

RECORDATION FORM C  
**PATENTS**

02-28-2001



DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101623551

To the Director of the U.S. Patent and Trademark Office: Please send me \_\_\_\_\_ copies or copy thereof.

<p>1. Name of conveying party(ies): Lerio Corporation</p> <p style="text-align: right; font-size: 2em;">1.31.01</p> <p>Additional name(s) of conveying party(ies) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies): Nursery Supplies, Inc. 115 Orchard Drive Chambersburg, PA 17201</p> <p>Additional name(s) &amp; addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of Conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <span style="margin-left: 150px;"><input type="checkbox"/> Merger</span>  <input type="checkbox"/> Security Agreement <span style="margin-left: 100px;"><input type="checkbox"/> Change of Name</span>  <input type="checkbox"/> Other: _____</p> <p>Execution Date: <u>January 8, 2001</u></p>	

4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is \_\_\_\_\_

<p>A. Patent Application No.(s)</p> <p>09/255,774 09/399,333</p>	<p>B. Patent No.(s)</p> <table border="0"> <tr> <td>Des.338,636</td> <td>5,024,048</td> <td>5,253,996</td> <td>5,954,223</td> </tr> <tr> <td>Des.361,956</td> <td>5,202,078</td> <td>5,282,736</td> <td>6,038,813</td> </tr> <tr> <td>Des.364,564</td> <td>5,227,114</td> <td>5,465,503</td> <td></td> </tr> </table> <p>Additional numbers attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	Des.338,636	5,024,048	5,253,996	5,954,223	Des.361,956	5,202,078	5,282,736	6,038,813	Des.364,564	5,227,114	5,465,503	
Des.338,636	5,024,048	5,253,996	5,954,223										
Des.361,956	5,202,078	5,282,736	6,038,813										
Des.364,564	5,227,114	5,465,503											

<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Robert E. Cannuscio Seidel, Gonda, Lavorgna &amp; Monaco, P.C. 1800 Two Penn Center Plaza Philadelphia, PA 19102</p> <p>Attorney Docket No. <u>5896-G</u></p>	<p>6. Total number of applications and patents involved: <u>13</u></p> <hr/> <p>7. Total fee (37 CFR 3.41) <u>\$520.00</u></p> <p><input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> authorized to be charged to deposit account</p> <hr/> <p>8. Deposit Account Number: <b>19-1135</b></p>
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9. 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.

ROBERT E. CANNUSCIO

Name of Person Signing

Signature

1/24/01

Date

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**Director of the U.S. Patent and Trademark Office  
Box Assignments  
Washington, D.C. 20231**

## **NUNC PRO TUNC ASSIGNMENT**

WHEREAS, Lerio Corporation, a corporation organized and existing under the laws of the State of Alabama, having a place of business at P.O. Box 2084, 1501 Telegraph Road, Mobile, Alabama 36610, hereinafter generally referred to as "Lerio", is the owner of the whole and entire right, title and interest in and to the United States trademark applications, United States trademark registrations, United States patent applications and United States patents listed on the attached Schedule A and the inventions described and claimed therein and goodwill associated therewith;

WHEREAS, effective March 1, 2000, Nursery Supplies, Inc., a New Jersey corporation having a place of business at 115 Orchard Drive, Chambersburg, Pennsylvania 17201, hereinafter generally referred to as "NURSERY SUPPLIES", did acquire all right, title and interest in and to said United States trademark applications, United States trademark registrations, United States patent applications and United States patents, and the inventions described and claimed therein, and goodwill associated therewith, including any choses in action;

AND WHEREAS, it is desired that assignment of said trademark applications, trademark registrations, patent applications and patents be made of record in the United States Patent and Trademark Office.

