

06-09-2005

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

RECORD & TRADEMARK



PARTMENT OF COMMERCE Patent and Trademark Office

Tab settings

103018460

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

1. Name of conveying party(ies): FLEET NATIONAL BANK

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

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

2. Name and address of receiving party(ies)

Name: ROTHANDBERG INC Internal Address: C/O MARCHON EYEWEAR INC

Street Address: 35 HUB DRIVE City: MELVILLE State: NY Zip: 11747

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

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

3. Nature of conveyance:

- Assignment, Merger, Security Agreement, Change of Name, Other RELEASE OF SECURITY INTEREST

Execution Date: DECEMBER 23 2004

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

A. Trademark Application No.(s) SEE ATTACHED

B. Trademark Registration No.(s) SEE ATTACHED

Additional number(s) attached Yes No

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

Name: ROBIN J MOLT

Internal Address:

Street Address: 80 STATE STREET

6TH FL

City: ALBANY State: NY Zip: 12207

6. Total number of applications and registrations involved: 66 67

7. Total fee (37 CFR 3.41) \$ 1665.00 1690.00

- Enclosed, Authorized to be charged to deposit account

8. Deposit account number:

20-0052

(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.

Robin Molt Name of Person Signing

Robin Molt Signature

6-3-05 Date

Christine E. Wilson Total number of pages including cover sheet, attachments, and document: 15

06/09/2005 DBYRME 00000004 200052

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

01 FC:8521 40.00 DP 02 FC:8522 25.00 DA 1625.00 DP

TRADEMARK REEL: 003169 FRAME: 0114

SCHEDULE A

United States Trademarks and Trademark Applications

| Registered Trademarks: | | | |
|---|----------------------------|--------------------------|---------------|
| <u>Trademark</u> | <u>Registration Number</u> | <u>Registration Date</u> | <u>Status</u> |
| ACCUFLEX | 1,653,533 | 8/13/1991 | Registered |
| ADD-POWER | 2,199,773 | 10/27/1998 | Registered |
| AIRLOCK | 2,580,254 | 6/11/2002 | Registered |
| ANTHROPOMORPHIZED FIGURE DESIGN 1 | 2,187,506 | 9/8/1998 | Registered |
| AUTOFLEX | 1,517,846 | 12/27/1988 | Registered |
| BENDABLES | 2,523,650 | 12/25/2001 | Registered |
| BENDABLES and Design | 2,676,669 | 1/21/2003 | Registered |
| BLUE RIBBON and Design | 1,989,164 | 7/23/1996 | Registered |
| BORN HOT | 1,535,392 | 4/18/1989 | Registered |
| C.E.O. (CAREER EYEWEAR COPTIONS) and Design | 1,873,211 | 1/10/1995 | Registered |
| CAMFLEX | 1,544,219 | 6/20/1989 | Registered |
| CARE FROM OFFICEMATE | 2,207,401 | 12/1/1998 | Registered |
| CFG | 1,583,418 | 2/20/1990 | Registered |
| DURAFLEX and Design | 2,433,800 | 3/6/2001 | Registered |
| EXAMWRITER | 2,649,158 | 11/12/2002 | Registered |
| EXTREME FLEX | 2,654,609 | 11/26/2002 | Registered |
| EXTREME SUNS | 2,457,529 | 6/5/2001 | Registered |
| EYE-GLASSERY | 1,526,874 | 2/28/1989 | Registered |
| EYEWARE | 2,220,647 | 1/26/1999 | Registered |
| FLEXCEL | 2,457,657 | 6/5/2001 | Registered |
| FLEXON | 1,747,691 | 1/19/1993 | Registered |
| FLEXON SELECT | 2,541,409 | 2/19/2002 | Registered |

