

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM666347

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Partial Release of Security Interest in Trademarks		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Bank of America, N.A.		07/30/2021	National Association: UNITED STATES
RECEIVING PARTY DATA			
Name:	Brand Matter, LLC		
Street Address:	1407 Broadway, 38th Floor		
City:	New York		
State/Country:	NEW YORK		
Postal Code:	10018		
Entity Type:	Limited Liability Company: DELAWARE		
PROPERTY NUMBERS Total: 25			
Property Type	Number	Word Mark	
Registration Number:	4422145	COMPANY ELLEN TRACY	
Registration Number:	1780391	ELLEN TRACY	
Registration Number:	3112534	ELLEN TRACY	
Registration Number:	2863810	ELLEN TRACY	
Registration Number:	5034609	WOMEN-HYPHENATED	
Registration Number:	2845458	CARIBBEAN JOE	
Registration Number:	3399348	CARIBBEAN JOE	
Registration Number:	4283343	CARIBBEAN JOE	
Registration Number:	4218374	CARIBBEAN JOE	
Registration Number:	4016218	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	3677211	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	3917393	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	3673746	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	3673747	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	3928857	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	4035248	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	3931350	CARIBBEAN JOE ISLAND SUPPLY CO.	
Registration Number:	5096066	CJ BREEZE	
Registration Number:	3032684		
TRADEMARK			

CH \$640.00 4422145

Property Type	Number	Word Mark
Registration Number:	3096057	
Registration Number:	3083238	
Registration Number:	3032685	
Registration Number:	4429106	
Registration Number:	3088001	JAMAICA BAY
Registration Number:	4932822	JAMAICA BAY

CORRESPONDENCE DATA

Fax Number: 9494754754

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: 949-451-3800

Email: skann@gibsondunn.com

Correspondent Name: Stephanie Kann

Address Line 1: 3161 Michelson Drive

Address Line 2: Gibson, Dunn & Crutcher LLP

Address Line 4: Irvine, CALIFORNIA 92612

ATTORNEY DOCKET NUMBER: 90887-00020

NAME OF SUBMITTER: Stephanie Kann

SIGNATURE: /stephanie kann/

DATE SIGNED: 08/10/2021

Total Attachments: 7

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PARTIAL RELEASE OF SECURITY INTEREST IN TRADEMARKS

This **PARTIAL RELEASE OF SECURITY INTEREST IN TRADEMARKS** (this “**Partial Release**”) is granted as of July 30, 2021 by **BANK OF AMERICA, N.A.**, as administrative agent and collateral agent (the “**Grantee**”), in favor of **BRAND MATTER, LLC**, a Delaware limited liability company (the “**Grantor**”);

WHEREAS, the Grantor, among others, has executed and delivered: (i) a Grant of Security Interest in United States Trademarks, dated as of March 28, 2013 (the “**2013 Agreement**”), which was recorded with the United States Patent and Trademark Office (the “**PTO**”) on March 28, 2013, at Reel 004993 and Frame 0107; (ii) Third Supplement to Grant of Security Interest in United States Trademarks, dated as of May 14, 2015 (the “**First 2015 Agreement**”), which was recorded with the PTO on March 15, 2015, at Reel 005517 and Frame 0926; and (iii) Fifth Supplement to Grant of Security Interest in United States Trademarks, dated as of September 30, 2015 (the “**Second 2015 Agreement**” and together with 2013 Agreement and the First 2015 Agreement, the “**Agreements**”) which was recorded with the PTO on October 21, 2015, at Reel 005649 and Frame 0692.

WHEREAS, the Grantor has entered into (i) that certain Sale and Purchase Agreement, dated as of July 30, 2021 (the “**ET Purchase Agreement**”) with the Grantor, as the seller, and Ellen Tracy Holdings, LLC, a New Jersey limited liability company (the “**Assignee**”) and (ii) that certain Sale and Purchase Agreement, dated as of July 30, 2021 (the “**CJ Purchase Agreement**” and together with the ET Purchase Agreement, the “**Purchase Agreements**”) with the Grantor, as the seller, and Caribbean Joe Holdings, LLC, a New Jersey limited liability company (the “**CJ Assignee**” and together with the ET Assignee, the “**Assignees**”), pursuant to which, the Grantor has agreed to assign to the Assignees all of its right, title and interest in the Marks (as defined in the Agreements) set forth in Schedule A annexed hereto (the “**Released Trademarks**”); and

WHEREAS, in connection with the Purchase Agreement, the Grantor has requested that that the Grantee release and discharge fully its interest in the Released Trademarks.

