

10-28-1998



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10-26-98

TRADEMARKS ONLY

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

Submission Type

New **10.26.98**

Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_

Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

Conveyance Type

Assignment  License

Security Agreement  Nunc Pro Tunc Assignment

Merger  
Effective Date  
Month Day Year  
**3 30 98**

Change of Name  
 Other \_\_\_\_\_

Conveying Party

Mark if additional names of conveying parties attached

Name **Old Fort Financial Corp.**

Execution Date  
Month Day Year  
**10 21 98**

Formerly \_\_\_\_\_

Individual  General Partnership  Limited Partnership  Corporation  Association

Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization **Delaware**

Receiving Party

Mark if additional names of receiving parties attached

Name **DMS Investments, Inc.**

DBA/AKA/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) **1105 North Market Street**

Address (line 2) \_\_\_\_\_

Address (line 3) **Wilmington** **Delaware** **19899**  
City State/Country Zip Code

Individual  General Partnership  Limited Partnership  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.)  
 Corporation  Association

Citizenship/State of Incorporation/Organization **Delaware**

10/27/1998 TTOM11 00000132 373639

FOR OFFICE USE ONLY

01 FC:481  
02 FC:482

40.00 OP  
200.00 OP

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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

TRADEMARK  
REEL: 1804 FRAME: 0592

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number 614 464-6383

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

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

# 5

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

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

Trademark Application Number(s)

Registration Number(s)

373,637 1,104,112 1,845,277  
505,893 1,263,371 1,854,361  
884,406 1,295,352 1,978,641

Number of Properties

Enter the total number of properties involved.

# 9

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 240.00

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:

#

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.

JOSEPH R. DREITLER

Name of Person Signing

Joseph R. Dreidler

Signature

10/23/98

Date Signed

**NUNC PRO TUNC ASSIGNMENT**

STATE OF OHIO     )  
                          ) SS:  
COUNTY OF UNION)

WHEREAS, Old Fort Financial Corp., a Delaware corporation located at 1105 North Market Street, Wilmington, Delaware 19899, has adopted, owns and used the trademarks shown on the attached Schedule A; and,

WHEREAS, OMS Investments, Inc., a Delaware corporation, located and doing business at 1105 North Market Street, Wilmington, Delaware 19899, is desirous of acquiring all of the right, title and interest in and to the aforesaid marks, the registrations thereof, including all trade names embodying wholly or in part the aforesaid marks as of an effective date of March 30, 1998.

NOW, THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Old Fort Financial Corp. does hereby assign, sell, transfer and convey to OMS Investments, Inc., all of its right, title and interest in and to the said marks and trade names, including all claims for past infringement and all causes of action with respect to or arising out of the said marks and trade names, together with the good will of its business symbolized by the name, the marks, and the registrations thereof.

Old Fort Financial Corp. further covenants with OMS Investments, Inc., to execute, when requested, such additional assignments, instruments and documents as may be necessary or desirable to effectuate this agreement and assignment.

IN WITNESS WHEREOF, the undersign authorized officer of Old Fort Financial Corp.

has hereunto set his hand and the Seal of the Corporation on this 21<sup>st</sup> day of October,  
1998.

OLD FORT FINANCIAL CORP.

By: Carlton Lucas  
Title: Vice President and Secretary

Subscribed to and sworn before me this 21<sup>st</sup> day of October 1998.

Joan C. Makley  
Notary Public



JOAN C. MAKLEY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES SEPT. 13, 1999

## SCHEDULE A

<u>Registration Number</u>	<u>Mark</u>	<u>Date of Registration</u>
373,639	Hyponex	12/12/39
505,893	Swiss Farms & Design	1/18/49
884,406	Swiss Farms & Design	1/20/70
1,104,112	Hyponex	10/17/78
1,263,371	Bug Dart	1/10/84
1,295,352	Heart & Leaf Design	9/18/84
1,845,277	Hyponex	7/19/94
1,854,361	Heart & Leaf Design	9/20/94
1,978,641	Miracle Earth	6/4/96