

12-17-1999

FORM PTO-1618A
Expires 06/30/99
OMB 0651-0027

101225236

U.S. Department of Commerce
Patent and Trademark Office
TRADEMARKRECORDATION FORM COVER SHEET
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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 Reaffirmation and
Merger Amendment Effective Date
Month Day Year
11 16 99
- ☐ Change of Name
- ☐ Other

Conveying Party

☐ Mark if additional names of conveying parties attachedExecution Date
Month Day Year
11 16 99

Name Homax Products, Inc.

Formerly

- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association
- ☐ Other

☒ Citizenship/State of Incorporation/Organization Delaware

Receiving Party

☐ Mark if additional names of receiving parties attached

Name Fleet Capital Corporation, as a Lender and as Administrative Agent

DBA/KA/TA Composed of

Address (line 1) 20800 Swenson Drive, Suite 350

Address (line 2)

Address (line 3) Waukesha

WI

53186

City

State/Country

Zip Code

- ☐ Individual ☐ General Partnership ☐ Limited Partnership
- ☒ Corporation ☐ Association
- ☐ Other

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.)

☒ Citizenship/State of Incorporation/Organization Rhode Island

12/17/1999 TTU11 0000000 122169

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01 FC:481
02 FC:48248.00 CP
172.00 CP

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Mail documents to be recorded with required cover sheet(s) information TRADEMARK

REEL: 002000 FRAME: 0397

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" value="75/053,233"/>	<input type="text" value="75/053,081"/>	<input type="text" value="75/053,075"/>	<input type="text" value="1,252,169"/>	<input type="text" value="2,164,999"/>	<input type="text" value="1,684,214"/>
<input type="text" value="75/386,112"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="1,687,437"/>	<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.

Trisha Neal

Name of Person Signing

Trisha Neal

Signature

12-2-99

Date Signed

REAFFIRMATION AND AMENDMENT

Homax Products, Inc., a Delaware corporation ("Homax"), Rhodes*American Products, Inc., a Delaware corporation f/k/a RA Products, Inc., Tile Care Products, Inc., a Delaware corporation f/k/a Tile Care Products Acquisition Co., Ultrablend Systems, Inc., a New Hampshire corporation and ASM Company, Inc., a California corporation (collectively "Borrowers") desire to receive loans and certain other financial accommodations pursuant to the terms of a certain Amended and Restated Loan and Security Agreement of even date herewith among Borrowers, Fleet Capital Corporation, a Rhode Island corporation, as a Lender and as Administrative Agent, Heller Financial, Inc., a Delaware corporation, as a Lender and as Documentation Agent and certain financial institutions which are or may become parties thereto from time to time, each as a Lender (as the same may be amended, restated, supplemented or otherwise modified from time to time, the "Loan Agreement"; capitalized terms used herein without definition shall have the meanings ascribed thereto in the Loan Agreement). To induce Co-Agents and Lenders to make loans and to extend financial accommodations to Borrowers, Homax hereby agrees with Administrative Agent, for its benefit and the benefit of the Lenders, as follows:

(i) All references in that certain Patent Mortgage dated as of June 8, 1999 executed by Homax in favor of Administrative Agent (the "Patent Mortgage") to a certain Loan and Security Agreement dated as of June 8, 1999 among Homax, ASM and Fleet, individually and as Administrative Agent, shall be deemed to refer to the Loan Agreement. Homax hereby agrees that Administrative Agent may file a manually executed original of this Reaffirmation and Amendment with the United States Patent Office in respect of the U.S. Patents described on Exhibit A hereto.

(ii) All references in that certain Trademark Mortgage dated as of June 8, 1999 executed by Homax in favor of Administrative Agent (the "Trademark Mortgage") to a certain Loan and Security Agreement dated as of June 8, 1999 among Homax, ASM and Fleet, individually and as Administrative Agent, shall be deemed to refer to the Loan Agreement. Homax hereby agrees that Administrative Agent may file a manually executed original of this Reaffirmation and Amendment with the United States Trademark Office in respect of the U.S. Trademarks described on Exhibit B hereto.

Except as set forth above, each of the Trademark Mortgage and the Patent Mortgage (together, the "Specified Agreements") shall remain unmodified and in full force and effect. Homax hereby reaffirms its obligations and liabilities under each of the Specified Agreements, each as amended hereby, and acknowledges that each of the Specified Agreements shall remain in full force and effect following the execution and delivery of the Loan Agreement.

This Reaffirmation is dated as of the 16th day of November, 1999.

HOMAX PRODUCTS, INC.

By Michael S. J.
Name Michael Sanders
Its Asst. Sec.

Acknowledged and Agreed to as
of the day and date written above

FLEET CAPITAL CORPORATION,
as Administrative Agent

By: _____
Its: _____

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REEL: 002000 FRAME: 0400

This Reaffirmation is dated as of the 16th day of November, 1999.

HOMAX PRODUCTS, INC.

By _____
Name _____
Its _____

Acknowledged and Agreed to as
of the day and date written above

FLEET CAPITAL CORPORATION,
as Administrative Agent

By: Sandra J. Gandy
Its: Senior Vice President

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EXHIBIT A

PATENTS

TRADEMARK
REEL: 002000 FRAME: 0402

HOMAX Products, Inc.

