

ESTTA Tracking number: **ESTTA895834**

Filing date: **05/10/2018**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Safer, Inc.
Granted to Date of previous extension	05/12/2018
Address	69 North Locust Street Lititz, PA 17543 UNITED STATES

Attorney information	Harvey B. Jacobson, Jr., Leesa N. Weiss Jacobson Holman PLLC 400 7th St., N.W.Suite 700 Washington, DC 20004 UNITED STATES Email: trademark@jhip.com, hjacobson@jhip.com, lweiss@jhip.com, cchapman@jhip.com, jgurney@jhip.com Phone: 202-638-6666
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**Applicant Information**

Application No	87592042	Publication date	03/13/2018
Opposition Filing Date	05/10/2018	Opposition Period Ends	05/12/2018
Applicant	George O. Sims, III 623 Waldron Street Arcadia, FL 34266 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Fertilisers; Fertilisers for soil and potting soil; Fertilizers; Fertilizers for agricultural use; Soil additives; Soilamendments; Soil conditioners for agricultural purposes; Soil conditioners for horticultural purposes; Soil improving agents; Soil surfactant used to promote uniform movement of water in soil; Natural fertilizers; excluding products employing added micro-organisms and products intended for domestic/household use
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration	1049315	Application Date	04/30/1975
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No.			
Registration Date	10/05/1976	Foreign Priority Date	NONE
Word Mark	RESTORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1975/04/14 First Use In Commerce: 1975/04/14 SOIL CONDITIONER EMPLOYING MICRO-ORGANISMS		

U.S. Registration No.	1681698	Application Date	10/17/1990
Registration Date	04/07/1992	Foreign Priority Date	NONE
Word Mark	RESTORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1975/04/14 First Use In Commerce: 1975/04/14 full line of soil conditioners and fertilizers for domestic/household use		

Attachments	Safer v Sims - RESTORE Notice of Opposition.pdf(20688 bytes ) RESTORE RN 1049315.pdf(60380 bytes ) RESTORE RN 1681698.pdf(555626 bytes ) Tropper email - March 29 2018.pdf(78692 bytes )
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Signature	/Leesa N. Weiss/
Name	Leesa N. Weiss
Date	05/10/2018

IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD

SAFER, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
GEORGE O. SIMS, III,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

In the matter of an application to register a trademark under the Trademark Act of 1946, Serial No. 87/592,042, filed August 31, 2017, by George O. Sims, III (“Applicant”), published for opposition in the *Trademark Official Gazette* of March 13, 2018, for the mark “Carbon Works Restore - The New True Starter” (“Applicant’s mark”), the Opposer, Safer, Inc., believes it will be damaged by the registration of said alleged trademark and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, Safer, Inc., is a corporation duly organized and existing under the laws of the State of Delaware, having a place of business at 69 North Locust Street, Lititz, Pennsylvania 17543. Opposer Safer, itself and through its predecessors in interest (collectively, “Safer”), develops, manufactures, markets, promotes and sells, *inter alia*, organic, environmentally conscious fertilizers, compost additives, soil conditioners, soil supplements, soil innoculants, compost innoculants and plant food, fungicides, herbicides, insecticides, pesticides and animal repellents for agricultural, commercial and domestic use (collectively, “Safer’s products”).

2. For more than forty (40) years, and long prior to the filing date of, and/or the date of first use alleged in, the application opposed herein, Safer continuously has, and currently manufactures, markets, promotes and sells in commerce organic fertilizers and soil conditioners employing microorganisms to promote deep root growth of plants and feed beneficial microbes and organisms that live below the soil (collectively, “Safer’s fertilizers”).

3. Since at least as early as April 14, 1975, Safer adopted, and continuously has used, the trademark **RESTORE**<sup>®</sup> (“**RESTORE**<sup>®</sup> Mark”) in conjunction with Safer’s fertilizers in commerce in the United States. Safer continuously has used its **RESTORE**<sup>®</sup> Mark in commerce in connection with the manufacturing, marketing, promoting and selling of fertilizers, and to identify and designate same, and to distinguish its fertilizer products from those of others.

4. Safer is the owner of, and will rely on herein the following U.S. trademark registrations (collectively, “**RESTORE**<sup>®</sup> Registrations”) for its **RESTORE**<sup>®</sup> Mark:

<u>Registration No.</u>	<u>Goods</u>
1,049,315	Soil conditioner employing micro-organisms
1,681,698	Full line of soil conditioners and fertilizers for domestic/household use

Safer’s **RESTORE**<sup>®</sup> Registrations are valid, subsisting, incontestable and constitute conclusive evidence of Opposer’s ownership of the **RESTORE**<sup>®</sup> Mark set forth therein and exclusive right to use same in commerce in connection with Safer’s fertilizers identified therein. 15 U.S.C. § 1115(b). Attached hereto are printouts of information from the electronic database records of the U.S. Patent & Trademark Office showing the current status and title of the aforesaid **RESTORE**<sup>®</sup> Registrations.

5. On August 15, 2016, Applicant filed an application, Serial No. 87/138,664 pursuant to Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), to register “Restore - The New True Starter” for “fertilizers; fertilizers for agricultural use; fertilizers for domestic use; soil amendments; soil additives; soil conditioners for agricultural purposes; soil conditioners for horticultural purposes; fertiliser for soil and potting soil; fertilisers for soil and potting soil; horticultural soil amendments that are incorporated into or onto a turf, lawn or soil profile; humic acid sold as an ingredient of fertilizer and soil conditioning preparations; humic acid sold as an ingredient of fertilizer and soil conditioning preparations; natural fertilizers” alleging use of the subject mark for said goods since August 9, 2016 (“the '664 application”). Registration of the '664 application was refused by the Patent & Trademark Office pursuant to 15 U.S.C. § 1052(d) based on a likelihood of confusion with Safer’s **RESTORE**<sup>®</sup> Mark and **RESTORE**<sup>®</sup> Registrations. The '664 application was abandoned by the Patent & Trademark Office on January 12, 2018, when Applicant failed to respond to the Examining Attorney’s final refusal of registration.

6. Notwithstanding the filing basis for the '664 application, and Applicant’s assertion that it had used, and was using, “Restore - The New True Starter” in connection with the goods in the '664 application identified as “fertilizers for domestic use” or any other products identified in the '664 application intended for domestic/household use, on information and belief Applicant had never used, and had no intention of using “Restore - The New True Starter” in connection with “fertilizers for domestic use” or any other products identified in the '664 application intended for domestic/household use. *See* March 29, 2018 email from J. Tropper, a copy of which is attached.

7. On August 31, 2017, Applicant filed the application opposed herein pursuant to Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), seeking to register Applicant's mark for "fertilisers; fertilisers for soil and potting soil; fertilizers; fertilizers for agricultural use; fertilizers for domestic use; fertilizers for household plants; soil additives; soil amendments; soil conditioners for agricultural purposes; soil conditioners for horticultural purposes; soil improving agents, soil surfactant used to promote uniform movement of water in soil; natural fertilizers". Said application was accorded Serial No. 87/592,042 ("the '042 application"), and contained the standard declaration as to the truth of Applicant's statements in the application. The '042 application, as filed, alleged use of Applicant's mark for said goods since August 9, 2016, the same date of first use alleged in Applicant's '664 application.

