# PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1 Stylesheet Version v1.2 EPAS ID: PAT4983784

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	RELEASE OF SECOND LIEN SECURITY INTEREST IN PATENTS RECORDED AT R/F 038631/0207

### **CONVEYING PARTY DATA**

Name	Execution Date
THE CIT GROUP/EQUIPMENT FINANCING, INC., AS AGENT	05/25/2018

### **RECEIVING PARTY DATA**

Name:	SUPERIOR SILICA SANDS LLC
Street Address:	5600 CLEARFORK MAIN STREET
Internal Address:	SUITE 400
City:	FORT WORTH
State/Country:	TEXAS
Postal Code:	76109

## **PROPERTY NUMBERS Total: 17**

Property Type	Number
Patent Number:	7726070
Patent Number:	8196346
Patent Number:	8341881
Patent Number:	8453377
Patent Number:	8510986
Patent Number:	8661729
Patent Number:	8739464
Patent Number:	8881453
Patent Number:	8931209
Patent Number:	8931210
Patent Number:	9057014
Application Number:	14171920
Application Number:	14293555
Application Number:	14594837
Application Number:	14594396
Application Number:	15011111
Application Number:	15014623

#### **CORRESPONDENCE DATA**

PATENT

504937038 REEL: 046269 FRAME: 0251

**Fax Number:** (212)751-4864

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent

using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

**Phone:** 212-906-1216

Email: angela.amaru@lw.com

Correspondent Name: LATHAM & WATKINS LLP C/O ANGELA M. AMARU

Address Line 1: 885 THIRD AVENUE

Address Line 4: NEW YORK, NEW YORK 10022

ATTORNEY DOCKET NUMBER: 053062-0002

NAME OF SUBMITTER: ANGELA M. AMARU

SIGNATURE: /S/ Angela M. Amaru

**DATE SIGNED:** 05/30/2018

#### **Total Attachments: 4**

source=Emerge Release of Second Lien Security Interest in Patents (CIT)#page1.tif source=Emerge Release of Second Lien Security Interest in Patents (CIT)#page2.tif source=Emerge Release of Second Lien Security Interest in Patents (CIT)#page3.tif source=Emerge Release of Second Lien Security Interest in Patents (CIT)#page4.tif

PATENT REEL: 046269 FRAME: 0252

#### RELEASE OF SECOND LIEN SECURITY INTEREST IN PATENTS

This **RELEASE OF SECOND LIEN SECURITY INTEREST IN PATENTS** (this "Release"), dated as of May 25, 2018, is made by THE CIT GROUP/EQUIPMENT FINANCING, INC. ("CIT Group"), in its capacity as agent (the "Agent") for itself and CIT BANK, N.A. ("CIT BANK" and together with CIT Group, "CIT"), in favor of SUPERIOR SILICA SANDS LLC (the "Grantor"). Capitalized terms not defined herein have the meanings assigned to them (including by reference) in the Security Agreement (as defined below).

WHEREAS, the Grantor, the Agent and the other parties thereto entered into that certain Second Lien Security Agreement, dated as of March 1, 2016, (as amended, supplemented, restated or otherwise modified from time to time, the "Security Agreement"), pursuant to which the Grantor executed and delivered to the Agent that certain Second Lien Patent Security Agreement, dated as of May 4, 2016 (the "Patent Security Agreement") for recordation with the United States Patent and Trademark Office;

**WHEREAS,** the Patent Security Agreement was recorded with the United States Patent and Trademark Office on May 6, 2016 at Reel/Frame 038631/0207;

WHEREAS, pursuant to the terms and conditions of the Security Agreement and the Patent Security Agreement, the Grantor granted to the Agent, for the benefit of CIT, a continuing second priority security interest in the Patent Collateral (as defined below); and

WHEREAS, the Agent has agreed to execute and deliver this Release to evidence the release of its security interest in the Patent Collateral.