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|------------------------------------|-----------|------------|------------|
| FLEXSTAR (Ambassador mark) | 2,375,786 | 8/8/2000 | Registered |
| FLEXTRA | 2,528,270 | 1/8/2002 | Registered |
| F-LOGO | 1,713,331 | 9/8/1992 | Registered |
| I-F/X | 1,531,740 | 3/28/1989 | Registered |
| | | | |
| M DESIGN (MARCOLIN) | 1,279,691 | 5/29/1984 | Registered |
| M DOT LOGO | 1,363,046 | 10/1/1985 | Registered |
| MARCHON | 1,369,878 | 11/12/1985 | Registered |
| MARCHON | 1,382,403 | 2/11/1986 | Registered |
| MARCHON | 2,144,197 | 3/17/1998 | Registered |
| MARCHON | 1,922,081 | 9/26/1995 | Registered |
| MARCHON | 1,925,082 | 10/10/1995 | Registered |
| MARCHON | 1,922,270 | 9/26/1995 | Registered |
| MARCHON | 1,928,776 | 10/24/1995 | Registered |
| | | | |
| MARCHON | 1,544,397 | 6/20/1989 | Registered |
| MARCHON | 1,960,568 | 3/5/1996 | Registered |
| MARCHON and Design | 1,369,879 | 11/12/1985 | Registered |
| MARCHON and Design | 1,385,281 | 3/4/1986 | Registered |
| MARCOFLEX | 1,353,886 | 8/13/1985 | Registered |
| MARCOLIN | 1,270,622 | 3/20/1984 | Registered |
| MICROGRAVITY | 2,650,636 | 11/12/2002 | Registered |
| MM MEMORY METAL and Design | 2,675,800 | 1/21/2003 | Registered |
| | | | |
| NATIONAL LENSCARE and Design | 1,657,599 | 9/17/1991 | Registered |
| | | | |
| OFFICEMATE | 2,011,326 | 10/29/1996 | Registered |
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|---------------------------------------|-----------|------------|------------|
| OP-TOPICS | 1,445,102 | 6/30/1987 | Registered |
| ORDERMASTER | 1,416,633 | 11/11/1986 | Registered |
| | | | |
| SOINTU | 2,419,993 | 1/9/2001 | Registered |
| SUNCENTER | 2,769,945 | 9/30/2003 | Registered |
| SUNMIRRORS | 1,588,592 | 3/27/1990 | Registered |
| SUNSTAR | 1,607,209 | 7/24/1990 | Registered |
| SUPERTHIN BY MARCHON and Design | 2,042,285 | 3/4/1997 | Registered |
| TANOS | 2,376,178 | 8/8/2000 | Registered |
| TANOS TITANIUM | 2,376,177 | 8/8/2000 | Registered |
| | | | |
| THE METAL WITH A MEMORY | 2,352,921 | 5/30/2000 | Registered |
| | | | |
| TIFLEX | 2,474,283 | 7/31/2001 | Registered |
| TRES JOLI | 2,239,881 | 4/13/1999 | Registered |
| | | 12/1/1999 | |
| TRUFLEX | 2,548,326 | 3/12/2002 | Registered |
| ULTRAFIT | 2,255,798 | 6/22/1999 | Registered |
| VERSA-RULE | 1,784,010 | 7/27/1993 | Registered |
| X-FLEX | 2,538,458 | 2/12/2002 | Registered |
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Trademark Applications:

| | | | |
|-----------------------------------|------------|------------|-----------|
| MVP MARCHON VALUED PARTNERS | 76/375,979 | 2/26/2002 | Published |
| OPIS | 76/475,429 | 12/16/2002 | Published |
| SMARTFLEX | 76/164,979 | 11/14/2000 | Published |
| | | | |
| SUNCENTER and Design | 76/365,661 | 1/31/2002 | Published |
| TF-LIGHT | 78/223,674 | 3/10/2003 | Published |
| TILITE | 78/218,785 | 2/25/2003 | Published |

ADDITIONAL REC. PARTY NAMES

ALL NAMES HAVE THE ADDRESS
C/O MARCHON EYEWEAR INC
35 HUB DRIVE
MELVILLE NY 11747

MARCHON EYEWEAR INTERNATIONAL INC

MARCHON EYEWEAR INTERNATIONAL LTD

R.B. MEXICO, INC.

