden Tiles – Adobe	76-293101	8/1/01
Villa Garden Tiles – Venicia	76-293102	08/02/01
WeedBlock – one word format	78-263421	06/17/03
Whimsical Butterfly	76-293345	08/02/01

Whimsical Dragonfly	76-293343	08/02/01
Whimsical Garden Border	76-293336	08/02/01
Whimsical Jewels	76-293330	08/02/01
Whimsical Silver Ridge	76-293344	08/02/01
ErgoSoft	76-500725	03/26/03
Jobe's (Block letter)	78-282218	08/01/03
FastStart Fertilizer	76-502834	04/01/03