

02-09-1999



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RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID #
- Correction of PTO Error  
Reel #  Frame #
- Corrective Document  
Reel #  Frame #

Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger
- Change of Name
- Other

Effective Date  
Month Day Year  
03 3 95

Conveying Party

Mark if additional names of conveying parties attached

Name

Execution Date  
Month Day Year  
3 3 95

Formerly

- Individual  General Partnership  Limited Partnership  Corporation  Association

Other

Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name

DBA/AKA/TA

Composed of

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

- Individual  General Partnership  Limited Partnership

- Corporation  Association

Other

Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

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FOR OFFICE USE ONLY

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40.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK  
REEL: 1850 FRAME: 0172

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address**

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

#

**Trademark Application Number(s) or Registration Number(s)**

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

**Trademark Application Number(s)**

**Registration Number(s)**

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

<input type="text" value="1,879,369"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes

No

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Scott A. Hyman, Esq.

Name of Person Signing

Signature

2/1/99

Date Signed

**CERTIFICATE OF MERGER  
OF  
THE BURMAX COMPANY, INC.  
AND B & S BEAUTY PRODUCTS, INC.  
INTO  
THE BURMAX COMPANY, INC.**

Under Section 904 of the Business Corporation Law

The undersigned, BURTON H. SCHEFF and FRANCES SCHEFF, being the President and Secretary, respectively, of THE BURMAX COMPANY, INC., and BURTON H. SCHEFF and FRANCES SCHEFF, being the President and Secretary, respectively, of B & S BEAUTY PRODUCTS, INC.; said corporations being domestic corporations organized and existing under and by virtue of the laws of the State of New York and a Plan of Merger having been adopted by the Board of Directors of each of said constituent corporations do hereby certify:

1. The name of each constituent corporation is as follows: THE BURMAX COMPANY, INC. and B & S BEAUTY PRODUCTS, INC.
2. The name of the surviving corporation is THE BURMAX COMPANY, INC.
3. As to THE BURMAX COMPANY, INC., the designation and number of the outstanding shares are 66-2/3 shares of common stock, no par value. The common stock shares are entitled to vote.

4. As to B & S BEAUTY PRODUCTS, INC., the designation and number of the outstanding shares are 100 shares of common stock, no par value. The common stock shares are entitled to vote.

5. The effective date of the merger shall be March 31, 1995.

6. The date when the Certificate of Incorporation of THE BURMAX COMPANY, INC. was filed by the Department of State is November 13, 1962.

7. The date when the Certificate of Incorporation of B & S BEAUTY PRODUCTS, INC. was filed by the Department of State is June 8, 1993.

8. The merger was authorized with respect to THE BURMAX COMPANY, INC. in the following manner: A plan of merger was adopted by the Board of Directors of THE BURMAX COMPANY, INC. at a meeting on March 3, 1995 by a vote of the majority of the directors present; at the time of the vote, a quorum being present. The Board thereupon submitted the plan to a vote of the shareholders. Notice of meeting was given to each shareholder of record as of March 1, 1995. A copy of the plan of merger accompanied the notice. The plan was adopted at a meeting of the shareholders by the unanimous vote of the holders of all the outstanding shares entitled to vote thereon.


9. The merger was authorized with respect to B & S BEAUTY PRODUCTS, INC. in the following manner: A plan of merger was adopted by the Board of Directors of B & S BEAUTY PRODUCTS, INC. at a meeting on March 3, 1995 by a vote of the majority of the directors present; at the time of the vote, a quorum being present. The Board thereupon submitted the plan to a vote of the shareholders. Notice of meeting was given to each shareholder of record as of March 1, 1995. A copy of the plan of merger accompanied the notice. The plan was adopted at a meeting of the shareholders by the unanimous vote of the holders of all the outstanding shares entitled to vote thereon.

IN WITNESS WHEREOF, the undersigned have executed and signed this Certificate this 3<sup>rd</sup> day of March, 1995.

  
BURTON H. SCHEFF, President  
THE BURMAX COMPANY, INC.



  
FRANCES SCHEFF, Secretary  
THE BURMAX COMPANY, INC.

  
BURTON H. SCHEFF, President  
B & S BEAUTY PRODUCTS, INC.


  
FRANCES SCHEFF, Secretary  
B & S BEAUTY PRODUCTS, INC.

STATE OF NEW YORK)  
                                  SS.:  
COUNTY OF SUFFOLK)

BURTON H. SCHEFF and FRANCES SCHEFF, being sworn says: We are the President and Secretary respectively of THE BURMAX COMPANY, INC.; I have read the annexed Certificate of Merger and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.



  
\_\_\_\_\_  
BURTON H. SCHEFF  
  
\_\_\_\_\_  
FRANCES SCHEFF

Sworn to before me on  
March 3<sup>rd</sup>, 1995.

