

04-12-2001

U.S. Department of Commerce
Patent and Trademark Office
PATENT



101671763

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3-29-01

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

Submission Type

☐ New

☐ Resubmission Document ID # (Non-Recordation)

☐ Correction of PTO Error
Reel # Frame #

☐ Corrective Document
Reel # Frame #

Conveyance Type

☒ Assignment ☐ Security Agreement

☐ License ☐ Change of Name

☐ Merger ☐ Other

U.S. Government
(for Use ONLY by U.S. Government Agencies)

☐ Departmental File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Execution Date
Month Day Year

Name (line 1) Hines Nurseries, Inc.

Name (line 2)

Second Party

Name (line 1)

Name (line 2)

Execution Date
Month Day Year

09300578

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line1) Bankers Trust Company

Name (line2)

Address (line 1) 300 South Grand Avenue

Address (line 2)

Address (line 3)

Address (line 3) Los Angeles California 90071

City

State/Country

Zip Code

☐ 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).

Domestic Representative Name and Address

Enter for the First Receiving Party only.

Name N/A

Address (line 1)

Address (line 2)

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Address (line 4)

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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

PATENT
REEL: 011648 FRAME: 0937

PATENT

Correspondent Name and Address

Area Code and Telephone Number

(213) 430-6399

Name Eden N. Pimentel

Address (line 1) O'Melveny & Myers LLP

Address (line 2) 400 South Hope Street

Address (line 3) 16th Floor

Address (line 4) Los Angeles, California 90071

Pages

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

#

Application Number(s) or Patent Number(s)

☒ Mark if additional numbers attached

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

Patent Application Number(s)

Patent Number(s)

09/300,578

09/300,579

09/311,102

PP05,339

PP05,656

PP05,659

09/411,662

09/411,664

09/460,000

PP06,133

PP06,616

PP07,304

09/460,001

09/460,002

09/460,003

PP07,416

PP07,457

PP07,530

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

#

43

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

1,720.00

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:

#

500639

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.

Eden N. Pimentel

Name of Person Signing

Signature

01/10/2001
Date Signed

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Execution Date
Month Day Year

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Enter additional Receiving Party(ies)

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Name (line1)

Name (line2)

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09/460,004

09/490,863

09/516,305

09/544,007

09/544,008

09/599,684

09/602,177

09/617,586

PP08,140

PP08,635

PP08,801

PP09,321

PP09,372

PP09,380

PP09,386

PP09,387

PP09,647

PP09,648

PP09,649

PP10,317

PP10,866

PP11,008

D322,707

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Execution Date
Month Day Year

Name (line 2)

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Execution Date
Month Day Year

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Patent Application Number(s)

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Patent Number(s)

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| D323,415 | D323,416 | <input type="text"/> |
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| <input type="text"/> | <input type="text"/> | <input type="text"/> |

ASSIGNMENT

WHEREAS, HINES HORTICULTURE, INC., a California corporation, having a place of business at 12621 Jeffrey Road, Irvine, California 92620-2101 (hereafter, together with any successors, legal representatives or assigns thereof, called "ASSIGNOR") is the assignee of: see attached Schedule.

AND WHEREAS, HINES NURSERIES, INC., a California corporation, having a place of business at 12621 Jeffrey Road, Irvine, California 92620-2101 (hereafter, together with any successors, legal representatives or assigns thereof, called "ASSIGNEE") wants to acquire the entire right, title and interest in and to said patents and applications, and all the inventions therein, and ASSIGNOR is willing to enter into such assignment.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR does hereby sell, assign, transfer and set over to ASSIGNEE the entire right, title and interest in and to patents and applications and all continuations, divisions, reexaminations, reissues and substitutes thereof, and all inventions therein;

ASSIGNOR hereby covenants that it has full right to convey the entire interest herein assigned, and that it has not executed, and will not execute, any agreement in conflict herewith;

ASSIGNOR hereby further covenants and agrees that it will communicate to ASSIGNEE any and all facts known to it respecting said patent, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, reexamination, reissue and substitute applications, and make all rightful oaths and generally do everything possible to aid ASSIGNEE to obtain and enforce proper patent protection for said invention in all countries.

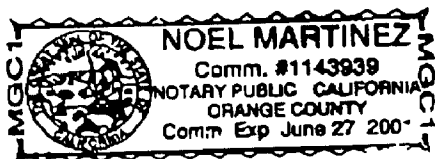
IN TESTIMONY WHEREOF, I hereunto set my hand this 21 day of December, 2000.

HINES HORTICULTURE, INC.

By Kirsten Judd
Vice President

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On 12/21/00, before me NOEL MARTINEZ, Notary Public, personally appeared Kirsten Judd personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Noel Martinez
Signature of Notary