8. On information and belief, as of the August 31, 2017 filing date of the '042 application, Applicant had not used Applicant's mark for any of the goods identified in the '042 application.

9. In an Office Action issued December 14, 2017, the Trademark Examining Attorney objected to the specimen filed with the '042 application which reflected use of "Restore - The New True Starter" and required Applicant to submit a substitute specimen, or amend the '042 application to seek registration pursuant to Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

10. On January 10, 2018, Applicant amended the basis for the '042 application to Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

11. On information and belief, as of the August 31, 2017 filing date of the '042 application, or the January 10, 2018 date on which Applicant amended the '042 application

to Section 1(b) of the Trademark Act, Applicant had never used, and had no intention of ever using, Applicant's mark for fertilizers for domestic use, or fertilizers for household plants.

12. On February 21, 2018, the Patent & Trademark Office issued a Notice of Publication for the '042 application, scheduling same for publication in the *Official Gazette* on March 13, 2018.

13. On March 9, 2018, four (4) days before the scheduled publication of the '042 application, Applicant filed a Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment seeking to delete the following goods from the '042 application: fertilizers for domestic use, and fertilizers for household plants; and adding the following language to the identification of goods in the '042 application: "excluding products employing added micro-organisms and products intended for domestic/household use". Applicant explained its proposed amendment to the identification of goods in the '042 application as:

Avoidance of any possible confusion with another company that sells fertilizers for domestic/household use employing micro-organisms. Applicant does not believe that there is any likelihood of confusion with the goods as originally described and approved, but amends to make it more evident that there is no likelihood of confusion.

14. On March 13, 2018, the '042 application was published for opposition in the *Official Gazette* with the following identification of goods: "fertilisers; fertilisers for soil and potting soil; fertilizers; fertilizers for agricultural use; fertilizers for domestic use; fertilizers for household plants; soil additives; soil amendments; soil conditioners for agricultural purposes; soil conditioners for horticultural purposes; soil improving agents, soil surfactant used to promote uniform movement of water in soil; natural fertilizers".

15. On March 14, 2018, Opposer filed a Request for extension of time to file a Notice of Opposition to the '042 application. Said Request was granted by the Trademark Trial & Appeal Board (“Board”) on March 14, 2018.

16. On April 5, 2018, more than three (3) weeks after Opposer filed its Request for extension of time to file a Notice of Opposition to the '042 application and the Board’s grant of same, Applicant’s Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment was entered by the Petition Staff of the Patent & Trademark Office, in contravention of Section 1505 of the *Trademark Manual of Examining Procedure* (“*TMEP*”).<sup>1</sup>

17. Applicant’s mark sought to be registered in the '042 application opposed herein incorporates Safer’s **RESTORE**<sup>®</sup> Mark in its entirety.

18. The mark sought to be registered by Applicant in the '042 application opposed herein is identical to, a colorable imitation of, and/or confusingly similar to Safer’s **RESTORE**<sup>®</sup> Mark.

19. The amendments proposed in Applicant’s Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment filed four (4) days before publication of the '042 application, result in a material difference in the nature of the goods and, therefore, should not have been entered. *See* Section 1505.01(a), *TMEP*.<sup>2</sup> *See also* Section 1505.03(a), *TMEP*.<sup>3</sup>

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<sup>1</sup>“For processing purposes, an ‘amendment after publication’ includes any amendment filed during the time period in which the USPTO is unable to withdraw a mark from its scheduled publication in the *Official Gazette*, or from the scheduled issuance of its registration. The USPTO is generally unable to withdraw a mark unless the amendment is received and processed at least twenty days before the scheduled publication date or registration issue date.”

<sup>2</sup>“The USPTO cannot process any amendment filed during the time periods in which the mark cannot be withdrawn from publication in the *Official Gazette* or from issuance of a registration.”

<sup>3</sup>A material difference in the nature of the goods results if the identification of goods following the post-publication amendment is narrower in scope than the published identification.



20. The goods set forth in the '042 application, as published on March 13, 2018, herein are identical, similar and/or related to Safer's fertilizers with which Opposer continuously has used in commerce for more than forty (40) years, and continues to use in commerce, its **RESTORE**<sup>®</sup> Mark.

21. On information and belief, the goods set forth in the '042 application are and/or will be sold through the same and/or similar channels of trade, and/or to the same general class of purchasers to which Safer's products and Safer's fertilizers are marketed, promoted and sold, as well as Safer's fertilizers marketed, promoted and sold under its **RESTORE**<sup>®</sup> Mark.

22. On information and belief, the goods set forth in the in the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment filed on March 9, 2018 by Applicant in connection with '042 application are identical, similar and/or related to Safer's fertilizers with which Opposer continuously has used in commerce for more than forty (40) years, and continues to use in commerce, its **RESTORE**<sup>®</sup> Mark.

23. On information and belief, the goods set forth in the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment filed March 9, 2018 by Applicant in connection with the '042 application are and/or will be sold through the same and/or similar channels of trade, and/or to the same general class of purchasers to which Safer's products and Safer's fertilizers are marketed, promoted and sold, as well as Safer's fertilizers marketed, promoted and sold under its **RESTORE**<sup>®</sup> Mark.

24. The registration and/or use of Applicant's mark for Applicant's goods as set forth in the '042 application opposed herein, is likely to cause confusion, mistake, and/or to

deceive as to origin, sponsorship, and/or association of same *vis-a-vis* Safer, Safer's products, Safer's fertilizers and/or Safer's **RESTORE**<sup>®</sup> Mark.

25. The registration and/or use of Applicant's mark, as set forth in the '042 application opposed herein, is likely to mislead purchasers of Applicant's goods and/or the public in general, into believing that Applicant's goods are sold by, emanate from, and/or in some way, directly or indirectly, are associated with Safer, Safer's products and/or Safer's fertilizers, including fertilizers manufactured, marketed, promoted and sold under Safer's **RESTORE**<sup>®</sup> Mark, to the damage and detriment of Safer.

26. The registration of Applicant's mark herein would provide color of *prima facie* exclusive rights to Applicant to use a trademark which incorporates in its entirety Safer's **RESTORE**<sup>®</sup> Mark, namely, "Carbon Works Restore - The New True Starter".

27. By virtue of the foregoing, Safer believes it will be damaged by the registration of Applicant's mark, as set forth in the '042 application therefor.

28. If Applicant is granted registration of Applicant's mark opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which he is not entitled under the Trademark Act of 1946, to the detriment and harm of Safer.

**WHEREFORE**, this Opposer believes and alleges that it will be damaged by registration of the mark of application Serial No. 87/592,042, as aforesaid, and prays that:

- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present opposition be sustained; and
- C. registration of application Serial No. 87/592,042 be rejected and refused.

Should the payment accompanying this Notice of Opposition be insufficient, the Board is hereby authorized to charge counsel's Deposit Account No. 06-1358.

