

03-03-1999



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RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

02-19-1999

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  Effective Date  
Month Day Year
- Change of Name
- Other

Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name

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.)

FOR OFFICE USE ONLY

USE

**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" value="1,015,318"/>	<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"/>	<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.

Jeffrey S. Steen

Name of Person Signing

Signature

2/17/99

Date Signed

Form PTO-1594  
(Rev. 8-93)

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Attorney Docket No. 373  
RE(

~~06-22-1998~~



SHEET

To the Honorable Commissioner of Patents 100710152

ached original documents or copy thereof.

1. Name of conveying party(ies):  
 Extrufix, Inc. MRD 9-26-97

Individual(s)  Association  
 General Partnership  Limited Partnership  
 Corporation-State NORTH CAROLINA  
 Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of conveying party(ies):

Name: Extrufix, inc.

Internal Address: \_\_\_\_\_ 02-19-1999  
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #47

Street Address: 4125 L.B. McLeod Road

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other Confirmatory Assignment and correction of earlier filed recordal

Execution Date: July 29, 1997

City: Orlando State: FL Zip: 32811

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Florida  
 Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached  YES  NO

Additional name(s) & address(es) attached:  
 Yes  No

4. Application number(s) or Registration number(s):

A. Trademark Application No. (s)  
TM

B. Trademark Registration No. (s)  
1,056,102 and 1,015,318

Additional numbers attached?  Yes  No

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

Name: Jeffrey S. Steen

Internal Address: \_\_\_\_\_

Street Address: DILWORTH & BARRESE  
333 Earle Ovington Blvd.

City: Uniondale State: NY Zip: 11553

6. Total number of applications and registrations involved: 2

7. Total fee (37 C.F.R. §3.41): \$65.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:  
04-1121  
 (Attach duplicate copy of this page if paying by deposit account)

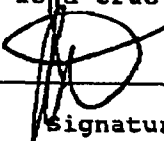
DO NOT USE THIS SPACE

65E

9. 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.

Jeffrey S. Steen

  
Signature

9/24/97  
Date

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 6

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner of Trademarks  
Box Assignments  
2900 Crystal Drive  
Arlington, VA 22202-3513

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

**CONFIRMATORY ASSIGNMENT**

WHEREAS, Extrufix, Inc., a corporation of the State of Florida and located at 4125 L.B. McLeod Road, Orlando, Florida 32811, is the owner of United States Trademark Registration No. 1,056,102 registered January 11, 1977, for the mark RACK-SACK, and the good will related thereto, and United States Registration No. 1,015,318 registered July 8, 1975, renewed beginning July 8, 1995, for the mark RACK-SACK, and the good will related thereto;

WHEREAS, Extrufix, Inc., a corporation of the State of North Carolina (hereinafter "Extrufix-North Carolina") was the owner of United States Trademark Registration Nos. 1,056,102 and 1,015,318, both for RACK-SACK and the good will related thereto, by way of assignment from Colgate-Palmolive Company, such assignment having been recorded at the U.S. Patent Trademark Office at Reel/Frame 0364/0068;

WHEREAS, Extrufix-North Carolina was effectively merged, pursuant to Articles of Merger, into Extrufix of Florida Inc., a corporation of the State of Florida, as of March 1, 1989 and all property belonging to Extrufix-North Carolina was duly transferred to Extrufix of Florida, Inc.;

WHEREAS, pursuant to the Articles of Merger, Extrufix of Florida, Inc. changed its name to Extrufix, Inc. (hereinafter collectively referred to as "Extrufix-Florida");

WHEREAS, Extrufix-North Carolina, effective March 1, 1989, for good and valuable consideration, assigned all right, title and interest in and to the mark RACK-SACK and the good will related thereto along with Registration Nos. 1,056,102 and 1,015,318 to Extrufix-Florida, and the parties desire that a confirmation of the assignment to Extrufix-Florida of the mark RACK-SACK, registrations and good will, be executed to place on the public record the fact of assignment to Extrufix-Florida of the mark RACK-SACK, registrations and good will;

NOW, THEREFORE, in consideration of the sum of one (\$1.00) dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, Extrufix-North Carolina confirms that it did, on March 1, 1989 assign to Extrufix-Florida all right, title and interest in and to the mark RACK SACK, including U.S. Registration Nos. 1,056,102 and 1,015,318 and the related good will.