VGG/daa
YDM PAS284816.1-12/15/00 11:03 AM

SCHEDULE

| Patent No. | Issued Date | Title | Docket No. |
|-------------------|--------------------|--------------------------------------------|-------------------|
| PP05,339 | 11/13/84 | DWARF AUSTRALIAN TREE FERN | |
| PP05,656 | 02/04/86 | DWARF NANDINA-GULF STREAM | |
| PP05,659 | 02/11/86 | DWARF NANDINA NAMED 'MOON BAY' | |
| PP06,133 | 03/22/88 | RAPHIOLEPIS INDICIA CV NEWPORT | |
| PP06,616 | 02/21/89 | NERIUM OLEANDER 'HINES HARDY' | |
| PP07,304 | 08/21/90 | PITTOSPORUM TOBIRA 'HINES HARDY' | |
| PP07,416 | 01/08/91 | AZALEA HYBRID 'RACHEL BANDA' | H320:26287 |
| PP07,457 | 02/26/91 | AZALEA HYBRID 'JESSICA DAWN' | H320:26288 |
| PP07,530 | 05/21/91 | AZALEA HYBRID 'BILLIE DEE' | H320:25128 |
| PP08,140 | 02/09/93 | HEMEROCALLIS 'FRAGRANT TREASURE' | |
| PP08,635 | 03/08/94 | RAPHIOLEPIS INDICIA 'HINES DARKLEAF' | H320:25073 |
| PP08,801 | 06/28/94 | STRAWBERRY PLANT NAMED 'SERENATA' | |

| | | | |
|----------|----------|---------------------------------------------------------|------------|
| PP09,321 | 10/10/95 | POTENTILLA FRUTICOSA 'HINEROB' | H320:27088 |
| PP09,372 | 11/14/95 | HEMEROCALLIS 'YELLOW SILK RUFFLES' | |
| PP09,380 | 11/21/95 | HEMEROCALLIS 'PINK SILK RUFFLES' | |
| PP09,386 | 11/28/95 | HEMEROCALLIS 'BURGANDY LACE' | |
| PP09,387 | 11/28/95 | HEMEROCALLIS 'X-2' | |
| PP09,647 | 10/01/96 | SHRUB ROSE PLANT NAMED 'WILDawn' | |
| PP09,648 | 10/01/96 | SHRUB ROSE PLANT NAMED 'WILVORY' | |
| PP09,649 | 10/01/96 | SHRUB ROSE PLANT NAMED 'WILSCAR' | |
| PP10,317 | 04/07/98 | LONICERA JAPONICA PLANT VARIETY NAMED 'HINLON' | H320:29640 |
| PP10,866 | 04/27/99 | AGAPANTHUS AFRICANUS PLANT NAMED 'HINAG' | |
| PP11,008 | 07/13/99 | LEUCOTHOË AXILLARIS 'TRI- COLOR' | |
| D322,707 | 12/24/91 | TRAY FOR PLANT POTS OR THE LIKE | |

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| D323,415 | 01/21/92 | TRAY FOR PLANT POTS OR THE LIKE | |
| D323,416 | 01/21/92 | TRAY FOR PLANT POTS OR THE LIKE | |

PENDING PATENTS LIST

| Serial Number | Filing Date | Title | Docket Number |
|---------------|-------------|---------------------------------------------------------------------------|---------------|
| 09/300,578 | 04/27/99 | YUCCA RECURVIFOLIA PLANT NAMED 'HINVARGAS' | H320:34273 |
| 09/300,579 | 04/27/99 | LOROPETALUM CHINENSE VARIETY RUBRUM PLANT NAMED 'HINDWARF' | H320:34274 |
| 09/311,102 | 05/13/99 | EUPHORBIA CYANTHOPHORA NAMED 'YOKOI'S WHITE' | H320:34543 |
| 09/411,662 | 10/04/99 | CAMPSIS RADICANS NAMED 'TAKARAZUKA VARIEGATED' | H320:35724 |
| 09/411,664 | 10/04/99 | CAMELLIA PLANT NAMED 'ELINA CASCADE' | H320:34937 |
| 09/460,000 | 12/13/99 | TIBOUCHINA URVILLEANA 'ANGYO WHITE' | |

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|------------|----------|----------------------------------------------------------------------|------------|
| 09/460,001 | 12/13/99 | TIBOUCHINA URVILLEANA 'ANGYO LAVENDER' | |
| 09/460,002 | 12/13/99 | PHLOX PANICULATA 'NIHON KAKI VARIEGATED' | |
| 09/460,003 | 12/13/99 | JUNIPERUS HORIZONTALIS 'TAYLOR BLUE' | |
| 09/460,004 | 12/13/99 | LYCHIANTHES RANTONNETII 'VARIEGATED SPLASH' | |
| 09/490,863 | 01/24/00 | HYDRANGEA MACROPHYLLA NAMED 'YELLOWLEAF' | H320:34902 |
| 09/516,305 | 02/29/00 | PLANT VARIETY OF LONIECERA X BROWNII NAMED 'KRISTIN'S GOLD' | H320:37036 |
| 09/544,007 | 04/06/00 | DISANTHUS CERCIDIFOLIUS NAMED 'SEIJU YAMAGUCHI' | H320:37414 |
| 09/544,008 | 04/06/00 | CORYLOPSIS SPICATA NAMED 'GOLDEN SPRING' | H320:37415 |
| 09/599,684 | 06/22/00 | CAMELLIA ROSTHORNIANA PLANT NAMED 'ELINA' | H320:37228 |
| 09/602,177 | 06/22/00 | HYDRANGEA PLANT NAMED 'KUGA VARIEGATED' | H320:35725 |

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|------------|----------|--------------------------------------------------------------------|------------|
| 09/617,586 | 07/18/00 | HYDRANGEA ANOLMALA SUBSPECIES PETIOLARIS NAMED 'KASAI' | H320:39791 |
|------------|----------|--------------------------------------------------------------------|------------|

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