Respectfully submitted,

SAFER, INC.

By: \_\_\_\_\_/Leesa N. Weiss/

Harvey B. Jacobson, Jr.

Leesa N. Weiss

JACOBSON HOLMAN PLLC

400 Seventh St., N.W.

Washington, D.C. 20004

(202) 638-6666

Date: May 10, 2018

Generated on: This page was generated by TSDR on 2018-05-10 12:42:23 EDT

Mark: RESTORE

US Serial Number: 73050988

Application Filing Date: Apr. 30, 1975

US Registration Number: 1049315

Registration Date: Oct. 05, 1976

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 10, 2016

## Mark Information

Mark Literal Elements: RESTORE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: SOIL CONDITIONER EMPLOYING MICRO-ORGANISMS

International Class(es): 001 - Primary Class

U.S Class(es): 010

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 14, 1975

Use in Commerce: Apr. 14, 1975

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** SAFER, INC.

**Owner Address:** 69 NORTH LOCUST  
LITITZ, PENNSYLVANIA UNITED STATES 17543

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Harvey B. Jacobson, Jr.

**Docket Number:** T 35152USO

**Attorney Primary  
Email Address:** [trademark@jhj.com](mailto:trademark@jhj.com)

**Attorney Email  
Authorized:** Yes

### Correspondent

**Correspondent  
Name/Address:** Harvey B. Jacobson, Jr.  
JACOBSON HOLMAN PLLC  
400 7TH ST N W  
Suite 700  
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20004-2218

**Phone:** 2026386666

**Fax:** 2023935350

**Correspondent e-  
mail:** [trademark@jhj.com](mailto:trademark@jhj.com) [lweiss@jhj.com](mailto:lweiss@jhj.com)

**Correspondent e-  
mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 26, 2017	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 10, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 10, 2016	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	75461
Feb. 10, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Feb. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 29, 2016	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jan. 21, 2016	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	75461
Jan. 21, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Nov. 06, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jun. 24, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 03, 2007	CASE FILE IN TICRS	
Mar. 02, 2006	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	61619
Mar. 02, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 01, 2006	ASSIGNED TO PARALEGAL	61619
Jan. 17, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jan. 17, 2006	PAPER RECEIVED	
Jul. 08, 1996	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
May 06, 1996	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Nov. 22, 1982	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

## Maintenance Filings or Post Registration Information

**Affidavit of  
Continued Use:** Section 8 - Accepted

**Affidavit of  
Incontestability:** Section 15 - Accepted

**Renewal Date:** Oct. 05, 2016

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 10, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 20

Registrant: JUDD RINGER CORPORATION

Assignment 1 of 20

Conveyance: CHANGE OF NAME 19810121

Reel/Frame: [0628/0174](#)

Pages: 6

Date Recorded: Dec. 12, 1988

Supporting Documents: No Supporting Documents Available

Assignor

Name: [JUDD RINGER CORPORATION](#)

Execution Date: Jan. 19, 1981

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

Assignee

Name: [RINGER CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

Address: No Assignee Address Found

Correspondent

Correspondent Name: KINNEY & LANGE

Correspondent Address: SUITE 1500  
625 FOURTH AVENUE SOUTH  
MINNEAPOLIS, MN 55415-1659

Domestic Representative - Not Found

Assignment 2 of 20

Conveyance: CHANGE OF NAME 19810121

Reel/Frame: [0417/0206](#)

Pages: 6

Date Recorded: Jun. 04, 1982

Supporting Documents: No Supporting Documents Available

Assignor

Name: [JUDD RINGER CORPORATION](#)

Execution Date: Apr. 28, 1982

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [RINGER CORPORATION](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

Correspondent

Correspondent Name: KINNEY, LANGE, ET AL.

Correspondent Address: 815 MIDWEST PLAZA BLDG.  
MINNEAPOLIS, MN 55402-2573

Domestic Representative - Not Found

Assignment 3 of 20

Conveyance: SECURITY INTEREST

Reel/Frame: [0913/0934](#)

Pages: 7

Date Recorded: Dec. 10, 1992

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [RINGER CORPORATION](#)  
**Legal Entity Type:** CORPORATION  
**Execution Date:** Oct. 26, 1992  
**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [FBS BUSINESS FINANCE CORPORATION](#)  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** No Place Where Organized Found  
**Address:** FIRST BANK PLACE  
601 SECOND AVE. SO.  
MINNEAPOLIS, MINNESOTA 55402

**Correspondent**

**Correspondent Name:** JEREMIAH J. KEARNEY  
**Correspondent Address:** FABYANSKI, SVOBODA, WESTRA, DAVIS & HART  
1150 MINNEAPOLIS CENTRE  
920 SECOND AVE. SO.  
MINNEAPOLIS, MN 55402

**Domestic Representative - Not Found**

**Assignment 4 of 20**

**Conveyance:** NOTICE OF RELEASE OF SECURITY INTEREST IN U.S. TRADEMARKS  
**Reel/Frame:** [1589/0740](#) **Pages:** 8  
**Date Recorded:** May 27, 1997  
**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [FBS BUSINESS FINANCE CORPORATION](#)  
**Legal Entity Type:** CORPORATION  
**Execution Date:** May 01, 1997  
**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [RINGER CORPORATION](#)  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** MINNESOTA  
**Address:** SUITE 200  
955 JAMES AVENUE SOUTH  
BLOOMINGTON, MINNESOTA 55431

**Correspondent**

**Correspondent Name:** WINSTON & STRAWN  
**Correspondent Address:** LAURA KONRATH  
33RD FLOOR  
35 W. WACKER DRIVE  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 5 of 20**

**Conveyance:** DUPLICATE RECORDING, SEE RECORDING ON REEL 1645 FRAME 0180.  
**Reel/Frame:** [1596/0005](#) **Pages:** 12  
**Date Recorded:** Jun. 09, 1997  
**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [RINGER CORPORATION](#)  
**Legal Entity Type:** CORPORATION  
**Execution Date:** May 02, 1997  
**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country NEW YORK  
Where Organized:

Address: 105 W. MADISON  
SUITE 16CC  
CHICAGO, ILLINOIS 60602

**Correspondent**

**Correspondent Name:** WINSTON & STRAWN

**Correspondent Address:** LAURA KONRATH  
33RD FLOOR  
35 W.WACKER DRIVE  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 6 of 20**

**Conveyance:** TRADEMARK SECURITY AGREEMENT

**Reel/Frame:** [1628/0557](#)

**Pages:** 11

**Date Recorded:** Aug. 18, 1997

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [RINGER CORPORATION](#)

**Execution Date:** May 02, 1997

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MINNESOTA

**Assignee**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** No Place Where Organized Found

**Address:** SUITE 1600  
105 W. MADISON  
CHICAGO, ILLINOIS 60602

**Correspondent**

**Correspondent Name:** WINSTON & STRAWN

**Correspondent Address:** LAURA KONRATH  
35 W. WACKER DRIVE  
33RD FLOOR  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 7 of 20**

**Conveyance:** (TRADEMARK SECURITY AGREEMENT) RE-RECORD TO CORRECT THE RECORDATION DATE OF 08-18-97 TO 06-09-97, PREVIOUSLY RECORDED ON REEL 1628, FRAME 0557.