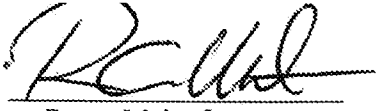
NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantee does hereby release and discharge, without any representation or warranty, any and all liens and security interests it may have in and to the Released Trademarks expressly identified in Schedule A.

The Grantee hereby authorizes and requests that the PTO note and record the present Partial Release.

Except for the release of the Released Trademarks specifically identified on Schedule A attached hereto, all terms and provisions of the Agreements shall remain in full force and effect. Nothing contained herein shall in any way impair the validity or enforceability of the Agreement, as modified hereby, or alter, waive, annul, vary, affect, or impair any provisions, conditions, or covenants contained therein or any rights, powers, or remedies granted therein. **Any lien and/or security interest granted in any Marks pursuant to the Agreements or the Security Agreement shall remain unchanged and in full force and effect except as specifically released hereby and shall continue to secure the payment and performance of all of the Secured Obligations (as defined in the Security Agreement).**

THIS PARTIAL RELEASE OF SECURITY INTEREST IN TRADEMARKS SHALL BE GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH, THE LAW OF THE STATE OF NEW YORK.

BANK OF AMERICA, N.A.,

By: 

Name: Roger Malouf

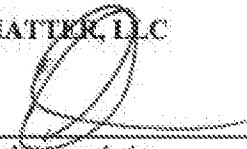
Title: Senior Vice President

IN WITNESS WHEREOF, the undersigned has duly executed and delivered this Partial Release as of the date above first written.

BANK OF AMERICA, N.A.

By: _____
Name:
Title:

BRAND MATTER, LLC

By:  _____
Name: Chad Wagenheim
Title: President

SCHEDULE "A"

RELEASED TRADEMARKS

UNITED STATES

ELLEN -00002US COMPANY ELLEN TRACY 2/26/2009 10/22/2013 5517/0926
77679016 4422145

Goods: 25 - Clothing, namely, shirts, pants, sleepwear, lingerie, loungewear

ELLEN -00001US ELLEN TRACY 10/28/1992 7/6/1993 4993/0107
74326572 1780391

Goods: 25 - Women's outer clothing; namely, blouses, shirts, tops, vests, skirts, pants, suits, separates; namely, skirts, pants, shirts and jackets, dresses, sweaters, jackets, belts, swimwear and swimwear coverups, cloth coats and raincoats; women's neckwear; namely, scarves, mufflers, shawls, stoles, capes, jabots and ties; women's footwear; namely, boots and shoes

ELLEN -00001US.03 ELLEN TRACY 9/30/2002 7/4/2006 4993/0107
78169120 3112534



Goods: 25 - Pantyhose, socks and coats
35 - Online retail services featuring eyewear and clothing

ELLEN -00001US.01 ELLEN TRACY 9/30/2002 7/13/2004 2863810
78975375


Goods: 03 - perfumes
09 - sunglasses, eyeglasses, eyeglass frames, eyeglass cases
14 - necklaces, earrings, bracelets, rings being jewelry
18 - cosmetic and toiletry cases sold empty;
35 - retail store services

ELLEN -00003US WOMEN -HYPHENATED 8/4/2015 9/6/2016 5649/0692
86714420 5034609


Goods: 41 - Production of documentaries and other media, namely, videos recognizing and honoring the many roles of women today