EXTRUFIX, INC.

Date: 7/29/97

By: [Signature]

Name: M. J. Mc NERNAY

Title: Director

# The United States of America



## CERTIFICATE OF RENEWAL

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for renewal of registration of the Mark shown herein, a copy of said Mark and pertinent data from the Registration being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Registration renewed under the Trademark Act of 1946, as amended, and said Registration has been duly renewed in the Patent and Trademark Office to the registrant named herein.

This Registration shall remain in force for TEN years from the date that said Registration was due to expire unless sooner terminated as provided by law.



In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this sixth day of February 1996.

*Bruce Lehman*

Commissioner of Patents and Trademarks

Int. Cl.: 22

Prior U.S. Cl.: 2

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,015,318

Registered July 8, 1975

Renewal Term Begins July 8, 1995

**TRADEMARK  
PRINCIPAL REGISTER**

**RACK-SACK**

EXTRUFIX OF FLORIDA, INC. (FLORIDA CORPORATION)  
4125 L.B. MCLEOD ROAD  
ORLANDO, FL 32811, BY ASSIGNMENT  
AND MERGER WITH COLGATE-PALMOLIVE COMPANY (DELAWARE CORPORATION) NEW YORK, NY

OWNER OF U.S. REG. NO. 729,310.  
FOR: PLASTIC BAGS, IN CLASS 22  
(U.S. CL. 2).  
FIRST USE 5-8-1973; IN COMMERCE  
5-8-1973.  
SER. NO. 73-013,245, FILED 2-11-1974.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Feb. 6, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS

**TRADEMARK  
REEL: 1865 FRAME: 0376**

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JEFF STEEN

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7/24/97 CORPORATE DETAIL RECORD SCREEN 9:58 AM  
 NUM: K39376 ST:FL ACTIVE/FL PROFIT FLD: 10/18/1988  
 LAST: NAME CHANGE AMENDMENT FLD: 02/09/1989 EFF: 03/01/198  
 FEI#: 56-1223768  
 NAME : EXTRUFIX, INC.  
 NH: 1  
 PRINCIPAL: 4125 L. B. MCLEOD RD. CHANGED: 04/07/95  
 ADDRESS 4542 L.B. MCLEOD RD., SUITE E  
 ORLANDO, FL 32811 US  
 RA NAME : MCNERNEY, FRANK B.  
 RA ADDR : 4125 L. B. MCLEOD RD. ADDR CHG: 04/07/95  
 SUITE E  
 ORLANDO, FL 32811 US  
 ANN REP : (1995) BY 04/07/95 (1996) BY 01/29/96 (1997) B 05/13/97

7/24/97 OFFICER/DIRECTOR DETAIL SCREEN 9:59 AM  
 CORP NUMBER: K39376 CORP NAME: EXTRUFIX, INC.  
 TITLE: D NAME: MCNERNEY, FRANK B.  
 4125 L. B. MCLEOD RD.  
 ORLANDO, FL  
 TITLE: DP NAME: MCNERNEY, OONAGE  
 4125 L.B. MCLEOD RD.  
 ORLANDO, FL



ET. CTIVE DAT

3/1/89

FILED  
1989 FEB -9 PM 1:08  
SECRET  
TALLAHASSEE

ARTICLES OF MERGER  
OF EXTRUFIX, INC.  
and EXTRUFIX OF FLORIDA, INC.

THE UNDERSIGNED Officers of Extrufix, Inc. and Extrufix of Florida, Inc., deliver these Articles of Merger in order to effect a merger of EXTRUFIX, INC., a North Carolina Corporation ("Extrufix") and EXTRUFIX OF FLORIDA, INC., a Florida Corporation ("Extrufix of Florida") under the Florida General Corporation Act.

1. Names. The names of the corporations which are parties to the merger are Extrufix, and Extrufix of Florida, Inc.

2. Relationship. Extrufix of Florida is a wholly owned subsidiary of Extrufix.

3. Effective Date. The effective date of the merger shall be March 1, 1989.

4. Surviving Corporation. As a result of the merger the separate existence of Extrufix shall cease and Extrufix of Florida will be the surviving corporation.

5. Statement of Change in the Articles of Incorporation of the Surviving Corporation to be Effected by the Merger. The name of the surviving corporation, Extrufix of Florida, Inc., will be changed to Extrufix, Inc. The Articles of Incorporation of Extrufix of Florida shall be so amended.