**Reel/Frame:** [1645/0180](#)

**Pages:** 12

**Date Recorded:** Jun. 09, 1997

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [RINGER CORPORATION](#)

**Execution Date:** May 02, 1997

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW YORK

**Address:** SUITE 1600  
105 W. MADISON  
CHICAGO, ILLINOIS 60602

**Correspondent**

**Correspondent Name:** WINSTON & STRAWN



**Correspondent** LAURA KONRATH  
**Address:** 33RD FLOOR  
35 W. WACKER DRIVE  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 8 of 20**

**Conveyance:** CHANGE OF NAME  
**Reel/Frame:** [2188/0486](#) **Pages:** 5  
**Date Recorded:** Nov. 16, 2000  
**Supporting Documents:** [assignment-tm-2188-0486.pdf](#)

**Assignor**

**Name:** [RINGER CORPORATION](#) **Execution Date:** Jul. 15, 1998  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** MINNESOTA

**Assignee**

**Name:** [VERDANT BRANDS, INC.](#)  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** MINNESOTA  
**Address:** 9555 JAMES AVENUE SOUTH  
BLOOMINGTON, MINNESOTA 55431

**Correspondent**

**Correspondent Name:** DORSEY & WHITNEY LLP  
**Correspondent Address:** CAROLYN M. SANDBERG  
220 SOUTH SIXTH STREET  
MINNEAPOLIS, MN 55402

**Domestic Representative - Not Found**

**Assignment 9 of 20**

**Conveyance:** SECURITY AGREEMENT  
**Reel/Frame:** [1955/0082](#) **Pages:** 14  
**Date Recorded:** Aug. 23, 1999  
**Supporting Documents:** [assignment-tm-1955-0082.pdf](#)

**Assignor**

**Name:** [VERDANT BRANDS, INC.](#) **Execution Date:** Jul. 14, 1999  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** MINNESOTA

**Assignee**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION, AS AGENT](#)  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** MINNESOTA  
**Address:** 201 HIGH RIDGE ROAD  
STAMFORD, CONNECTICUT 06927

**Correspondent**

**Correspondent Name:** WINSTON & STRAWN  
**Correspondent Address:** LAURA KONRATH  
35 WEST WACKER DRIVE, 33RD FLOOR  
CHICAGO, ILLINOIS 60601

**Domestic Representative - Not Found**

**Assignment 10 of 20**

**Conveyance:** SECURITY AGREEMENT  
**Reel/Frame:** [2184/0606](#) **Pages:** 7  
**Date Recorded:** Nov. 20, 2000  
**Supporting Documents:** [assignment-tm-2184-0606.pdf](#)

**Assignor**

**Name:** [NEW SAFER, INC.](#) **Execution Date:** Nov. 17, 2000  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [ANTARES CAPITAL CORPORATION, AS AGENT](#)  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** ILLINOIS  
**Address:** SUITE 6400  
311 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606

**Correspondent**

**Correspondent Name:** FEDERAL RESEARCH CORP.  
**Correspondent Address:** REBECCA L. FOLEY  
400 SEVENTH STREET NW  
SUITE 101  
WASHINGTON, DC 20004

**Domestic Representative - Not Found****Assignment 11 of 20**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST  
**Reel/Frame:** [2199/0545](#) **Pages:** 6  
**Date Recorded:** Dec. 07, 2000  
**Supporting Documents:** [assignment-tm-2199-0545.pdf](#)

**Assignor**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION](#) **Execution Date:** Nov. 17, 2000  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** NEW YORK

**Assignee**

**Name:** [NEW SAFER, INC.](#)  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE  
**Address:** C/O CORPORATION SERVICE COMPANY  
1013 CENTRE ROAD  
WILMINGTON, DELAWARE 19805

**Correspondent**

**Correspondent Name:** BINGHAM DANA LLP  
**Correspondent Address:** HILARY S. LEVIN, ESQ.  
150 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110

**Domestic Representative - Not Found****Assignment 12 of 20**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST  
**Reel/Frame:** [2199/0554](#) **Pages:** 6  
**Date Recorded:** Dec. 07, 2000  
**Supporting Documents:** [assignment-tm-2199-0554.pdf](#)

**Assignor**

**Name:** [VERDANT BRANDS, INC.](#) **Execution Date:** Nov. 17, 2000  
**Legal Entity Type:** INC. ASSOCIATION **State or Country Where Organized:** MINNESOTA

**Assignee**

**Name:** [NEW SAFER, INC.](#)  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 1013 CENTRE ROAD  
C/O CORPORATION SERVICE COMPANY  
WILMINGTON, DELAWARE 19805

**Correspondent**

**Correspondent Name:** BINGHAM DANA LLP

**Correspondent Address:** HILARY S. LEVIN, ESQ.  
150 FEDERAL STREET  
BOSTON, MA 02110

**Domestic Representative - Not Found**

**Assignment 13 of 20**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [2213/0755](#)

**Pages:** 6

**Date Recorded:** Dec. 07, 2000

**Supporting Documents:** [assignment-tm-2213-0755.pdf](#)

**Assignor**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION, AS AGENT](#)

**Execution Date:** Nov. 17, 2000

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW YORK

**Assignee**

**Name:** [NEW SAFER, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 1013 CENTRE ROAD  
C/O CORPORATION SERVICE COMPANY  
WILMINGTON, DELAWARE 19805

**Correspondent**

**Correspondent Name:** BINGHAM DANA LLP

**Correspondent Address:** HILARY S. LEVIN  
150 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110

**Domestic Representative - Not Found**

**Assignment 14 of 20**

**Conveyance:** CHANGE OF NAME

**Reel/Frame:** [5713/0728](#)

**Pages:** 3

**Date Recorded:** Jan. 21, 2016

**Supporting Documents:** [assignment-tm-5713-0728.pdf](#)

**Assignor**

**Name:** [NEW SAFER, INC.](#)

**Execution Date:** Dec. 12, 2000

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [SAFER, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

**Correspondent Name:** LEESA N. WEISS

**Correspondent Address:** 400 7TH ST., N.W.  
SUITE 700  
WASHINGTON, DC 20004

**Domestic Representative - Not Found**

### Assignment 15 of 20

Conveyance: RELEASE AND REASSIGNMENT

Reel/Frame: [2754/0954](#)

Pages: 7

Date Recorded: Jun. 16, 2003

Supporting Documents: [assignment-tm-2754-0954.pdf](#)

#### Assignor

Name: [ANTARES CAPITAL CORPORATION](#)

Execution Date: Jun. 10, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: [SAFER INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

#### Correspondent

Correspondent Name: KATTEN MUCHIN ZAVIS ROSENMAN

Correspondent Address: PENELOPE JOHNSON  
525 WEST MONROE STREET, SUITE 1600  
CHICAGO, ILLINOIS 60661

