

12/27/04

12-27-2004

DEPARTMENT OF COMMERCE
Patent and Trademark Office

**RECORDATION
TRADEMARK**



102913306

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

Deutsche Bank Trust Company Americas

- Individual(s)
- General Partnership
- Corporation-State
- Other a banking corporation
- Association
- Limited Partnership

Citizenship (see guidelines) New York

Execution Date(s) December 9, 2004

Additional names of conveying parties attached? Yes No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other Release of security interest
- Merger
- Change of Name

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: New Creative Enterprises, Inc.

Internal Address: _____

Address: _____

Street Address: 401 Milford Parkway

City: Milford

State: Ohio

Country: USA Zip: 45150

- Association Citizenship _____
- General Partnership Citizenship _____
- Limited Partnership Citizenship _____
- Corporation Citizenship Ohio
- Other _____ Citizenship _____

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)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

76/168,785

Additional sheet(s) attached? Yes No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

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

Name: Diana Y. Tsai, Esq.

Internal Address: Schwartz, Cooper,
Greenberger & Krauss, Chtd.

Street Address: 180 North LaSalle Street
Suite 2700

City: Chicago

State: Illinois Zip: 60601

Phone Number: 312.516.4490

Fax Number: 312.264.2484

Email Address: dtsai@scgk.com

6. Total number of applications and registrations involved:

38

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 965.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____
Authorized User Name _____

RECEIVED
2004 DEC 27 AM 9:00
ASSIGNMENT S
965.00
12/27/2004 610M1 0000002 76168785 40.00 UP

9. Signature:

[Signature]
Signature

12/22/24
Date

DIANA Y. TSAI

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 17

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

TRADEMARK
REEL: 003096 FRAME: 0212

ATTACHMENT
to Recordation Form Cover Sheet

Continuation of Item 4. Application Number(s) or Registration Number(s)

<u>Trademark Description</u>	<u>U.S. Serial/Registration No.</u>	<u>Filing Date/Registration Date</u>
DECORATIVE CONCEPTS INCORPORATED	76/167,612	November 20, 2000
DECORATIVE CONCEPTS INCORPORATED	76/166,959	November 17, 2000
DECORATIVE CONCEPTS INCORPORATED	76/167,611	November 20, 2000
DECORATIVE CONCEPTS INCORPORATED	76/167,608	November 20, 2000
THE SQUARE NEST A DECORATIVE CONCEPTS COMPANY	76/165,335	November 15, 2000
DECORATIVE CONCEPTS INCORPORATED	76/166,952	November 17, 2000
DECORATIVE CONCEPTS INCORPORATED	76/166,953	November 17, 2000
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DECORATIVE CONCEPTS INCORPORATED	76/166,614	November 20, 2000
DECORATIVE CONCEPTS INCORPORATED	76/166,957	November 17, 2000
DECORATIVE CONCEPTS INCORPORATED	76/167,613	November 20, 2000
DECORATIVE CONCEPTS INCORPORATED	76/167,609	November 20, 2000
ALDIK	76/166,958	November 17, 2000
SUPERSILK	76/182,248	December 19, 2000
FLAG GUARD	1,949,685	January 16, 1996
NCEGIFTS.COM	76/166,951	November 17, 2000
IN THE WIND PRODUCTS	2,145,031	March 17, 1998
WINDSCULPTS	2,138,958	February 24, 1998
SNOWKINS COLLECTION & Design	2,339,154	April 4, 2000
KATHY HATCH COLLECTION & Design	2,351,233	May 23, 2000

279998.1 042314-34575

TRADEMARK
REEL: 003096 FRAME: 0213

<u>Trademark Description</u>	<u>U.S. Serial/Registration No.</u>	<u>Filing Date/Registration Date</u>
KATHY HATCH COLLECTION & Design	75/869,919	December 13, 1999
SKY SENSATIONS	75/845,704	November 9, 1999
NEW IDEAS FROM CREATIVE PEOPLE	75/869,923	December 13, 1999
NCE & Design	75/869,924	December 13, 1999
PART OF THE LANDSCAPE OF AMERICA	75/942,976	March 13, 2000
PHANTOM FLYERS & Design	76/022,423	April 10, 2000
BREEZIES & Design	2,427,127	February 6, 2001
MEADOW CREEK	76/099,576	July 31, 2000
IMPRESSIONS	76/100,029	July 31, 2000
IMPRESSIONS	76/099,575	July 31, 2000
KERSPLATZ	76/203,387	February 1, 2001
BOOKINS & Design	76/042,980	May 8, 2000
WHITE PINE EARTHENWARE	76/042,979	May 8, 2000
THE SQUARE NEST & Design	76/165,335	November 15, 2000
IMAGES IN ART	76/223,208	March 12, 2001