6.

7. Shares of Extrufix, Inc. Voting for the Plan of Merger. The Plan of Merger was approved by the unanimous consent of all the shareholders of Extrufix on the 18th day of October, 1988. The mailing of the plan of merger was waived on October 18, 1988.

8.

9. Terms and Conditions. The terms and conditions of the proposed merger are specifically set forth in the Plan of Merger attached and hereby incorporated by reference.

EXECUTED this 31<sup>st</sup> day of January, 1989

EXTRUFIX, INC.

Donagh McNerney  
DONAGH McNERNEY,  
Secretary

By: Frank B. McNerney  
FRANK B. McNERNEY,  
President

EXTRUFIX OF FLORIDA, INC.

Donagh McNerney  
DONAGH McNERNEY,  
Secretary

By: Frank B. McNerney  
FRANK B. McNERNEY,  
President

ACKNOWLEDGEMENT

STATE OF FLORIDA  
COUNTY OF ORANGE

THE FOREGOING Articles of Merger were acknowledged before me this 31<sup>st</sup> day of January, 1989 by FRANK B. McNERNEY, President of Extrufix, Inc. and Extrufix of Florida, Inc.

Julie C. Gastfield

Notary Public, State of Florida  
My Commission Expires May 6, 1991  
Bonded Thru Troy Fair - Insurance Inc.

(T:620\EXTRUFIX\004A)

EXTRUFIX, INC.  
EXTRUFIX OF FLORIDA, INC.

PLAN OF MERGER

WHEREAS, Extrufix, Inc. is the owner of all the issued and outstanding stock of Extrufix of Florida, Inc.;

WHEREAS, Extrufix of Florida, Inc. will be the surviving corporation;

WHEREAS, the shareholders and directors of both corporations have approved this Plan of Merger;

NOW THEREFORE, in consideration of the premises set forth above:

1. Merger. Extrufix, Inc. shall be merged into the surviving corporation, Extrufix of Florida, Inc. The effective date of the merger will be March 1, 1989.

2. Exchange of Stock. The shareholders of Extrufix, Inc. shall exchange each outstanding share of stock of Extrufix, Inc. for each existing issued and outstanding share of stock of Extrufix of Florida, Inc..

3. No Additional Securities Issued. No additional securities will be issued by the surviving corporation pursuant to this Plan of Merger.

4. Amendment of Articles of Incorporation. The Articles of Incorporation of the surviving corporation Extrufix of Florida, Inc. shall be amended to change the name of the corporation to Extrufix, Inc.

5. Articles of Merger.

5.1. The officers of Extrufix, Inc. shall cause Articles of Merger to be filed with the North Carolina Secretary of State.

5.2. The officers of Extrufix of Florida, Inc. shall cause Articles of Merger to be filed with the Florida Department of State.

5.3. The officers of Extrufix, Inc. shall cause a certified copy of the Articles of Merger received from the Secretary of State of North Carolina to be filed with the Register of Deeds in the county where the corporation has its registered office within 60 days of the receipt of the copy from the

5.4. The officers of Extrufix of Florida, Inc. shall cause a copy of the Articles of Merger certified by the Department of State to be filed in the office of the official who is the recording officer in each county in which real property of Extrufix of Florida, Inc. is situated.

6. Effect of Merger.

6.1. Pursuant to the laws of the State of North Carolina and the State of Florida, upon the filing of the Articles of Merger, the separate existence of Extrufix, Inc. shall cease and only Extrufix of Florida, Inc. shall survive and Extrufix of Florida, Inc. shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises of a public as well as a private nature, of Extrufix, Inc.

6.2. Pursuant to the laws of the State of North Carolina and the State of Florida, all property, real, personal and mixed, and all debts due on whatever account, all other choses in action, and all and every other interest of or belonging to, or due to Extrufix, Inc. shall be taken and deemed to be transferred to, and vested in Extrufix of Florida, Inc. without further act, or deed and the title to any real estate, or any interest therein vested in Extrufix, Inc. shall not revert, or in any way be impaired by reason of such merger.