#### Domestic Representative - Not Found

### Assignment 16 of 20

Conveyance: SECURITY INTEREST

Reel/Frame: [3612/0539](#)

Pages: 25

Date Recorded: Aug. 31, 2007

Supporting Documents: [assignment-tm-3612-0539.pdf](#)

#### Assignor

Name: [SAFER, INC.](#)

Execution Date: Aug. 22, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: [ANTARES CAPITAL CORPORATION, AS AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 500 W MONROE  
CHICAGO, ILLINOIS 60661

#### Correspondent

Correspondent Name: KRISTIN BROZOVIC C/O KATTEN MUCHIN

Correspondent Address: 525 W MONROE  
CHICAGO, IL 60661

#### Domestic Representative - Not Found

### Assignment 17 of 20

Conveyance: SECURITY INTEREST

Reel/Frame: [5525/0516](#)

Pages: 8

Date Recorded: May 29, 2015

Supporting Documents: [assignment-tm-5525-0516.pdf](#)

#### Assignor

Name: [SAFER, INC.](#)

Execution Date: May 29, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: [GENERAL ELECTRIC CAPITAL CORPORATION, AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 500 WEST MONROE STREET  
CHICAGO, ILLINOIS 60661

**Correspondent**

Correspondent Name: HUMBERTO AQUINO C/O KATTEN MUCHIN

Correspondent Address: 525 W. MONROE STREET  
CHICAGO, IL 60661-3693

**Domestic Representative - Not Found**

**Assignment 18 of 20**

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: [5553/0418](#)

Pages: 23

Date Recorded: Jun. 16, 2015

Supporting Documents: [assignment-tm-5553-0418.pdf](#)

**Assignor**

Name: [ANTARES CAPITAL CORPORATION, AS AGENT](#)

Execution Date: May 29, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [SAFER, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

Correspondent Name: KRISTIN BROZOVIC C/O KATTEN

Correspondent Address: 525 W MONROE STREET  
CHICAGO, IL 60661

**Domestic Representative - Not Found**

**Assignment 19 of 20**

Conveyance: RELEASE OF SECURITY INTEREST RECORDED AT REEL/FRAAME 5525/0516

Reel/Frame: [6107/0219](#)

Pages: 7

Date Recorded: Jul. 12, 2017

Supporting Documents: [assignment-tm-6107-0219.pdf](#)

**Assignor**

Name: [GENERAL ELECTRIC CAPITAL CORPORATION](#)

Execution Date: Jun. 21, 2017

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [SAFER, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

Correspondent Name: ROB SONESON

Correspondent Address: 300 N LASALLE  
KIRKLAND & ELLIS LLP  
CHICAGO, IL 60654

**Domestic Representative - Not Found**

**Assignment 20 of 20**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [6112/0660](#)

**Pages:** 8

**Date Recorded:** Jul. 24, 2017

**Supporting Documents:** [assignment-tm-6112-0660.pdf](#)

**Assignor**

**Name:** [SAFER, INC.](#)

**Execution Date:** Jun. 21, 2017

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [ARES CAPITAL CORPORATION, AS COLLATERAL AGENT](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

**Address:** 245 PARK AVENUE, 44TH FLOOR  
NEW YORK, NEW YORK 10167

**Correspondent**

**Correspondent Name:** LATHAM & WATKINS LLP

**Correspondent Address:** 650 TOWN CENTER DRIVE, SUITE 2000  
COSTA MESA, CA 92626

**Domestic Representative - Not Found**

## Proceedings

**Summary**

**Number of Proceedings:** 2

**Type of Proceeding: Opposition**

**Proceeding Number:** [91075840](#)

**Filing Date:** Mar 20, 1987

**Status:** Terminated

**Status Date:** Sep 29, 1987

**Interlocutory Attorney:** THOMAS J QUINN

**Defendant**

**Name:** THE DOW CHEMICAL COMPANY

**Correspondent Address:** M.J. GUJU  
ADDRESS SAME AS ABOVE

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RESTORE	Abandoned - After Inter-Partes Decision	<a href="#">73616560</a>	

**Plaintiff(s)**

**Name:** RINGER CORPORATION

**Correspondent Address:** KINNEY & LANGE, P.A.  
SUITE 1500  
625 FOURTH AVENUE SOUTH  
MINNEAPOLIS MN UNITED STATES , 55415

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RESTORE	Renewed	<a href="#">73050988</a>	<a href="#">1049315</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 20, 1987	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	May 04, 1987	Jun 15, 1987
3	PENDING, INSTITUTED	May 04, 1987	

4	NOTICE OF DEFAULT	Jul 27, 1987
5	OP SUSTAINED BY DEFAULT	Sep 18, 1987
6	TERMINATED	Sep 29, 1987

**Type of Proceeding: Opposition**

**Proceeding Number:** [91071922](#) **Filing Date:** Jun 20, 1985  
**Status:** Terminated **Status Date:** Mar 04, 1986  
**Interlocutory Attorney:**

**Defendant**

**Name:** FMC CORPORATION  
**Correspondent Address:** MARCIA D. PINTZUK  
 FMC CORPORATION  
 PATENT & LICENSING DEPARTMENT 2000 MARKET STREET  
 PHILADELPHIA PA UNITED STATES , 19103

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RESTORE	Cancelled - Section 8	<a href="#">73511595</a>	<a href="#">1393644</a>

**Plaintiff(s)**

**Name:** RINGER CORPORATION  
**Correspondent Address:** FREDERICK E. LANGE  
 C/O KINNEY & LANGE, P.A.  
 SUITE 1500 625 FOURTH AVENUE SOUTH  
 MINNEAPOLIS MN UNITED STATES , 55415

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RESTORE	Renewed	<a href="#">73050988</a>	<a href="#">1049315</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 1985	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Aug 13, 1985	Sep 23, 1985
3	PENDING, INSTITUTED	Aug 13, 1985	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 20, 1985	
5	ANSWER DUE	Oct 22, 1985	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 21, 1985	
7	ANSWER DUE (DUE DATE)	Nov 13, 1985	Nov 21, 1985
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 14, 1985	
9	ANSWER DUE (DUE DATE)	Dec 10, 1985	Dec 12, 1985
10	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 03, 1986	
11	TERMINATED	Mar 04, 1986	
12	TERMINATED	Mar 04, 1986	

Generated on: This page was generated by TSDR on 2018-05-10 14:08:39 EDT

Mark: RESTORE

US Serial Number: 74107030

Application Filing Date: Oct. 17, 1990

US Registration Number: 1681698

Registration Date: Apr. 07, 1992

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jun. 06, 2011

Publication Date: Jan. 14, 1992

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## Mark Information

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Mark Literal Elements: RESTORE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Related Properties Information

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Claimed Ownership of US Registrations: 1049315

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: full line of soil conditioners and fertilizers for domestic/household use