RELEASE AND REASSIGNMENT

THIS RELEASE AND REASSIGNMENT (this "**Release**") is made as of December 9, 2004, by **DEUTSCHE BANK TRUST COMPANY AMERICAS**, a New York banking corporation, f/k/a Bankers Trust Company, acting in its capacity as agent (in such capacity, "**Agent**") for itself and the other financial institutions (collectively, "**Lenders**") from time to time parties to the Credit Agreement referred to herein below. Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed thereto in such Credit Agreement.

WITNESSETH:

WHEREAS, Agent, Lenders and New Creative Enterprises, Inc., an Ohio corporation ("**Borrower**"), are parties to **(i)** a certain Credit Agreement, dated as of September 6, 2001, as amended (as so amended, the "**Credit Agreement**"); **(ii)** a certain Trademark Security Agreement dated as of September 6, 2001 (the "**Trademark Security Agreement**") and **(iii)** a certain General Security Agreement dated as of September 6, 2001, pursuant to which Borrower has granted a security interest to Agent in, and a collateral assignment to Agent of, among other things, the Trademarks and Licenses (in each case as defined below) as security for the Obligations (as such term is defined in the Credit Agreement), including the Trademarks set forth on **Schedule A** hereto; and

WHEREAS, the Trademark Security Agreement was recorded in the United States Patent and Trademark Office on **September 20, 2001**, in the Trademark Division at **Reel 002370, Frame 0364**; and

WHEREAS, Borrower has requested that Agent release its security interest in the "**Trademark Collateral**" (as such term is defined herein below) and reassign the same to Borrower;

NOW THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged:

1. Agent hereby releases its security interest in all of Borrower's right, title and interest in and to all of the following assets (all of which being hereinafter referred to as the "**Trademark Collateral**"):

(a) trademarks, registered trademarks, trademark applications, service marks, registered service marks and service mark applications, including, without limitation, the trademarks, registered trademarks, trademark applications, service marks, registered service marks and service mark applications listed on **Schedule A** attached hereto and made a part hereof, and **(i)** all renewals thereof, **(ii)** all income, royalties, damages and payments now and hereafter due and/or payable under and with respect thereto, including, without limitation, payments under all licenses entered into in connection therewith and damages and payments for past or future infringements or dilutions thereof,

(iii) the right to sue for past, present and future infringements and dilutions thereof, (iv) the goodwill of Borrower's business symbolized by the foregoing and connected therewith, and (v) all of Borrower's rights corresponding thereto throughout the world (all of the foregoing trademarks, registered trademarks and trademark applications, and service marks, registered service marks and service mark applications, together with the items described in **clauses (i)-(v)** in this **paragraph 1(a)**, are sometimes hereinafter individually and/or collectively referred to as the "**Trademarks**");

(b) rights under or interests in any trademark license agreements or service mark license agreements with any other party, whether Borrower is a licensee or licensor under any such license agreement, together with any goodwill connected with and symbolized by any such trademark license agreements or service mark license agreements, and the right to prepare for sale and sell any and all Inventory now or hereafter owned by Borrower and now or hereafter covered by such licenses (all of the foregoing are hereinafter referred to collectively as the "**Licenses**"); and

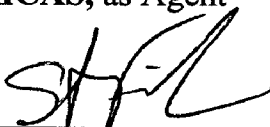
(c) all proceeds of all of the foregoing.

2. Agent hereby reassigns, grants and conveys to Borrower without any representation or undertaking by, or recourse to, Agent, all of Agent's right, title and interest, if any, in and to the Trademark Collateral.

*– Remainder of Page Intentionally Left Blank –
[Signature Page Follows]*

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

**DEUTSCHE BANK TRUST COMPANY
AMERICAS, as Agent**

By: 
Name: Steve Friedlander
Title: Director

**SCHEDULE A
TO
RELEASE AND REASSIGNMENT**

TRADEMARKS AND TRADEMARK APPLICATIONS

See Attached.

MASTER FILE REPORT

PCMASTER REPORTER

09/06/2001 9 55 PAGE: 1

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

T. 05

513 241 0246

MARK OWNER

TETERS

Decorative Concepts, Inc.