CJOE-00001US.01	CARIBBEAN JOE	6/21/2001 76275113	5/25/2004 2845458	4993/0107	
	Goods:	25 - Men and women's sportswear, namely, coats, jackets, sweaters, pants, shorts, skirts and women's skirts and dresses			
CJOE-00001US.02	CARIBBEAN JOE	12/4/2003 78336621	3/18/2008 3399348	4993/0107	
	Goods:	09 - sunglasses 18 - Handbags made of cloth and leather, shoulder bags, purses 25 - Ladies and men's apparel, footwear and headwear, namely, dresses, shirts, blouses, skirts, pants, cropped pants, t-shirts, shorts, sweaters, vests, hats, caps, shoes, sandals, swimwear, lingerie, pajamas, underwear, robes			
CJOE-00001US	CARIBBEAN JOE	5/13/2010 85037813	1/29/2013 4283343	4993/0107	
	Goods:	24 - Bed linen; bed sheets; comforters; pillow shams; bed blankets			
CJOE-00001US.03	CARIBBEAN JOE	7/27/2010 85094039	10/2/2012 4218374	4993/0107	
	Goods:	18 - Umbrellas and tote bags 20 - Chairs and beach chairs 21 - Portable coolers			
CJOE-00002US.01	CARIBBEAN JOE ISLAND SUPPLY CO.	11/16/2007 77331268	8/23/2011 4016218	4993/0107	
	Goods:	25 - Men's and women's apparel, namely, woven tops, knit tops, polo shirts, tee shirts, sweaters, pants, shorts, capris, woven bottoms, swimwear; footwear, namely, sandals and flip flops			
CJOE-00002US	CARIBBEAN JOE ISLAND SUPPLY CO.	11/15/2007 77330907	9/1/2009 3677211	4993/0107	
	Goods:	18 - Handbags			
CJOE-00002US.02 ¹	CARIBBEAN JOE ISLAND SUPPLY CO.	11/15/2007 77330194	2/8/2011 3917393	4993/0107	
	Goods:	24 - Beach towels			
CJOE-00004US	CARIBBEAN JOE ISLAND SUPPLY CO. (Circle Design)	11/9/2007 77325918	8/25/2009 3673746	4993/0107	
	Goods:	18 - Luggage; Handbags			
CJOE-00013US.01	CARIBBEAN JOE ISLAND SUPPLY CO. and Design	11/9/2007 77326051	8/25/2009 3673747	4993/0107	


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CJOE-00013US	CARIBBEAN JOE ISLAND SUPPLY CO. and Design	11/9/2007 77326040	3/8/2011 3928857	4993/0107	
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Goods: 09 - Sunglasses

CJOE-00003US.01	CARIBBEAN JOE ISLAND SUPPLY CO. and Stacked Design	11/9/2007 77325599	10/4/2011 4035248	4993/0107	
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Goods: 25 - men's apparel, namely, woven tops

CJOE-00003US ²	CARIBBEAN JOE ISLAND SUPPLY CO. and Stacked Design	11/9/2007 77325639	3/15/2011 3931350	4993/0107	
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Goods: 24 - Beach towels

CJOE-00006US.01	CJ BREEZE	12/19/2014 86486152	12/6/2016 5096066	5517/0926	
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Goods: 24 - Home textiles, namely, bedding and comforters.

CJOE-00011US.01	Hut and Tree Design	10/29/2003 76560173	12/20/2005 3032684	4993/0107	
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Goods: 24 - Bed sheets, pillow cases, comforters, bedspreads, bed skirts, pillow shams, bed blankets, towels, wash cloths

CJOE-00011US	Hut and Tree Design	10/29/2003 76560168	5/23/2006 3096057	4993/0107	
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Goods: 18 - Tote bags, hand bags, purses, clutch purses, shoulder bags, carry-on bags, travel bags beach bags, satchels, luggage, toiletry cases sold empty, cosmetic bags sold empty and wallets.

CJOE-00011US.03		10/29/2003 76560169	4/18/2006 3083238	4993/0107	
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CJOE-00011US.02	Hut and Tree Design	10/29/2003 76560174	12/20/2005 3032685	4993/0107
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Goods: 25 - Men's and women's clothing, namely, shirts, T-shirts, under shirts, night shirts, polo shirts, pants, shorts, boxer shorts, tops, blouses, sweaters, vests, pullovers, swimwear, beachwear, caps, hats, visors, headwear, belts, underwear, swimming and bathing trunks, loungewear, bathrobes, pajamas, sleepwear, sandals

CJOE-00011US.04	Hut and Tree Design (rev.)	7/27/2010 85094070	11/5/2013 4429106	5517/0926
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Goods: 018 - Umbrellas
020 - Chairs and beach chairs

CJOE-00009US.01	JAMAICA BAY	8/22/2003 76542054	5/2/2006 3088001	<u>4993/0107</u>
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Goods: 25 - Swimwear

CJOE-00009US	JAMAICA BAY	8/16/2013 86040103	4/5/2016 4932822	<u>5517/0926</u>
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Goods: 25 - Clothing and accessories, namely, shorts, tops and beachwear