International Class(es): 001 - Primary Class

U.S Class(es): 010

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 14, 1975

Use in Commerce: Apr. 14, 1975

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No



Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

**Owner Name:** SAFER, INC.  
**Owner Address:** 69 N. LOCUST STREET  
LITITZ, PENNSYLVANIA UNITED STATES 17543  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Harvey B. Jacobson, Jr. **Docket Number:** T32315US0  
**Attorney Primary Email Address:** [trademark@jhip.com](mailto:trademark@jhip.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Harvey B. Jacobson, Jr.  
Jacobson Holman PLLC  
400 Seventh Street, N.W.  
Suite 600  
Washington, DISTRICT OF COLUMBIA UNITED STATES 20004-2237  
**Phone:** 202-638-6666 **Fax:** 202-393-5350  
**Correspondent e-mail:** [trademark@jhip.com](mailto:trademark@jhip.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 26, 2017	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 24, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2011	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	73376
Jun. 06, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 03, 2011	TEAS SECTION 8 & 9 RECEIVED	
Dec. 28, 2007	CASE FILE IN TICRS	
Apr. 29, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 29, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 25, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 03, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
May 13, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 07, 1992	REGISTERED-PRINCIPAL REGISTER	
Jan. 14, 1992	PUBLISHED FOR OPPOSITION	
Dec. 13, 1991	NOTICE OF PUBLICATION	
Aug. 15, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 29, 1991	EXAMINER'S AMENDMENT MAILED	
May 06, 1991	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 06, 1991	NON-FINAL ACTION MAILED	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted  
**Affidavit of** Section 15 - Accepted

Incontestability:

Renewal Date: Apr. 07, 2012

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 06, 2011

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 22

Registrant: Ringer Corporation

### Assignment 1 of 22

Conveyance: SECURITY INTEREST

Reel/Frame: [0913/0934](#)

Pages: 7

Date Recorded: Dec. 10, 1992

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [RINGER CORPORATION](#)

Execution Date: Oct. 26, 1992

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [FBS BUSINESS FINANCE CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: FIRST BANK PLACE  
601 SECOND AVE. SO.  
MINNEAPOLIS, MINNESOTA 55402

### Correspondent

Correspondent Name: JEREMIAH J. KEARNEY

Correspondent Address: FABYANSKI, SVOBODA, WESTRA, DAVIS & HART  
1150 MINNEAPOLIS CENTRE  
920 SECOND AVE. SO.  
MINNEAPOLIS, MN 55402

### Domestic Representative - Not Found

### Assignment 2 of 22

Conveyance: NOTICE OF RELEASE OF SECURITY INTEREST IN U.S. TRADEMARKS

Reel/Frame: [1589/0740](#)

Pages: 8

Date Recorded: May 27, 1997

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [FBS BUSINESS FINANCE CORPORATION](#)

Execution Date: May 01, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [RINGER CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

Address: SUITE 200  
955 JAMES AVENUE SOUTH  
BLOOMINGTON, MINNESOTA 55431

### Correspondent

Correspondent Name: WINSTON & STRAWN

**Correspondent** LAURA KONRATH  
**Address:** 33RD FLOOR  
35 W. WACKER DRIVE  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 3 of 22**

**Conveyance:** DUPLICATE RECORDING, SEE RECORDING ON REEL 1645 FRAME 0180.

**Reel/Frame:** [1596/0005](#)

**Pages:** 12

**Date Recorded:** Jun. 09, 1997

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [RINGER CORPORATION](#)

**Execution Date:** May 02, 1997

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW YORK

**Address:** 105 W. MADISON  
SUITE 16CC  
CHICAGO, ILLINOIS 60602

**Correspondent**

**Correspondent Name:** WINSTON & STRAWN

**Correspondent Address:** LAURA KONRATH  
33RD FLOOR  
35 W.WACKER DRIVE  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 4 of 22**

**Conveyance:** TRADEMARK SECURITY AGREEMENT

**Reel/Frame:** [1628/0557](#)

**Pages:** 11

**Date Recorded:** Aug. 18, 1997

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [RINGER CORPORATION](#)

**Execution Date:** May 02, 1997

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MINNESOTA

**Assignee**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** No Place Where Organized Found

**Address:** SUITE 1600  
105 W. MADISON  
CHICAGO, ILLINOIS 60602

**Correspondent**

**Correspondent Name:** WINSTON & STRAWN

**Correspondent Address:** LAURA KONRATH  
35 W. WACKER DRIVE  
33RD FLOOR  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 5 of 22**

**Conveyance:** (TRADEMARK SECURITY AGREEMENT) RE-RECORD TO CORRECT THE RECORDATION DATE OF 08-18-97 TO 06-09-97, PREVIOUSLY RECORDED ON REEL 1628, FRAME 0557.

Reel/Frame: [1645/0180](#)

Pages: 12

Date Recorded: Jun. 09, 1997

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: [RINGER CORPORATION](#)

Execution Date: May 02, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: [GENERAL ELECTRIC CAPITAL CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Address: SUITE 1600  
105 W. MADISON  
CHICAGO, ILLINOIS 60602

**Correspondent**

Correspondent Name: WINSTON & STRAWN

Correspondent Address: LAURA KONRATH  
33RD FLOOR  
35 W. WACKER DRIVE  
CHICAGO, IL 60601

**Domestic Representative - Not Found**

**Assignment 6 of 22**

Conveyance: CHANGE OF NAME

Reel/Frame: [2188/0486](#)

Pages: 5

Date Recorded: Nov. 16, 2000

Supporting Documents: [assignment-tm-2188-0486.pdf](#)

**Assignor**

Name: [RINGER CORPORATION](#)

Execution Date: Jul. 15, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

**Assignee**

Name: [VERDANT BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

Address: 9555 JAMES AVENUE SOUTH  
BLOOMINGTON, MINNESOTA 55431

**Correspondent**

Correspondent Name: DORSEY & WHITNEY LLP

Correspondent Address: CAROLYN M. SANDBERG  
220 SOUTH SIXTH STREET  
MINNEAPOLIS, MN 55402

**Domestic Representative - Not Found**

**Assignment 7 of 22**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [1955/0082](#)

Pages: 14

Date Recorded: Aug. 23, 1999

Supporting Documents: [assignment-tm-1955-0082.pdf](#)

**Assignor**

Name: [VERDANT BRANDS, INC.](#)

Execution Date: Jul. 14, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

**Assignee**

Name: [GENERAL ELECTRIC CAPITAL CORPORATION, AS AGENT](#)

Legal Entity Type: CORPORATION

State or Country MINNESOTA  
Where Organized:

Address: 201 HIGH RIDGE ROAD  
STAMFORD, CONNECTICUT 06927

**Correspondent**

Correspondent Name: WINSTON & STRAWN

Correspondent Address: LAURA KONRATH  
35 WEST WACKER DRIVE, 33RD FLOOR  
CHICAGO, ILLINOIS 60601

**Domestic Representative - Not Found**

**Assignment 8 of 22**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2184/0606](#)

Pages: 7

Date Recorded: Nov. 20, 2000

Supporting Documents: [assignment-tm-2184-0606.pdf](#)

**Assignor**

Name: [NEW SAFER, INC.](#)

Execution Date: Nov. 17, 2000

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

**Assignee**

Name: [ANTARES CAPITAL CORPORATION, AS AGENT](#)

Legal Entity Type: CORPORATION

State or Country ILLINOIS  
Where Organized:

Address: SUITE 6400  
311 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606

**Correspondent**

Correspondent Name: FEDERAL RESEARCH CORP.