CLASS(ES): 26

GOODS: Artificial flowers

SERIAL NO.
FILE DATE

76/168,785
11/22/2000

REG. NO.
REG. DATE

COUNTRY
CODE/MATTER

United States
DCIN

STATUS
DOC. NO.

Filed
47912

DECORATIVE CONCEPTS INCORPORATED

Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/167,612
11/20/2000

United States
DCIN 03

Filed
47628

DECORATIVE CONCEPTS INCORPORATED

Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/166,959
11/17/2000

United States
DCIN 04

Filed
47629

DECORATIVE CONCEPTS INCORPORATED

Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/167,611
11/20/2000

United States
DCIN 05

Filed
47630

DECORATIVE CONCEPTS INCORPORATED

Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/167,608
11/20/2000

United States
DCIN 06

Filed
47626

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK
OWNER

THE SQUARE NEST A DECORATIVE CONCEPTS COMPANY
Decorative Concepts, Inc.

CLASS(ES):

GOODS:

SERIAL NO.
FILE DATE
76/165,335
11/15/2000

REG. NO.
REG. DATE

COUNTRY
CODE/MATTER

United States
DCIN 07

STATUS
DOC. NO.

Filed
47631

DECORATIVE CONCEPTS INCORPORATED
Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/166,952
11/17/2000

United States
DCIN 08

Filed
47625

DECORATIVE CONCEPTS INCORPORATED
Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/166,953
11/17/2000

United States
DCIN 09

Filed
47632

DECORATIVE CONCEPTS INCORPORATED
Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/166,954
11/17/2000

United States
DCIN 10

Filed
47633

DECORATIVE CONCEPTS INCORPORATED
Decorative Concepts, Inc.

CLASS(ES):

GOODS:

76/166,955
11/17/2000

United States
DCIN 11

Filed
47634

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK
OWNER

ALDIK

Decorative Concepts, Inc.

CLASS(ES): 21 26 42

GOODS: Candle accessories, not of precious metal, namely, candle holders, made of polyresin, glass or ceramic; flower pots made of wood and ceramic; holders for flowers and plants made of polyresin
Artificial flowers
Wholesale of interior decorative goods, namely, candle holders, flower pots, holders for flowers and plants, and artificial flowers via a global network

SERIAL NO.
FILE DATE

76/166,958
11/17/2000

REG. NO.
REG. DATE

COUNTRY
CODE/MATTER

United States
DCIN 18

STATUS
DOC. NO.

Filed
47913

SUPERSILK

Decorative Concepts, Inc.

CLASS(ES): 26

GOODS: Artificial flowers

76/182,248
12/19/2000

United States
DCIN 19

Filed
DCIN 47911

FLAG GUARD

New Creative Enterprises, Inc.

CLASS(ES): 1

GOODS: Fade retardant solution applied to cloth items, namely flags and windsocks

74/551,114
07/19/1994

United States
NCE 07

Registered
33849

NCEGIFTS.COM

New Creative Enterprises, Inc.

CLASS(ES): 42

GOODS: Wholesale distributorship services of interior and exterior home decorative goods, namely, candles, plant hangers, planters, candle lanterns, lamps, clocks, canvas tote bags, decorative garden stones, furniture, ornaments, picture frames, fireplace screens, wall shelves, snow globes, wind chimes, bird houses, coasters, birdfeeders, serving trays, candle accessories, baskets, holders for flowers and plants, flower pots, decorative cloth flags, lawn ornaments, cloth banners, three-dimensional hanging flag sculpture

76/166,951
11/17/2000

United States
NCE 100

Filed
46575

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK OWNER	SERIAL NO. FILE DATE	REG. NO. REG. DATE	COUNTRY CODE/MATTER	STATUS DOC. NO.
NCEGIFTS.COM	76/166,951 11/17/2000		United States NCE 100	Filed 47910

New Creative Enterprises, Inc.
 CLASS(ES): 35
 GOODS: Wholesale distributorship services of interior and exterior home decorative goods, namely, candles, plant hangers, planters, candle lanterns, lamps, clocks, canvas tote bags, decorative garden stones, furniture, ornaments, picture frames, fireplace screens, wall shelves, snow globes, wind chimes, bird houses, coasters, birdfeeders, serving trays, candle accessories, baskets, holders for flowers and plants, flower pots, decorative cloth flags, lawn ornaments, cloth banners, three-dimensional hanging flag sculpture

IN THE WIND PRODUCTS & Design	75/005,538	2,145,031	United States NCE 20	Registered 35913
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New Creative Enterprises, Inc.
 CLASS(ES): 24
 GOODS: Cloth flags and cloth banners

