

OPR/ASSIGNMENTS

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05-18-2004

Electronic Version v1.1  
Stylesheet Version v1.1

5/14/04

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SUBMISSION TYPE:

NEW ASSIGNMENT

NATURE OF CONVEYANCE:

Release of Trademark Security Agreement

## CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Bank of America National Trust and Savings Association	Continental Bank N.A.	12/18/1997	association:

## RECEIVING PARTY DATA

Name:	Advanced Sleep Products
Street Address:	1228 Euclid Street
City:	Cleveland
State/Country:	OHIO
Postal Code:	44115
Entity Type:	CORPORATION: CALIFORNIA

## PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	0796742	MONTEREY

## CORRESPONDENCE DATA

Fax Number: (336)726-6991  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: (336) 721-3747  
 Email: rspringer@wcsr.com  
 Correspondent Name: Randel S. Springer  
 Address Line 1: One West Fourth Street  
 Address Line 4: Winston-Salem, NORTH CAROLINA 27101

ATTORNEY DOCKET NUMBER:

38791.0008.8

NAME OF SUBMITTER:

Randel S. Springer

Total Attachments: 4

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## RELEASE OF TRADEMARK SECURITY AGREEMENT

THIS RELEASE, dated as of December \_\_, 1997 (this "Release"), is made by Bank of America National Trust and Savings Association (successor by merger to Bank of America Illinois, which was formerly known as Continental Bank N.A.), acting in its capacity as administrative agent (in such capacity, the "Administrative Agent") for each of the banks (the "Banks") party to the Second Restated Secured Credit Agreement, dated as of February 25, 1997 (the "Credit Agreement"), among Sealy Corporation (the "Borrower"), the Banks, Banque Paribas, as Documentation Agent, NationsBank, N.A., as Syndication Agent, and the Administrative Agent;

## WITNESSETH:

WHEREAS, the security for the obligations and liabilities of the Borrower to the Banks under the Credit Agreement includes the United States Registered Trademarks (collectively, the "Trademark Collateral") set forth on Exhibit A hereto;

WHEREAS, a security interest in the Trademark Collateral was granted by Advanced Sleep Products, a California corporation, to the Administrative Agent, for the benefit of the Administrative Agent and the Banks, pursuant to a certain Security Agreement referred to in the Credit Agreement and the Trademark Security Agreement, dated as of July 25, 1989 (the "Original Trademark Security Agreement"), recorded in the records of the United States Patent and Trademark Office on August 18, 1989 beginning at Reel 0665, Frame 580;

WHEREAS, the Original Trademark Security Agreement was assigned and amended pursuant to that certain Assignment of and Amendment to Trademark Security Agreement, dated as of May 7, 1993, recorded in the records of the United States Patent and Trademark Office on May 10, 1993 beginning at Reel 0968, Frame 137 (the Original Trademark Security Agreement, as so assigned and amended, being hereinafter referred to as the "Trademark Security Agreement"); and

WHEREAS, the Administrative Agent wishes to release its security interest in the Trademark Collateral as recorded in the records of the United States Patent and Trademark Office at the reels and frames noted above;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Administrative Agent hereby terminates and releases its security interest and releases all of its right, title and interest in all of the Trademark Collateral, as set forth on Exhibit A hereto, granted, assigned or conveyed to the Administrative Agent, for the benefit of the Administrative Agent and the Banks, pursuant to the Trademark Security Agreement.

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IN WITNESS WHEREOF, the Administrative Agent has caused this Release to be duly executed and delivered by its officer thereunto duly authorized as of the day and year first above written.

**BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION**  
(successor by merger to Bank of America Illinois, which was formerly known as Continental Bank N.A.), as Administrative Agent

By:   
Name: William J. Stafell  
Title: Vice President

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**EXHIBIT A**  
(to the Release of  
Trademark Security Agreement)

(See Attached)

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## ADVANCED SLEEP PRODUCTS

Rev. 5/4/83

## REGISTERED AND PENDING TRADEMARKS (U.S.)

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>FILED/REG. AFTER 11/81</u>
CATCH 5	1,223,045	01/11/83	
DELTA SLEEP	1,297,570	09/25/84	
HYDROCARE	1,353,490	08/13/85	
HYDROCOIL	1,330,896	04/18/85	
HYDROFIBER	1,309,032	12/11/84	
HYDROPEDIC	835,787	07/28/72	
MISC. DESIGN	1,105,024	12/05/78	
MONTEREY	796,742	09/28/83	
MONTEREY & DESIGN	1,225,078	01/25/83	
NOCTURNE	1,273,557	04/10/84	
PROTOCOL	1,448,543	07/21/87	
SUPREME SLEEP	1,273,534	04/10/84	
ULTRA SLEEP	1,529,732	03/14/89	
VISION	1,307,069	11/27/84	
WAVECREST	1,270,784	03/20/84	
WAVE DESIGN	1,361,940	09/24/85	
WAYS & MEANS	1,439,159	05/12/87	

RECORDED 12/30/1997

TRADEMARK  
REEL: 1674 FRAME: 0802