Correspondent Address: REBECCA L. FOLEY  
400 SEVENTH STREET NW  
SUITE 101  
WASHINGTON, DC 20004

**Domestic Representative - Not Found**

**Assignment 9 of 22**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2199/0545](#)

Pages: 6

Date Recorded: Dec. 07, 2000

Supporting Documents: [assignment-tm-2199-0545.pdf](#)

**Assignor**

Name: [GENERAL ELECTRIC CAPITAL CORPORATION](#)

Execution Date: Nov. 17, 2000

Legal Entity Type: CORPORATION

State or Country NEW YORK  
Where Organized:

**Assignee**

Name: [NEW SAFER, INC.](#)

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Address: C/O CORPORATION SERVICE COMPANY  
1013 CENTRE ROAD  
WILMINGTON, DELAWARE 19805

**Correspondent**

Correspondent Name: BINGHAM DANA LLP

Correspondent Address: HILARY S. LEVIN, ESQ.

Address: 150 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110

**Domestic Representative - Not Found**

**Assignment 10 of 22**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2199/0554](#)

Pages: 6

Date Recorded: Dec. 07, 2000

Supporting Documents: [assignment-tm-2199-0554.pdf](#)

**Assignor**

Name: [VERDANT BRANDS, INC.](#)

Execution Date: Nov. 17, 2000

Legal Entity Type: INC. ASSOCIATION

State or Country Where Organized: MINNESOTA

**Assignee**

Name: [NEW SAFER, INC.](#)

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: 1013 CENTRE ROAD  
C/O CORPORATION SERVICE COMPANY  
WILMINGTON, DELAWARE 19805

**Correspondent**

Correspondent Name: BINGHAM DANA LLP

Correspondent Address: HILARY S. LEVIN, ESQ.  
150 FEDERAL STREET  
BOSTON, MA 02110

**Domestic Representative - Not Found**

**Assignment 11 of 22**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2213/0755](#)

Pages: 6

Date Recorded: Dec. 07, 2000

Supporting Documents: [assignment-tm-2213-0755.pdf](#)

**Assignor**

Name: [GENERAL ELECTRIC CAPITAL CORPORATION, AS AGENT](#)

Execution Date: Nov. 17, 2000

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

**Assignee**

Name: [NEW SAFER, INC.](#)

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: 1013 CENTRE ROAD  
C/O CORPORATION SERVICE COMPANY  
WILMINGTON, DELAWARE 19805

**Correspondent**

Correspondent Name: BINGHAM DANA LLP

Correspondent Address: HILARY S. LEVIN  
150 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110

**Domestic Representative - Not Found**

**Assignment 12 of 22**

Conveyance: CHANGE OF NAME

Reel/Frame: [2216/0061](#)

Pages: 4

Date Recorded: Jan. 10, 2001

Supporting Documents: [assignment-tm-2216-0061.pdf](#)

Documents: \_\_\_\_\_

**Assignor**

Name: [NEW SAFER, INC.](#) Execution Date: Dec. 12, 2000  
Legal Entity Type: CORPORATION State or Country: DELAWARE  
Where Organized:

**Assignee**

Name: [SAFER, INC.](#)  
Legal Entity Type: CORPORATION State or Country: DELAWARE  
Where Organized:  
Address: 69 N. LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

Correspondent Name: JACOBSON, PRICE, HOLMAN & STERN  
Correspondent Address: MARVIN R. STERN  
400 7TH STREET, N.W.  
WASHINGTON, D.C. 20004

**Domestic Representative - Not Found**

**Assignment 13 of 22**

Conveyance: RELEASE AND REASSIGNMENT  
Reel/Frame: [2754/0954](#) Pages: 7  
Date Recorded: Jun. 16, 2003  
Supporting Documents: [assignment-tm-2754-0954.pdf](#)

**Assignor**

Name: [ANTARES CAPITAL CORPORATION](#) Execution Date: Jun. 10, 2003  
Legal Entity Type: CORPORATION State or Country: DELAWARE  
Where Organized:

**Assignee**

Name: [SAFER INC.](#)  
Legal Entity Type: CORPORATION State or Country: DELAWARE  
Where Organized:  
Address: 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

Correspondent Name: KATTEN MUCHIN ZAVIS ROSENMAN  
Correspondent Address: PENELOPE JOHNSON  
525 WEST MONROE STREET, SUITE 1600  
CHICAGO, ILLINOIS 60661

**Domestic Representative - Not Found**

**Assignment 14 of 22**

Conveyance: SECURITY INTEREST  
Reel/Frame: [2762/0428](#) Pages: 10  
Date Recorded: Jun. 23, 2003  
Supporting Documents: [assignment-tm-2762-0428.pdf](#)

**Assignor**

Name: [SAFER INC.](#) Execution Date: Jun. 10, 2003  
Legal Entity Type: CORPORATION State or Country: DELAWARE  
Where Organized:

**Assignee**

Name: [ANTARES CAPITAL CORPORATION](#)  
Legal Entity Type: CORPORATION State or Country: DELAWARE  
Where Organized:  
Address: 311 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606

**Correspondent**

**Correspondent Name:** KATTEN MUCHIN ZAVIS ET.AL.

**Correspondent Address:** PENELOPE JOHNSON  
525 WEST MONROE STREET  
CHICAGO, IL 60661

**Domestic Representative - Not Found****Assignment 15 of 22**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [3054/0835](#)

**Pages:** 12

**Date Recorded:** Mar. 29, 2005

**Supporting Documents:** [assignment-tm-3054-0835.pdf](#)

**Assignor**

**Name:** [SAFER, INC.](#)

**Execution Date:** Feb. 11, 2005

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [ALLIED CAPITAL CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

**Address:** 1919 PENNSYLVANIA AVENUE, NW, THIRD FLOOR  
WASHINGTON, DISTRICT OF COLUMBIA 20006

**Correspondent**

**Correspondent Name:** THOMAS E. ZUTIC, ESQ. - DLA PIPER ET AL

**Correspondent Address:** 1200 NINETEENTH STREET, NW  
WASHINGTON, DC 20036-2412

**Domestic Representative - Not Found****Assignment 16 of 22**

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** [3612/0409](#)

**Pages:** 7

**Date Recorded:** Aug. 30, 2007

**Supporting Documents:** [assignment-tm-3612-0409.pdf](#)

**Assignor**

**Name:** [ALLIED CAPITAL CORPORATION](#)

**Execution Date:** Aug. 22, 2007

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

**Assignee**

**Name:** [SAFER, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

**Correspondent Name:** KATTEN MUCHIN ROSENMAN

**Correspondent Address:** 525 WEST MONROE STREET  
CHICAGO, IL 60661

**Domestic Representative - Not Found****Assignment 17 of 22**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [3612/0539](#)