DELTA ADD-POWER SYSTEMS INC

OFFICEMATE SOFTWARE SOLUTIONS INC

FROM

(MON) 12. 20' 04 14:11/ST. 14:08/NO. 4864861508 P 7

RELEASE OF SECURITY INTEREST
(Trademarks)

This RELEASE OF SECURITY INTEREST (Trademarks) (this "Release") is made and effective as of the ~~22~~²¹ day of December, 2004 (the "Effective Date") and is granted by FLEET NATIONAL BANK, as Administrative Agent (the "Administrative Agent"), in favor of ROTHANDBERG, INC., MARCHON EYEWEAR INTERNATIONAL, INC., MARCHON EYEWEAR INTERNATIONAL, LTD., R.B. MEXICO, INC., DELTA ADD-POWER SYSTEMS, INC. AND OFFICEMATE SOFTWARE SOLUTIONS, INC. (collectively, the "Releasees").

WHEREAS, the Releasees executed that certain Trademark Security Agreement, dated as of January 16, 2004 (the "Security Agreement"), in favor of the Administrative Agent, pursuant to which the Releasees granted to the Administrative Agent a continuing security interest in all of the Releasees' right, title and interest in, to and under the trademarks, trademark registrations and trademark applications listed on the annexed Schedule A (the "Trademark Collateral"), to secure the payment, performance and observance of the obligations referred to in the Security Agreement;

WHEREAS, the Security Agreement was recorded at the United States Patent and Trademark Office at Reel 2923, Frame 454 on March 17, 2004; and

WHEREAS, the obligations secured by the Trademark Collateral have been discharged.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Administrative Agent, on behalf of itself, its successors, legal representatives and assigns, hereby releases and discharges fully its security interest in and to the Trademark Collateral, and the Administrative Agent reassigns any and all such right, title and interest that it may have in the Trademark Collateral to the Releasees, free and clear of any claims by the Administrative Agent.

IN WITNESS WHEREOF, the Administrative Agent has caused this Release to be duly executed by its officer thereunto duly authorized as of the Effective Date.

FLEET NATIONAL BANK

By: 

Name: Michael S. Haines

Title: Senior Vice President

SCHEDULE A

United States Trademarks and Trademark Applications

| Registered Trademarks: | | | |
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| <u>Trademark</u> | <u>Registration Number</u> | <u>Registration Date</u> | <u>Status</u> |
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| ADD-POWER | 2,199,773 | 10/27/1998 | Registered |
| AIRLOCK | 2,580,254 | 6/11/2002 | Registered |
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| AUTOFLEX | 1,517,846 | 12/27/1988 | Registered |
| BENDABLES | 2,523,650 | 12/25/2001 | Registered |
| BENDABLES and Design | 2,676,669 | 1/21/2003 | Registered |
| BLUE RIBBON and Design | 1,989,164 | 7/23/1996 | Registered |
| BORN HOT | 1,535,392 | 4/18/1989 | Registered |
| C.E.O. (CAREER EYEWEAR COPTIONS) and Design | 1,873,211 | 1/10/1995 | Registered |
| CAMFLEX | 1,544,219 | 6/20/1989 | Registered |
| CARE FROM OFFICEMATE | 2,207,401 | 12/1/1998 | Registered |
| CFG | 1,583,418 | 2/20/1990 | Registered |
| DURAFLEX and Design | 2,433,800 | 3/6/2001 | Registered |
| EXAMWRITER | 2,649,158 | 11/12/2002 | Registered |
| EXTREME FLEX | 2,654,609 | 11/26/2002 | Registered |
| EXTREME SUNS | 2,457,529 | 6/5/2001 | Registered |
| EYE-GLASSERY | 1,526,874 | 2/28/1989 | Registered |
| EYEWARE | 2,220,647 | 1/26/1999 | Registered |
| FLEXCEL | 2,457,657 | 6/5/2001 | Registered |
| FLEXON | 1,747,691 | 1/19/1993 | Registered |
| FLEXON SELECT | 2,541,409 | 2/19/2002 | Registered |