**NOW, THEREFORE,** in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Agent hereby agrees as follows:

The term "Patent Collateral," as used herein, means (a) ALL OF GRANTOR'S PATENTS AND PATENT APPLICATIONS (COLLECTIVELY, "PATENTS"), AND LICENSES FOR ANY OF THE FOREGOING ("LICENSES"), INCLUDING THOSE REFERRED TO ON SCHEDULE I HERETO; (b) ALL RIGHTS AND PRIVILEGES ARISING UNDER APPLICABLE LAW WITH RESPECT TO THE GRANTOR'S RIGHTS IN ANY OF THE FOREGOING; (c) ALL INVENTIONS, DISCOVERIES, DESIGNS AND IMPROVEMENTS DESCRIBED OR CLAIMED THEREIN; (d) ALL REISSUES, REEXAMINATIONS, DIVISIONS, CONTINUATIONS, AND CONTINUATIONS-IN- PART OF THE FOREGOING; AND (e) ALL INCOME, FEES, ROYALTIES, DAMAGES, CLAIMS AND PAYMENTS NOWS OR HEREAFTER DUE AND/OR PAYABLE THEREUNDER AND WITH RESPECT THERETO, INCLUDING DAMAGES AND PAYMENTS FOR PAST, PRESENT AND FUTURE INFRINGEMENTS THEREOF; (f) ALL RIGHTS CORRESPONDING THERETO THROUGHOUT THE WORLD; AND (g) ALL RIGHTS TO SUE FOR PAST, PRESENT OR FUTURE INFRINGEMENTS THEREOF.

The Agent, on behalf of CIT, without representation, warranty, or recourse, hereby (i) terminates, releases and discharges its security interest in the Patent Collateral, and (ii) authorizes the recordation of this Release with the United States Patent and Trademark Office at Grantor's expense.

[Signature page follows]

TRII\993092v2 TRII\993092v3 **IN WITNESS WHEREOF**, the Agent has caused this Release to be executed and delivered by its duly authorized officer as of the date first set forth above.

THE CIT GROUP/EQUIPMENT FINANCING,

INC., as Agent

Ву: \_\_\_/\_

Title:

[Signature Page to Release of Second Lien Security Interest in Patents]

# SCHEDULE A TO RELEASE OF SECOND LIEN SECURITY INTEREST IN PATENTS

Title	Patent Number	Issue Date
HYDRATION MAINTENANCE APPARATUS AND METHOD	U.S. 7,726,070	June 1, 2010
DELAYED-ACTIVATION, HYDRATION MAINTENANCE APPARATUS AND METHOD	U.S. 8,196,346	June 12, 2012
HYDRATION MAINTENANCE APPARATUS AND METHOD	U.S. 8,341,881	January 1, 2013
PLAYING-FIELD, SOIL TREATMENT APPARATUS AND METHOD	U.S. 8,453,377	June 4, 2013
HYDRATION MAINTENANCE APPARATUS AND METHOD	U.S. 8,510,986	August 20, 2013
HYDRAULIC FRACTURE COMPOSITION AND METHOD	U.S. 8,661,729	March 4, 2014
DELAYED-ACTIVATION, HYDRATION MAINTENANCE APPARATUS AND METHOD	U.S. 8,739,464	June 3, 2014
SEED-BORNE SOIL AMENDMENT METHOD AND COMPOSITION	U.S. 8,881,453	November 11, 2014
SEED-DELIVERED, SOIL- AMENDMENT METHOD AND COMPOSITION	U.S. 8,931,209	January 13, 2015
HYDRATION MAINTENANCE APPARATUS AND METHOD	U.S. 8,931,210	January 13, 2015
HYDRAULIC FRACTURE COMPOSITION AND METHOD	U.S. 9,057,014	June 16, 2015
HYDRAULIC FRACTURE COMPOSITION AND METHOD	2014/0243246 (Appl. No. 14/171920)	February 4, 2014

TRI1\993092v3

PATENT REEL: 046269 FRAME: 0255

DELAYED-ACTIVATION, HYDRATION MAINTENANCE APPARATUS AND METHOD	2014/0298722 (Appl. No. 14/293555)	June 2, 2014
SEED-DELIVERED, SOIL AMENDMENT METHOD AND COMPOSITION	2015/0121751 (Appl. No. 14/594837) Abandoned	January 12, 2015
HYDRATION MAINTENANCE APPARATUS AND METHOD	2015/0143746 (Appl. No. 14/594396)	January 12, 2015
HYDRATION MAINTENANCE APPARATUS AND METHOD	Appl. No. 15/011111	January 29, 2016
HYDRATION MAINTENANCE APPARATUS AND METHOD	Appl. No. 15/014623	February 3, 2016

TRH\993092v3

**RECORDED: 05/30/2018** 

PATENT REEL: 046269 FRAME: 0256