

8-27-01

09-05-2001



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Form PTO-1594  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
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RECORDATION INFORMATION  
**TRADEMARKS ONLY**

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

Bank of America, N.A.

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other \_\_\_\_\_

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

2. Name and address of receiving party(ies)

Name: Graham Webb International Limited Partnership  
Internal  
Address: \_\_\_\_\_

Street Address: 5823 Newton Drive  
City: Carlsbad State: CA Zip: 92008

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership Minnesota
- Corporation-State \_\_\_\_\_
- Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other Termination of Security Interests

Execution Date: April 12, 2001

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

See attached Continuation Page

Additional number(s) attached  Yes  No

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

Name: Christine E. Baur

Internal Address: Luce, Forward,  
Hamilton & Scripps LLP

Street Address: 11988 El Camino Real  
Suite 200

City: San Diego State: CA Zip: 92130

6. Total number of applications and registrations involved: \_\_\_\_\_

19

7. Total fee (37 CFR 3.41).....\$ 490.00

- Enclosed ch. no. 113016
- Authorized to be charged to deposit account

8. Deposit account number: \_\_\_\_\_

(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.

Christine E. Baur

Name of Person Signing

[Signature]

Signature

8/26/01

Date

5

Total number of pages including cover sheet, attachments, and document:

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

09/05/2001 LNUELLER 00000072 74503559

01 FC:481  
02 FC:482

40.00 DP  
450.00 DP

**Continuation of Item #4 of Recordation Form Cover Sheet**

	<u>Mark</u>	<u>Application No.</u>	<u>Registration No.</u>
1.	BACK TO BASICS	74/503559	1947487
2.	BODACIOUS Fragrance	74/707375	2104577
3.	BODACIOUS	74/802752	1949734
4.	ENERGY LOCK	74/032722	1619355
5.	EXOTHERMIC	74/032922	1699676
6.	GRAHAM WEBB	73/817972	1624118
7.	GRAHAM WEBB INTL	74/037585	1638820
8.	INSTANT RECOVERY	75/311464	2254222
9.	INTENSIVES	74/733601	2001326
10.	MAGNITUDE	74/240283	1779438
11.	MONTAGE	75/127886	2133321
12.	ROOT INFUSION	75/410702	2260600
13.	SIMPLY NATURAL	72/432938	980493
14.	STICK STRAIGHT	75/256127	2196588
15.	THERMACLAY	74/032623	1624373
16.	THERMACORE	74/032225	1668950
17.	THERMAL CARE	74/032916	1749164
18.	VISIBLE CONTROL	75/255816	2191487
19.	VOLTAGE	74/154673	1776968

## TERMINATION OF SECURITY INTERESTS IN TRADEMARKS

THIS TERMINATION OF SECURITY INTERESTS IN TRADEMARKS ("Termination Agreement") is made and effective April 12, 2001 ("Effective Date") by Bank of America, N.A., a National Banking Association ("Bank of America"), with reference to the following facts:

A. Graham Webb International Limited Partnership, a Minnesota limited partnership ("GWI") and Bank of America were parties to a Financing and Security Agreement (the "Loan Agreement") dated April 15, 1998, wherein GWI granted security interests in the trademarks identified in Schedule A attached hereto (the "Trademarks"), as collateral security for obligations, indebtedness, and liability owed to Bank of America.

B. On April 11, 2001, GWI and Bank of America entered into a payoff letter agreement ("Payoff Letter") at which time, all security interests and liens created under the Loan Agreement including the security interests originally granted in favor of Bank of America in the Trademarks were released.

C. As is contemplated in the Payoff Letter, Bank of America is formally terminating its security interests in the Trademarks through this Termination Agreement.

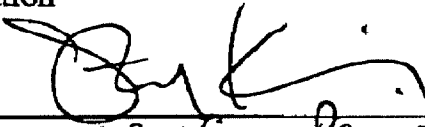
THEREFORE, in consideration of the above premises and for good and valuable consideration, the receipt of which is hereby acknowledged, Bank of America agrees as follows:

1. Bank of America hereby terminates and releases all of its security interests in the Trademarks effective as of the Effective Date.
2. Bank of America acknowledges, agrees and confirms that it has no right, title or interest in or to (or security interests in) the Trademarks.
3. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

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

**IN WITNESS WHEREOF, the undersigned has caused this Termination of Security Interests in Trademarks to be executed by its duly authorized officer as of the Effective Date.**

**BANK OF AMERICA, N.A., a National Banking Association**

By:   
Its: SR. Vice President

**SCHEDULE A  
TRADEMARKS**

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