**Pages:** 25

**Date Recorded:** Aug. 31, 2007

**Supporting Documents:** [assignment-tm-3612-0539.pdf](#)



Documents: \_\_\_\_\_

**Assignor**

Name: [SAFER, INC.](#) Execution Date: Aug. 22, 2007  
Legal Entity Type: CORPORATION State or Country DELAWARE  
Where Organized:

**Assignee**

Name: [ANTARES CAPITAL CORPORATION, AS AGENT](#)  
Legal Entity Type: CORPORATION State or Country DELAWARE  
Where Organized:  
Address: 500 W MONROE  
CHICAGO, ILLINOIS 60661

**Correspondent**

Correspondent Name: KRISTIN BROZOVIC C/O KATTEN MUCHIN  
Correspondent Address: 525 W MONROE  
CHICAGO, IL 60661

**Domestic Representative - Not Found**

**Assignment 18 of 22**

Conveyance: SECURITY INTEREST  
Reel/Frame: [5525/0516](#) Pages: 8  
Date Recorded: May 29, 2015  
Supporting Documents: [assignment-tm-5525-0516.pdf](#)

**Assignor**

Name: [SAFER, INC.](#) Execution Date: May 29, 2015  
Legal Entity Type: CORPORATION State or Country DELAWARE  
Where Organized:

**Assignee**

Name: [GENERAL ELECTRIC CAPITAL CORPORATION, AS COLLATERAL AGENT](#)  
Legal Entity Type: CORPORATION State or Country DELAWARE  
Where Organized:  
Address: 500 WEST MONROE STREET  
CHICAGO, ILLINOIS 60661

**Correspondent**

Correspondent Name: HUMBERTO AQUINO C/O KATTEN MUCHIN  
Correspondent Address: 525 W. MONROE STREET  
CHICAGO, IL 60661-3693

**Domestic Representative - Not Found**

**Assignment 19 of 22**

Conveyance: RELEASE OF SECURITY INTEREST  
Reel/Frame: [5553/0418](#) Pages: 23  
Date Recorded: Jun. 16, 2015  
Supporting Documents: [assignment-tm-5553-0418.pdf](#)

**Assignor**

Name: [ANTARES CAPITAL CORPORATION, AS AGENT](#) Execution Date: May 29, 2015  
Legal Entity Type: CORPORATION State or Country DELAWARE  
Where Organized:

**Assignee**

Name: [SAFER, INC.](#)  
Legal Entity Type: CORPORATION State or Country DELAWARE  
Where Organized:  
Address: 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

**Correspondent Name:** KRISTIN BROZOVIC C/O KATTEN

**Correspondent Address:** 525 W MONROE STREET  
CHICAGO, IL 60661

**Domestic Representative - Not Found****Assignment 20 of 22**

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** [6107/0182](#)

**Pages:** 19

**Date Recorded:** Jul. 12, 2017

**Supporting Documents:** [assignment-tm-6107-0182.pdf](#)

**Assignor**

**Name:** [ANTARES CAPITAL CORPORATION](#)

**Execution Date:** Jun. 21, 2017

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [SAFER, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Name:** [WOODSTREAM CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** PENNSYLVANIA

**Address:** 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Name:** [FI-SHOCK, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** TENNESSEE

**Address:** 5360 N. NATIONAL DR.  
KNOXVILLE, TENNESSEE 37914

**Name:** [PERKY-PET PRODUCTS CO.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 2201 S. WABASH STREET  
DENVER, COLORADO 80231

**Name:** [NEW SAFER, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 1013 CENTRE ROAD  
C/O CORPORATION SERVICE COMPANY  
WILMINGTON, DELAWARE 19805

**Correspondent**

**Correspondent Name:** ROB SONESON

**Correspondent Address:** 300 N LASALLE  
KIRKLAND & ELLIS LLP  
CHICAGO, IL 60654

**Domestic Representative - Not Found****Assignment 21 of 22**

**Conveyance:** RELEASE OF SECURITY INTEREST RECORDED AT REEL/FRAAME 5525/0516

**Reel/Frame:** [6107/0219](#)

**Pages:** 7

**Date Recorded:** Jul. 12, 2017

**Supporting Documents:** [assignment-tm-6107-0219.pdf](#)

**Assignor**

**Name:** [GENERAL ELECTRIC CAPITAL CORPORATION](#)      **Execution Date:** Jun. 21, 2017  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [SAFER, INC.](#)  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** DELAWARE  
**Address:** 69 NORTH LOCUST STREET  
LITITZ, PENNSYLVANIA 17543

**Correspondent**

**Correspondent Name:** ROB SONESON  
**Correspondent Address:** 300 N LASALLE  
KIRKLAND & ELLIS LLP  
CHICAGO, IL 60654

**Domestic Representative - Not Found****Assignment 22 of 22**

**Conveyance:** SECURITY INTEREST  
**Reel/Frame:** [6112/0660](#)      **Pages:** 8  
**Date Recorded:** Jul. 24, 2017  
**Supporting Documents:** [assignment-tm-6112-0660.pdf](#)

**Assignor**

**Name:** [SAFER, INC.](#)      **Execution Date:** Jun. 21, 2017  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [ARES CAPITAL CORPORATION, AS COLLATERAL AGENT](#)  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** MARYLAND  
**Address:** 245 PARK AVENUE, 44TH FLOOR  
NEW YORK, NEW YORK 10167

**Correspondent**

**Correspondent Name:** LATHAM & WATKINS LLP  
**Correspondent Address:** 650 TOWN CENTER DRIVE, SUITE 2000  
COSTA MESA, CA 92626

**Domestic Representative - Not Found**

## Leesa Weiss

---

**From:** Tropper, Joshua <jtropper@bakerdonelson.com>  
**Sent:** Thursday, March 29, 2018 2:28 PM  
**To:** Leesa Weiss  
**Cc:** Switzer, Brett  
**Subject:** CarbonWorks - Safer trademark issue

Dear Ms. Weiss:

Your letter dated March 14, 2018, indicates that your client is concerned that, notwithstanding CarbonWorks' voluntary limitation of its trademark rights to exclude products intended for domestic/household use, CarbonWorks' products bearing the "CarbonWorks Restore" or "CarbonWorks Restore - The New True Starter" marks "could be marketed within totally unrestricted channels of trade."

CarbonWorks never has marketed products for home use under those marks, and has no intention of ever doing so. Indeed, we have suggested that we enter into a contract including such a restriction. To put an end to this dispute, CarbonWorks would be amenable to entering into a written agreement to avoid domestic/home channels, even without any reciprocal restriction on Safer.

We invite you to suggest a description of the trade channels that would make your client comfortable that there would be no likelihood of confusion.

Thank you. I look forward to your proposal.

jt

**Joshua Tropper**

Of Counsel  
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.  
Monarch Plaza, Suite 1600  
3414 Peachtree Road  
Atlanta, GA 30326  
Direct: 404.223.2210  
Fax: 404.238.9610  
E-mail: [jtropper@bakerdonelson.com](mailto:jtropper@bakerdonelson.com)  
[www.bakerdonelson.com](http://www.bakerdonelson.com)

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