  
\_\_\_\_\_  
NOTARY PUBLIC  
DOUGLAS KULL  
NOTARY PUBLIC, State of New York  
No. 20-4964787  
Qualified in Seneca County  
Commission Expires Apr. 18, 1996

STATE OF NEW YORK)  
                                  SS.:  
COUNTY OF SUFFOLK)

BURTON H. SCHEFF and FRANCES SCHEFF, being sworn says: We are the President and Secretary respectively of B & S BEAUTY PRODUCTS, INC.; I have read the annexed Certificate of Merger and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

  
\_\_\_\_\_  
BURTON H. SCHEFF  
  
\_\_\_\_\_  
FRANCES SCHEFF

Sworn to before me on  
March 3<sup>rd</sup>, 1995.

  
\_\_\_\_\_  
NOTARY PUBLIC

**PLAN OF MERGER  
OF  
THE BURMAX COMPANY, INC. AND  
B & S BEAUTY PRODUCTS, INC.  
INTO  
THE BURMAX COMPANY, INC.**

1. The name of each of the constituent corporations are THE BURMAX COMPANY, INC. and B & S BEAUTY PRODUCTS, INC.
2. The name of the surviving corporation is THE BURMAX COMPANY, INC.
3. As to THE BURMAX COMPANY, INC., there are 66-2/3 shares of common stock, no par value, issued and outstanding.
4. As to B & S BEAUTY PRODUCTS, INC., there are 100 shares of common stock, no par value, issued and outstanding.
5. The terms and conditions of the proposed merger are as follows:  
  
Each share of B & S BEAUTY PRODUCTS, INC. outstanding on the effective date of the merger shall, upon such effective date, be converted into and become exchanged for a like number of shares of THE BURMAX COMPANY, INC.; and each holder of said shares of B & S BEAUTY PRODUCTS, INC. shall thereafter be entitled upon presentation of surrender to THE BURMAX COMPANY, INC. of the certificate or certificates

representing such shares to receive in exchange therefor a certificate or certificates representing the like number of fully paid and non-assessable shares of THE BURMAX COMPANY, INC. to which such holder shall be entitled.

6. The By-Laws of the surviving corporation, THE BURMAX COMPANY, INC. as they exist on the effective date of the merger shall be and remain the By-Laws of THE BURMAX COMPANY, INC.

7. The first annual meeting of shareholders of THE BURMAX COMPANY, INC. held after the date when the merger becomes effective shall be the annual meeting provided or to be provided by the By-Laws thereof for the year 1995.

8. The first meeting of the Board of Directors of THE BURMAX COMPANY, INC. to be held after the date when the merger shall become effective may be called or may convene in a manner provided in the By-Laws of THE BURMAX COMPANY, INC. and may be held at the time and place specified in the Notice of Meeting.

9. All persons who shall be officers of THE BURMAX COMPANY, INC. on the effective date of the merger shall be and remain the same respective officers until the Board of Directors of THE BURMAX COMPANY, INC. shall elect or appoint their successors.

10. This Plan shall be submitted to the respective shareholders of each corporation for their authorization thereof pursuant to law.



11. (A) The Certificate of Merger shall contain a provision that the effective date of the merger shall be the last day of the month subsequent to the filing of the Certificate of Merger by the Department of State.

(B) The merger shall have the effect specified in Paragraph (b) of Section 9 of the Business Corporation Law.

12. Notwithstanding shareholders' authorization of this Plan of Merger, this Plan may be abandoned by either of the corporations at any time prior to the filing of the Certificate of Merger by the Department of State. If it becomes the opinion of the Board of Directors of such corporation that events or circumstances have occurred which render the merger inadvisable, the filing of the Certificate of Merger by the Department of State shall establish conclusively that this Plan has been abandoned.

13. THE BURMAX COMPANY, INC. shall pay all the expenses of carrying this Plan into effect and of accomplishing the merger.

14. For the convenience of the parties and to facilitate approval of this Plan, any number of counterparts thereof may be executed and each such executed counterpart shall be deemed to be an original instrument

IN WITNESS WHEREOF, this Plan of Merger has been subscribed on behalf of THE BURMAX COMPANY, INC. on March 6, 1995 and on behalf of B & S BEAUTY PRODUCTS, INC. on March 6, 1995.

By the undersigned duly authorized officers of those corporations, the Plan having been duly adopted by the Board of Directors of THE BURMAX COMPANY, INC. on March 6, 1995 and by the Board of Directors of B & S BEAUTY PRODUCTS, INC. on March 6, 1995.

THE BURMAX COMPANY, INC.

BY: \_\_\_\_\_  
Burton H. Scheff,  
President

THE BURMAX COMPANY, INC.

BY: \_\_\_\_\_  
Frances Scheff,  
Secretary

B & S BEAUTY PRODUCTS, INC.

BY: \_\_\_\_\_  
Burton H. Scheff,  
President

B & S BEAUTY PRODUCTS, INC.

BY: \_\_\_\_\_  
Frances Scheff,  
President