NOW, THEREFORE, for good and valuable consideration, the full receipt and sufficiency of which are hereby acknowledged and intending to be legally bound hereby, Lerio hereby acknowledges that on March 1, 2000, Lerio sold, assigned, transferred and conveyed unto Nursery Supplies the whole and entire right, title and interest in and to

(1) the United States trademark applications and United States trademark registrations listed in Schedule A, and any registrations and applications for registration related thereto, whether in the United States or foreign countries ("Trademarks"), together with the goodwill of the business symbolized by the Trademarks, and all rights and privileges granted and secured thereby, including the right to sue and recover for any past infringement; and

(2) the United States patent applications and United States patents listed in Schedule A, and the inventions described and claimed therein, and all United States or foreign patents which may or have been be granted on said inventions, including any and all reissues, continuations and divisions thereof, and all rights to damages or profits, due or accrued, arising out of past infringements of any and all of said patents, and accrued royalties due on any and all said patents and the right to sue for and recover the same, said trademark applications, trademark registrations, inventions, patent applications and patents to be held and enjoyed by Nursery Supplies for Nursery Supplies' own use and behoof, and for Nursery Supplies' legal representatives and assigns to the full end of the

term for which said applications, registrations, and patents were granted, as fully and entirely as the same would have been held by Lerio had this assignment and sale not been made; and for the aforesaid consideration Lerio did covenant, agree and undertake to execute whenever requested by Nursery Supplies, all assignments, lawful oaths and any other papers which Nursery Supplies may deem necessary or desirable for securing to Nursery Supplies or for maintaining for Nursery Supplies the trademark applications, trademark registrations, patent applications and patents assigned, and the choses in action therefore, all without further compensation to Lerio.

THE LERIO CORPORATION

By: *Mark Christian* (L.S.)  
Name: MARK CHRISTIAN  
Title: PRESIDENT

NOTARIAL CERTIFICATION

State of Alabama :  
County of Mobile :  
SS

BEFORE ME, the undersigned Notary Public, on this 8th day of January, 2000, personally appeared Mark Christian, personally known to me (or proven to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument on behalf of **The Lerio Corporation**, the corporation therein named, and acknowledged to me that the instrument was the free deed and act of said corporation for the purposes therein set forth and intending that this instrument be recorded.

[SEAL]

*Candice R. Norwood*  
NOTARY PUBLIC

**SCHEDULE A****United States Patent Applications and Issued Patents**

<b>U.S. Patent No./ Application Serial No.</b>	<b>Issue Date/ Filing Date</b>	<b>Title</b>	<b>Previously Recorded at Reel/Frame</b>
Des. 338,636	August 24, 1993	CONTAINER	6097/0439
Des. 361,956	September 5, 1995	PLANT CONTAINER	6914/0599
Des. 364,564	November 28, 1995	CONTAINER	7190/0736
5,024,048	June 18, 1991	APPARATUS FOR DISPENSING CONTAINERS	
5,202,078	April 13, 1993	PROCESS AND APPARATUS FOR MANUFACTURING CONTAINERS WITH THICKENED FLANGES AND LONGITUDINAL REINFORCING RIBS AND CONTAINERS THEREBY	
5,227,114	July 13, 1993	PROCESS FOR MANUFACTURING CONTAINERS WITH THICKENED FLANGES	6218/0679
5,253,996	October 19, 1993	APPARATUS FOR MANUFACTURING CONTAINERS WITH THICKENED FLANGES	5911/0371
5,282,736	February 1, 1994	APPARATUS FOR MANUFACTURING CONTAINERS WITH THICKENED FLANGES	6218/0679
5,465,503	November 14, 1995	DRYER DENSIFIER	6175/0142
5,954,223	September 21, 1999	MOLDED ARTICLE	8879/0989

U.S. Patent No./ Application Serial No.	Issue Date/ Filing Date	Title	Previously Recorded at Reel/Frame
6,038,813	March 21, 2000	METHOD AND APPARATUS FOR CONTROLLING ROOT GROWTH	8518/0529
09/255,774	February 23, 1999	CONTAINER AND TAG ASSEMBLY	9815/0617
09/399,333	September 20, 1999	NURSERY CONTAINER ASSEMBLY AND PROCESS OF GROWING PLANTS	010316/0518

**United States Trademark Applications and Registrations**

U.S. Trademark Registration No./ Application No.	Date Registered/ Date Filed	Mark	Previously Recorded at Reel/Frame
768,559	April 28, 1964	NURSERICANS	
75-834978	October 30, 1999	SLITLOC	
75-786130	August 27, 1999	ENDURA 300 1-800-222-7564 and Design	
75-636061	February 8, 1999	PREMIER 300 THE LERIO CORPORATION 1- 800-457-8112 and Design	