WINDSCULPTS	75/253,438 03/07/1997	2,138,958 02/24/1998	United States NCE 32	Registered 38658
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New Creative Enterprises, Inc.
 CLASS(ES): 24
 GOODS: Three-dimensional hanging flag sculpture decorations

SNOWKINS COLLECTION & Design	75/443,728 03/03/1998	2,339,154 04/04/2000	United States NCE 45	Registered 40853
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New Creative Enterprises, Inc.
 CLASS(ES): 6 20 21 24
 GOODS: Metal stocking holders and metal plant hangers
 Wooden lawn ornaments, picture frames
 Waterball chimes, namely, polyresin figurines enclosed in a glass globe which is attached to wind chimes, wind chimes, nativity sets made of polyresin and polyresin figurines
 Cloth flags

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK
OWNER

KATHY HATCH COLLECTION & Design (THE)
New Creative Enterprises, Inc.
CLASS(ES): 8 21

GOODS: Wooden mounted garden tool sets comprising a hand spade, a hand weeder and hand rake;
wooden caddy for garden tools
Wooden birdhouses, wooden bird feeders, wooden butterfly houses, wooden baskets, wooden
utensil caddies, and wooden planters

SERIAL NO.
FILE DATE

75/489,944
05/22/1998

REG. NO.
REG. DATE

2,351,233
05/23/2000

COUNTRY
CODE/MATTER

United States
NCE 51

STATUS
DOC. NO.

Registered
41305

KATHY HATCH COLLECTION & Design (THE)
New Creative Enterprises, Inc.
CLASS(ES): 11 14 15 16 18 20 21 24 25 27

GOODS: Lamps made of wood
Wooden wall clocks
Musical birdhouses made of wood
Note pad holders made of wood
Canvas tote bags, namely diaper bags, and hand bags
Wooden jewelry boxes; wooden serving trays; wooden paper towel holders; wooden coaster
sets; wooden fire place screens; wooden wall organizers; wooden butterfly houses; wooden
wall calendar holders; wooden stools; height gauge made of wood; wood-encased mirror;
letter holders made of wood; lawn ornaments composed of wood
Flowerpot-shaped votive candles; wind chimes; watering cans; wooden candle boxes, wooden
recipe boxes
Decorative flags
Aprons, hats, and gloves for gardening
Textile door mats and garden mats

75/869,919
12/13/1999

United States
NCE 51A

Filed
44613

SKY SENSATIONS
New Creative Enterprises, Inc.
CLASS(ES): 24

GOODS: Three-dimensional cloth flags

75/845,704
11/09/1999

United States
NCE 74

Filed
44514

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK
OWNER

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21
24

NEW IDEAS FROM CREATIVE PEOPLE

COUNTRY
CODE/MATTER

United States
NCE 75

STATUS
DOC. NO.

Filed
44614

SERIAL NO.
FILE DATE

REG. NO.
REG. DATE

75/869,923
12/13/1999

21 24 27

United States
NCE 75

United States
NCE 75

Filed
44614

GOODS: Candles and candle accessories made of wood, metal and polyresin
Plant hangers and planters made of metal; candle accessories made of metal
Lanterns; lamps
Clocks

Canvas tote bags

Decorative garden stones

Furniture items composed of wood and/or metal; lawn ornaments made of wood; picture frames; fireplace screens made of wood; stools; tables; canide accessories made of wood, planters made of wood; wall shelves; snow globes

Windchimes; birdhouses; coasters; birdfeeders; serving trays; candle accessories made of polyresin; baskets made of wood and ceramic; holders for flowers and plants made of polyresin; ceramic flower pots

Cloth flags; windsocks; lawn ornaments made of nylon; banners
Floor mats

NCE & Design

New Creative Enterprises, Inc.

CLASS(ES): 4 6 11 14 18 19 20 21 24 27

75/869,924
12/13/1999

REG. NO.
REG. DATE

United States
NCE 77

Filed
44615

GOODS: Candles and candle accessories made of wood, metal and polyresin
Plant hangers and planters made of metal; candle accessories made of metal
Lanterns; lamps
Clocks

Canvas tote bags

Decorative garden stones

Furniture items composed of wood and/or metal; lawn ornaments made of wood; picture frames; fireplace screens made of wood; stools; tables; canide accessories made of wood, planters made of wood; wall shelves; snow globes

Windchimes; birdhouses; coasters; birdfeeders; serving trays; candle accessories made of polyresin; baskets made of wood and ceramic; holders for flowers and plants made of polyresin; ceramic flower pots

Cloth flags; windsocks; lawn ornaments made of nylon; banners
Floor mats

TRADEMARK

REEL: 003096 FRAME: 0225

SEP-06-2001 11:38

P. 11

WOOD, HERNON, & EVANS

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK
OWNER

PART OF THE LANDSCAPE OF AMERICA

New Creative Enterprises, Inc.

