# TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1 Stylesheet Version v1.2

ETAS ID: TM418826

**SUBMISSION TYPE: NEW ASSIGNMENT** 

**NATURE OF CONVEYANCE:** SECURITY INTEREST

#### **CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
VISTA ACQUISITION COMPANY LLC		02/17/2017	Limited Liability Company: DELAWARE

### **RECEIVING PARTY DATA**

Name:	Texas Capital Bank, National Association		
Street Address:	98 SAN JACINTO BLVD		
Internal Address:	Suite 200		
City:	AUSTIN		
State/Country:	TEXAS		
Postal Code:	78701		
Entity Type:	National Banking Association: UNITED STATES		

#### **PROPERTY NUMBERS Total: 3**

Property Type	Number	Word Mark
Registration Number:	4393145	ENVIROTEK
Registration Number:	4343402	ECO-SURE
Registration Number:	3471500	VISTA WINDOW COMPANY

## CORRESPONDENCE DATA

Fax Number: 5124578008

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: 5124578000

Email: alundsten@dbcllp.com

**Correspondent Name:** DuBois, Bryant & Campbell LLP

Address Line 1: 303 Colorado St. Address Line 2: **Suite 2300** 

Address Line 4: Austin, TEXAS 78701

NAME OF SUBMITTER: Ashley Lundsten **SIGNATURE:** /Ashley Lundsten/

**DATE SIGNED:** 03/08/2017

**Total Attachments: 4** 

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**TRADEMARK** REEL: 006006 FRAME: 0321

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TRADEMARK REEL: 006006 FRAME: 0322

#### NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS

This NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS (this "Notice"), dated as February 17, 2017, is filed by VISTA ACQUISITION COMPANY LLC, a Delaware limited liability company ("Vista"), to provide notice of a security interest held by TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association ("Lender") in certain trademarks owned by Vista.

- 1. Vista owns the trademarks and service marks set forth on <u>Schedule 1</u> attached hereto, including the associated registrations for registration set forth in <u>Schedule 1</u> attached hereto (collectively, the "<u>Trademarks</u>") and all goodwill of any business connected with the use of and symbolized thereby.
- 2. Vista and Paradigm Operating Company LLC, a Delaware limited liability company ("POC"), and Lender are entering into that certain Second Modification of Loan Documents, Loan Increase and Joinder dated of even date herewith (the "Second Modification"), modifying and amending, among other things, the Credit Agreement dated effective as of December 21, 2015 by and between POC and Lender, which Credit Agreement is being joined into by Vista in accordance with the Second Modification (as it has been and may further be amended, modified, renewed, restated, extended, supplemented, replaced, consolidated, substituted, or otherwise changed from time to time, the "Credit Agreement").
- 3. In connection with the Credit Agreement and the secure its obligations thereunder, POC entered into that certain Pledge and Security Agreement dated of even date with the Credit Agreement, being joined into by Vista in accordance with the Second Modification, whereby POC granted a security interest in, among other things, trademarks and service marks of POC as described therein, which Security Agreement has been filed in the United States Patent and Trademark Office (the "PTO") pursuant to Notice of Recordation of Assignment Document reference number 9003481785 (as it has been and may further be modified, amended, renewed, extended, and/or restated from time to time the "Security Agreement", and collectively with the Credit Agreement, the "Credit Documents"). Capitalized terms used in this Notice but not defined shall have the meanings set forth in the Credit Documents.
- 4. Pursuant to the Credit Documents, Vista granted to Lender a valid, continuing security interest in certain intellectual property owned or hereafter acquired by Vista (collectively, the "<u>Trademark Collateral</u>").
- 5. Vista has agreed to execute and deliver to Lender this Notice for purposes of filing the same with the PTO to verify, confirm and evidence the security interest in the Trademark Collateral granted pursuant to the Credit Documents.
- 6. This Notice constitutes public notice of the grant and ongoing continuation of Lender's security interest in and lien on Vista's right, title and interest in, to and under the Trademark Collateral.
- 7. Vista hereby requests the PTO to file and record the same together with the annexed Schedule 1.
- 8. Vista and Lender hereby acknowledge and agree that the security interest in the Trademark Collateral may only be terminated in accordance with the terms of the Credit Documents.

NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS, Page 1 2458094.2

- 9. Vista's address for notice is 1701 Henn Parkway SW Warren, Ohio 44481.
- 10. Lender's address for notice is 98 San Jacinto, Suite 200, Austin, Texas 78701.
- 11. THIS NOTICE SHALL BE GOVERNED BY THE INTERNAL LAWS OF THE STATE OF TEXAS WITHOUT REGARD TO CHOICE OF LAW RULES.

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NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS, Page 2  $_{\mathtt{2458094.2}}$ 

TRADEMARK REEL: 006006 FRAME: 0324 The undersigned has caused this Notice of Grant of Security Interest in Trademarks to be duly executed and delivered as of the date first above written.

VISTA ACQUISITION COMPANY LLC, a Delaware

limited liability company

By:

Name: Andrew Sevier

Title: President

# **SCHEDULE 1**

Serial Number	Registration Number
85522615	4393145
85522369	4343402
77344764	3471500
	85522615 85522369

NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS, Schedule 1  $_{\hbox{\tiny 2458094.2}}$ 

**RECORDED: 03/08/2017** 

TRADEMARK REEL: 006006 FRAME: 0326