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| FLEXTRA | 2,528,270 | 1/8/2002 | Registered |
| F-LOGO | 1,713,331 | 9/8/1992 | Registered |
| I-F/X | 1,531,740 | 3/28/1989 | Registered |
| I-F/X and Design | 1,546,135 | 7/4/1989 | Abandoned |
| M DESIGN (MARCOLIN) | 1,279,691 | 5/29/1984 | Registered |
| M DOT LOGO | 1,363,046 | 10/1/1985 | Registered |
| MARCHON | 1,369,878 | 11/12/1985 | Registered |
| MARCHON | 1,382,403 | 2/11/1986 | Registered |
| MARCHON | 2,144,197 | 3/17/1998 | Registered |
| MARCHON | 1,922,081 | 9/26/1995 | Registered |
| MARCHON | 1,925,082 | 10/10/1995 | Registered |
| MARCHON | 1,922,270 | 9/26/1995 | Registered |
| MARCHON | 1,928,776 | 10/24/1995 | Registered |
| MARCHON | 2,016,600 | 11/19/1996 | Abandoned |
| MARCHON | 1,544,397 | 6/20/1989 | Registered |
| MARCHON | 1,960,568 | 3/5/1996 | Registered |
| MARCHON and Design | 1,369,879 | 11/12/1985 | Registered |
| MARCHON and Design | 1,385,281 | 3/4/1986 | Registered |
| MARCOFLEX | 1,353,886 | 8/13/1985 | Registered |
| MARCOLIN | 1,270,622 | 3/20/1984 | Registered |
| MICROGRAVITY | 2,650,636 | 11/12/2002 | Registered |
| MM MEMORY METAL and Design | 2,675,800 | 1/21/2003 | Registered |
| MXP | 1,576,183 | 1/9/1990 | Abandoned |
| NATIONAL LENSCARE and Design | 1,657,599 | 9/17/1991 | Registered |
| OFFICE MATE SYSTEM | 1,330,629 | | Abandoned |
| OFFICEMATE | 2,011,326 | 10/29/1996 | Registered |
| OPIS | 1,662,283 | 10/29/1991 | Expired |

| | | | |
|--|-----------|------------|------------|
| OP-TOPICS | 1,445,102 | 6/30/1987 | Registered |
| ORDERMASTER | 1,416,633 | 11/11/1986 | Registered |
| QUICKCHANGE CABLE and Design | 2,032,911 | 1/21/1997 | Abandoned |
| SOINTU | 2,419,993 | 1/9/2001 | Registered |
| SUNCENTER | 2,769,945 | 9/30/2003 | Registered |
| SUNMIRRORS | 1,588,592 | 3/27/1990 | Registered |
| SUNSTAR | 1,607,209 | 7/24/1990 | Registered |
| SUPER THIN BY MARCHON and Design | 2,042,285 | 3/4/1997 | Registered |
| TANOS | 2,376,178 | 8/8/2000 | Registered |
| TANOS TITANIUM | 2,376,177 | 8/8/2000 | Registered |
| THE MARCHON EYES HAVE IT | 1,348,740 | 7/9/1985 | Abandoned |
| THE METAL WITH A MEMORY | 2,352,921 | 5/30/2000 | Registered |
| TI 22 | 1,874,564 | 1/17/1995 | Abandoned |
| TIFLEX | 2,474,283 | 7/31/2001 | Registered |
| TRES JOLI | 2,239,881 | 4/13/1999 | Registered |
| TRIAD | 1,866,272 | 12/6/1994 | Abandoned |
| TRUFLEX | 2,548,326 | 3/12/2002 | Registered |
| ULTRAFIT | 2,255,798 | 6/22/1999 | Registered |
| VERSA-RULE | 1,784,010 | 7/27/1993 | Registered |
| X-FLEX | 2,538,458 | 2/12/2002 | Registered |
| | | | |