CLASS(ES): 20 24

GOODS: Lawn ornaments made of wood; design posts for decorative lawn use
Decorative flags, windsocks, banners, cloth lawn ornaments

PHANTOM FLYERS & Design

New Creative Enterprises, Inc.

CLASS(ES): 24

GOODS: Halloween-themed decorative nylon flags and windsocks

BREEZIES & Design

New Creative Enterprises, Inc.

CLASS(ES): 24

GOODS: Decorative nylon flags

MEADOW CREEK

New Creative Enterprises, Inc.

CLASS(ES): 24

GOODS: Decorative nylon cloth flags

IMPRESSIONS

New Creative Enterprises, Inc.

CLASS(ES): 24

GOODS: Decorative nylon cloth flags

SERIAL NO.
FILE DATE

75/942,976
03/13/2000

REG. NO.
REG. DATE

COUNTRY
CODE/MATTER

United States
NCE 78

STATUS
DOC. NO.

Filed
45125

76/022,423
04/10/2000

United States
NCE 80A

Filed
45385

76/017,363
04/04/2000

United States
NCE 82

Registered
45318

2,427,127
02/06/2001

76/099,576
07/31/2000

United States
NCE 83A

Filed
46029

76/100,029
07/31/2000

United States
NCE 84A1

Filed
46028

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK OWNER SERIAL NO. FILE DATE REG. NO. REG. DATE COUNTRY CODE/MATTER STATUS DOC. NO.
 11 0246 IMPRESSIONS 76/099,575 07/31/2000 United States NCE 84A2 Filed 46027
 12 241 New Creative Enterprises, Inc.
 13 CLASS(ES): 27
 14 GOODS: Floor mats for use in the home

KERSPLATZ 76/203,387 02/01/2001 United States NCE 89A Filed 46505
 New Creative Enterprises, Inc.
 CLASS(ES): 20
 GOODS: Soft sculpture wall and hanging decorations

BOOKINS & Design 76/042,980 05/08/2000 United States NCE 90A Filed 45594
 New Creative Enterprises, Inc.

CLASS(ES): 6 11 15 18 20 21 24 27
 GOODS: Line of collectible items including shepherd's pole; lawn ornaments; decorative signs made of metal
 Lamps
 Music boxes
 Canvas sacks or bags
 Candle holders made of polyresin, picture frames, jack-o-lantern boxes made of wood
 Birdhouses, wooden trays, windchimes
 Decorative Halloween-themed flags
 Floor mats

WHITE PINE EARTHENWARE 76/042,979 05/08/2000 United States NCE 91A Filed 45595
 New Creative Enterprises, Inc.
 CLASS(ES): 21
 GOODS: Ceramic pottery

P. 13

SEP-06-2001 11:09

Trademark Property of New Creative Enterprises, Inc. and Decorative Concepts, Inc.

MARK
OWNER

THE SQUARE NEST & Design
Decorative Concepts, Inc.

CLASS(ES): 11 14 16 20 21 31

GOODS: Lamps, namely, candle and electric lamps; lamp shades; decorative water fountains, candle lanterns

Clocks

Mail dividers

Picture frames, cloth pillows, umbrella stands, mirrors, plaques, plate stands, decorative furniture screens, planter stands, wall shelves, tables, coat racks, magazine racks, and window boxes

Decorative bowls, vases and votives, planters, decorative plates, glass figurines, bird feeders, decorative trash pails, decorative wall sconces, pitchers, serving trays not of precious metal, ice buckets, candle holders not of precious metal, candle sticks, bird cages, coasters, wine racks, urns, glassware and stoneware goods in the nature of bowls, plates and vases

Pressed flowers and dried floral arrangements

SERIAL NO.
FILE DATE

REG. NO.
REG. DATE

COUNTRY
CODE/MATTER

STATUS
DOC. NO.

76/165,335
11/15/2000

United States
NCE 94A

Filed
46383

IMAGES IN ART

New Creative Enterprises, Inc.

CLASS(ES): 24

GOODS: Decorative nylon cloth flags

76/223,208
03/12/2001

United States
NCE 99A

Filed
46571