

# PATENT ASSIGNMENT

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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	RELEASE BY SECURED PARTY
CONVEYING PARTY DATA	
Name	Execution Date
Development Capital Ventures, LP	03/10/2010
RECEIVING PARTY DATA	
Name:	AmBath, LLC
Street Address:	421 West Alameda
Internal Address:	Suite 105
City:	Tempe
State/Country:	ARIZONA
Postal Code:	85282
PROPERTY NUMBERS Total: 1	
Property Type	Number
Patent Number:	5902444
CORRESPONDENCE DATA	
Fax Number:	(602)530-8500
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	602-530-8434
Email:	sss@gknet.com
Correspondent Name:	Andrea Nicholson
Address Line 1:	2575 E. Camelback Road
Address Line 2:	Gallagher & Kennedy, P.A.
Address Line 4:	Phoenix, ARIZONA 85016
ATTORNEY DOCKET NUMBER:	15295-0001
NAME OF SUBMITTER:	Andrea Nicholson
Total Attachments: 4 source=int6B#page1.tif source=int6B#page2.tif	

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**PATENT**  
**REEL: 024079 FRAME: 0636**

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**AFFIDAVIT REGARDING RELEASE BY SECURED PARTY**  
**DEVELOPMENT CAPITAL VENTURES, L.P.**

STATE OF ARIZONA        )  
                                      ) ss.  
COUNTY OF MARICOPA    )

Tim Szkatulski, an individual resident of the State of Arizona ("Deponent"), being of legal age and duly sworn, deposes and says:

1. Deponent is the Chief Financial Officer of AmBath/ReBath, LLC.
2. AmBath/ReBath, LLC is a Delaware limited liability company.
3. AmBath, LLC is a Delaware limited liability company.
4. ReBath, LLC is a Delaware limited liability company.
5. AmBath/ReBath, LLC, AmBath, LLC and ReBath, LLC are affiliated entities and will hereinafter be referred to as "ReBath."
6. Development Capital Ventures, L.P. ("DCV") was a Delaware limited partnership.
7. DCV and ReBath entered into an agreement ("Underlying Agreement") that gave rise to a collateral interest in ReBath's intellectual property.
8. On February 7, 2002, DCV recorded a Security Agreement, Document No. V3478D487 ("DCV Copyright Security Agreement"), with the United States Copyright Office. The DCV Copyright Security Agreement set forth DCV's security interest in the following copyright registrations:

Registration No.	Title	Registration Date	Current Owner
TX 4-199-266	Re-Bath consumer brochure - We've got you covered in just one day; we put a new bathtub over your old one	October 23, 1995	ReBath Corporation
TX 4-242-612	Re-Bath info sheets	January 16, 1996	ReBath Corporation
PA 790-482	Replacement shower base/shower base liner installation video instructional	February 4, 1997	ReBath Corporation

PA 820-365	Wall surround installation instructional video	November 26, 1996	ReBath Corporation
PA 820-529	Bathtub liner installation instructional	December 2, 1996	ReBath Corporation
TX 4-285-340	Finally, a business opportunity that really holds water	November 15, 1995	ReBath Corporation
PA 511-411	Re-bath	January 2, 1991	American Bathtub Liners, Inc.
TX 3-091-123	Ambath wall systems	April 8, 1991	American Bathtub Liners, Inc.
TX 4-176-028	American Bathtub Liners, Inc.'s product sheets	January 11, 1996	American Bathtub Liners, Inc.
TX 4-190-540	Now here's an idea that really holds water	October 2, 1995	American Bathtub Liners, Inc.

9. On February 7, 2002, DCV recorded a Security Agreement, Reel/Frame 2442/0400 ("DCV Trademark Security Agreement"), with the United States Patent and Trademark Office. The DCV Trademark Security Agreement set forth DCV's security interest in the following federal trademark registrations:

Trademark	Registration No.	Registration Date	Current Owner
AM BATH (word)	1,210,474	September 28, 1982	AmBath, LLC
RE.BATH (word)	1,285,159	July 10, 1984	ReBath, LLC
Tub Over Tub (design)	1,876,486	January 31, 1995	ReBath, LLC
Tub Over Tub (design)	1,864,893	November 29, 1994	ReBath, LLC

10. On February 6, 2002, DCV recorded a Security Interest, Reel/Frame 012551/0837 ("DCV Patent Security Agreement"), with the United States Patent and Trademark Office. The DCV Patent Security Agreement set forth DCV's security interest in the following United States Patent:

Patent Number	Issue Date	Title	Current Owner
5,902,444	May 11, 1999	Flowable Silicone Product and Process	AmBath, LLC

11. The debt set forth in the Underlying Agreement was satisfied in full.

12. Deponent has made a diligent search of the applicable records and has made various attempts to contact individuals that were formerly employees of DCV. Specifically, Deponent attempted to contact three former DCV employees by electronic mail, without response. Deponent further attempted to contact one former DCV employee by cell phone, however the cell phone number is no longer valid.

13. Deponent spoke with John P. Kirwin, a managing partner of Argosy Investment Partners II, L.P., a Pennsylvania limited partnership ("Argosy"). Argosy regularly did business with DCV and was also a party to the agreements at issue here (the Underlying Agreement, DCV Copyright Security Agreement, DCV Trademark Security Agreement, and DCV Patent Security Agreement). Mr. Kirwin stated that DCV is no longer in business and further indicated that he does not know the whereabouts of the former principals of DCV.

14. Upon information and belief, DCV is no longer in business.

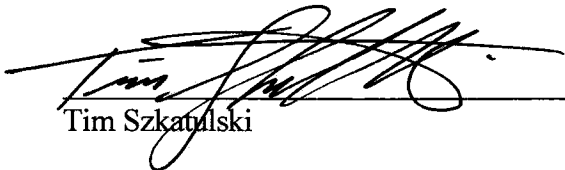
15. Upon information and belief, DCV has no successor in interest.

16. Upon information and belief, DCV is therefore not able to execute and record the appropriate Release of Security Interest.

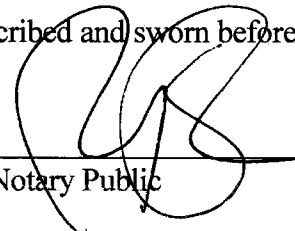
17. This Affidavit is being made to demonstrate that neither DCV, nor any successor in interest, has a valid security interest in the foregoing intellectual property.

*[The remainder of this page was intentionally left blank.]*

18. Deponent states that the above statements are true to his knowledge, information, and belief.

  
Tim Szkatulski

The foregoing instrument was subscribed and sworn before me this \_\_\_ day of March 2010, by Tim Szkatulski.

  
Notary Public

My Commission Expires:

4/8/10