6.3. Pursuant to North Carolina and Florida law, Extrufix of Florida, Inc. shall thenceforth be responsible and liable for all the liabilities and obligations of Extrufix, Inc. and any claim existing, or action, or proceeding, pending by or against Extrufix, Inc. may be prosecuted as if the merger had not taken place, or Extrufix of Florida, Inc. may be substituted in place of Extrufix, Inc. Neither the rights of creditors nor any liens upon the property shall be impaired by such merger.

7. Documentation of Transfer and Assumption. Notwithstanding the effect of the merger pursuant to the laws of the State of North Carolina and the laws of the State of Florida, the officers and directors of Extrufix of Florida, Inc. and Extrufix, Inc. are authorized to sign any and all documents and do any and all acts necessary to effectuate the Plan of Merger, including but not limited to, executing deeds transferring all real property, executing all assignments of all personal property and sending notices of the cessation of the existence of Extrufix, Inc. and the transfer of all assets to and the assumption of its liabilities by Extrufix of Florida, Inc. to all taxing authorities, licensing authorities, insurers, debtors, creditors, suppliers and all other persons previously dealing with Extrufix, Inc. whom they deem necessary or desirable.



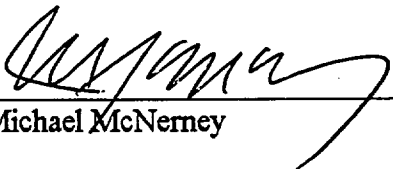
EXTRUFIX INC.  
35 HASTINGS ROAD  
PEPPERLAW, ONTARIO  
LOE 1N0  
(705) 437-2438  
FAX: (705) 437-2797

**AFFIDAVIT**

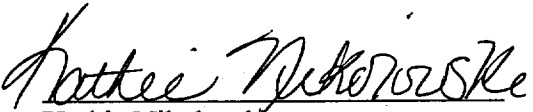
I, Michael McNerney of Cedar Valley, Ontario hereby confirm that I was the Vice President of Extrufix Inc., a North Carolina corporation, having its head office in Wilmington, North Carolina.

I further hereby confirm that pursuant to an amalgamation and merger which was effective March 1, 1989 in the state of Florida, the North Carolina corporation transferred all rights, titles and interest to the United States Trademark Registration Number 1,015,318, to the surviving corporation, Extrufix of Florida, Inc.

Executed at Pefferlaw, Ontario  
by Michael McNerney, Vice President  
DATE: June 7, 1995

  
Michael McNerney

Witnessed by:

  
Kathie Nikolovski

Form PTO-1594  
(Rev. 8-93)  
Attorney Docket No.: 1  
**NY 8-11-97**  
**F**

**08-27-1997**



**100518451**

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**3R SHEET**  
**Y**

**AUG 11 1997**  
RECEIPT ACC...

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original

1. Name of conveying party(ies):  
Extrufix, Inc.  
 Individual(s)  Association  
 General Partnership  Limited Partnership  
 Corporation-State NORTH CAROLINA  
 Other \_\_\_\_\_  
Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of party(ies):  
Name: Extrufix, Inc U.S. Patent & TMO/c/TM Mail Rcpt Dt. #47  
Internal Address: \_\_\_\_\_  
Street Address: 4125 L.B. McLeod Road  
City: Orlando State: FL Zip: 32811

3. Nature of conveyance:  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Other Confirmatory Assignment  
Execution Date: \_\_\_\_\_

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Florida  
 Other \_\_\_\_\_  
If assignee is not domiciled in the United States, a domestic representative designation is attached  YES  NO  
Additional name(s) & address(es) attached:  
 Yes  No

4. Application number(s) or Registration number(s):  
A. Trademark Application No.(s) \_\_\_\_\_  
B. Trademark Registration No.(s) 1,056,102 and 1,105,318  
Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: Jeffrey S. Steen  
Internal Address: \_\_\_\_\_  
Street Address: DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
City: Uniondale State: NY Zip: 11553

6. Total number of applications and trademarks involved: 2  
7. Total fee (37 C.F.R. §3.41): \$80.00  
 Enclosed  
 Authorized to be charged to deposit account  
8. Deposit account number: \_\_\_\_\_  
04-1121 **888**  
(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. 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.  
Jeffrey S. Steen  
Name of Person Signing \_\_\_\_\_ Signature \_\_\_\_\_ Date August 6, 1997  
Total number of pages, including cover sheet, attachments, and document: \_\_\_\_\_

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AUG 11 1997  
PTO