Trademark Applications:

| <u>Trademark</u> | <u>Serial Number</u> | <u>Filing Date</u> | <u>Status</u> |
|----------------------|----------------------|--------------------|---------------|
| EXTREME LIFESTYLE | 75/089,860 | 4/17/1996 | Abandoned |
| EXTREME VIEWS | 75/209,362 | 12/6/1996 | Abandoned |
| FLEXALLOY | 76/036,953 | 4/28/2000 | Abandoned |
| FLEXIBLE FRAMES | 74/082,979 | 7/30/1990 | Abandoned |
| GENESIS | 74/356,875 | 2/8/1993 | Abandoned |
| MEMORY METAL | 74/082,978 | 7/30/1990 | Abandoned |

| | | | |
|-----------------------------------|------------|------------|-----------|
| MVP MARCHON VALUED PARTNERS | 76/375,979 | 2/26/2002 | Published |
| OPIS | 76/475,429 | 12/16/2002 | Published |
| OPTIFLEX | 76/424,023 | 1/27/1998 | Abandoned |
| REBOUND | 75/870,716 | 12/13/99 | Abandoned |
| RECOVER | 75/869,706 | 12/13/1999 | Abandoned |
| REFORM | 76/054,518 | 5/23/2000 | Abandoned |
| REMOTE JOB ENTRY | 76/002,532 | 3/17/2000 | Abandoned |
| SELECT | 75/912,008 | 2/7/2000 | Abandoned |
| SMARTFLEX | 76/164,979 | 11/14/2000 | Published |
| SOTA | 75/869,704 | 12/13/99 | Abandoned |
| SUNCENTER and Design | 76/365,661 | 1/31/2002 | Published |
| TI-LIGHT | 78/223,674 | 3/10/2003 | Published |
| TILITE | 78/218,785 | 2/25/2003 | Published |
| ULTRAFLEX | 75/428,936 | 2/4/1998 | Abandoned |
| URLO | 75/636,820 | 2/9/1999 | Abandoned |
| VICTORIA | 75/222,217 | 1/7/1997 | Abandoned |
| | | | |

Unfiled Trademark Applications:

| <u>Trademark</u> | <u>Serial Number</u> | <u>Filing Date</u> | <u>Status</u> |
|---|----------------------|--------------------|---------------|
| ANTHROPOMOR- PHIZED FIGURE DESIGN 2 (Cl. 9) | N/A | N/A | Unfiled |
| AUTOFLEX (Stylized) | | | Unfiled |
| DELTA SYSTEMS (Cl. 9) | | | Unfiled |
| DYNALITE (Cl. 9) | | | Unfiled |
| FLEXIBLES (Cl. 9) | | | Unfiled |
| FLEXON, THE METAL WITH.... (Cl. 9) | | | Unfiled |
| FLEXSPEX | | | Unfiled |

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|---|--|--|---------|
| FLEXSTAR (Marchon mark) (Cl. 9) | | | Unfiled |
| I-FX MIRRORS (Cl. 9) | | | Unfiled |
| MARCHON (Cl. 9) | | | Unfiled |
| MARCHON (Cl. 25) | | | Unfiled |
| MARLON (Cl. 9) | | | Unfiled |
| METROPOLIS (Cl. 9) | | | Unfiled |
| PLASTECH (Cl. 9) | | | Unfiled |
| S DESIGN | | | Unfiled |
| SLIP STOP (Cl. 9) | | | Unfiled |
| SOINTU WITH S DESIGN (Cl. 9) | | | Unfiled |
| THE AVENGER (Cl. 9) | | | Unfiled |
| THE HOT ONES (Cl. 9) | | | Unfiled |
| TRES JOLI BY MARCHON and Design (Cl. 9) | | | Unfiled |
| TRUE-FIT (Cl. 9) | | | Unfiled |
| TWISTING TEMPLE DESIGN (Cl. 9) | | | Unfiled |

Trademark Licenses

| <u>Name of Licensor</u> | <u>Date of Agreement</u> |
|---|--------------------------|
| Calvin Klein, Inc. | 10/5/1999 |
| Coach, Inc. | 10/15/2002 |
| Disney Enterprises, Inc. | 1/1/2002 |
| Donna Karan Studio | 1/19/1999 |
| Fendi Adele S.r.l. | 10/28/2002 |
| Nautica Apparel, Inc. | 1/1/2002 |
| NIKE USA, Inc. | 12/15/1999 |
| NIKE European Operations Netherlands B.V. | 12/15/1999 |
| NIKE, Inc. (Japan & South Korea) | 12/15/1999 |
| NIKE International Limited (Asia Pacific, Latin America, Australia, South Africa, Canada) | 12/15/1999 |