PATENTS

U.S. Pat. No. 4,411,387
MANUALLY OPERATED SPRAY APPLICATOR
Issued: 10/25/83
Licensed from DJS&T LLP
Third maintenance fee paid April 24, 1995

U.S. Pat. No. 4,639,156
PAINTING APPARATUS AND METHOD
Issued: 1/27/87
Final maintenance fee paid July 21, 1998

U.S. Pat. No. 4,955,545
MANUALLY ADJUSTABLE SPRAY APPLICATOR
Issued: 9/11/90
Third Maintenance fee due March 11, 2002

U.S. Pat. No. 4,961,537
PRESSURE OPERATED SPRAY APPLICATOR
Issued: 10/9/90
Third maintenance fee due April 9, 2002

U.S. Pat. No. 5,069,390
MANUALLY ADJUSTABLE SPRAY APPLICATOR
Issued: 12/3/91
Third maintenance fee due June 3, 2003

U.S. Pat. No. 5,114,527
DRYWALL TAPE APPLYING TOOL
Issued: 5/19/92
Maintenance fees due November 19, 1999 and November 19, 2003

U.S. Design Pat. No. 331,354
DRYWALL TAPE APPLICATOR
Issued: 12/1/92
No maintenance fees due

U.S. Pat. No. 5,188,295
MANUALLY ADJUSTABLE SPRAY APPLICATOR
Issued: 2/23/93
Maintenance fees due August 23, 2000 and August 23, 2004

1010217 v1: LHM&H.DOC

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NO. 835 P833

U.S. Pat. No. 5,310,095
SPRAY TEXTURING APPARATUS AND METHOD HAVING A
PLURALITY OF DISPERSING TUBES ("TRIPLE STRAW")
Issued: 5/10/94
Maintenance fees due November 10, 2001 and November 10, 2005

U.S. Pat. No. 5,409,148
SPRAY TEXTURING APPARATUS AND METHOD WITH DISPENSING TUBE
("SINGLE STRAW")
Issued: 4/25/95
Maintenance fees due October 25, 2002 and October 25, 2006

U.S. Pat. No. 5,489,048
SPRAY TEXTURING APPARATUS AND METHOD
Issued: 2/6/96
(Continuation of triple and single straw patents)
U.S. Ser. No. 08/424,793
Corresponds to U.S. 08/238,471
Maintenance fees due August 6, 1999, August 6, 2003 and August 6, 2007

U.S. Pat. No. 5,450,983
AEROSOL SPRAY TEXTURE APPARATUS AND METHOD FOR A PARTICULATE
CONTAINING MATERIAL
Issued: 9/19/95
U.S. Ser. No. 08/216,155
Maintenance fees due March 19, 2003 and March 19, 2007

Pending U.S. patent applications:

U.S. Ser. No. 08/321,559
SPRAY TEXTURING NOZZLES HAVING VARIABLE ORIFICE
U.S. Pat. No. 5,524,798 issued June 11, 1996
This application was filed on October 12, 1994.

Maintenance fees due December 11, 1999, December 11, 2003 and December 11, 2007

SPRAY TEXTURING DEVICE
U.S. Ser. No. 08/451,732
(Texture Material Contained in Product Pouch)
C-I-P of 08/321,559

U.S. Pat. No. 5,655,691, issued August 12, 1997
Maintenance fees due February 12, 2001, February 12, 2005 and February 12, 2009

1010217 v1. LWSLJ11DOC

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NO. 035 P034

**METHOD AND APPARATUS FOR COVERING
IRREGULARITIES IN A WALL SURFACE (aerosol spackle)**

U.S. Ser. No. 08/418,753 USPN 5,605,259

This application was filed April 7, 1995 and issued February 25, 1997

Maintenance fees due August 25, 2000, August 25, 2004 and August 25, 2008

U.S. Ser. No. 08/534,344

**AEROSOL SPRAY TEXTURE APPARATUS FOR
A PARTICULATE CONTAINING MATERIAL.**

Continuation of 08/496,386

This application was filed on September 27, 1995. Abandoned January 21, 1997

U.S. Ser. No. 60/001,091

SPRAY TEXTURING NOZZLE

This provisional application was filed Jul 12, 1995

Streamline Continuation of P3367

Abandoned February 17, 1998

Patent application to be filed claiming valve assembly of acoustic aerosol product.

U.S. Ser. No. 08/597,195

USPN 5,645,198

**SPRAY TEXTURING APPARATUS AND METHOD
("MULTIPLE EMBODIMENTS PATENT")**

Continuation of 08/424,793

Maintenance fees due January 8, 2001, January 8, 2005 and January 8, 2009

SPRAY APPLICATOR WITH AIR SHUT-OFF VALVE

Serial Number 08/512,937

USPN 5,727,736

Filed August 9, 1995; Issued March 17, 1998

Maintenance fees due September 17, 2001, September 17, 2005 and September 17, 2009

SPRAY TEXTURING NOZZLE

U.S. pat. appl'n no. 08/680,261

Abandoned March 31, 1998

**AEROSOL SPRAY TEXTURING APPARATUS FOR
A PARTICULATE CONTAINING MATERIAL**

U.S. pat. appl'n no. 08/782,142

Filed continuation ser. No. 08/950,202

Abandoned February 17, 1998

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-P GOLDBERG, KOHN et al: Page 39
NO.835 P835

AEROSOL SPRAY TEXTURING DEVICES
USPN 5,715,976

Filed April 2, 1996; Issued February 10, 1998

Ser. No. 08/626.834

Maintenance fees due August 10, 2001, August 10, 2005 and August 10, 2009

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NO. 835 P836

PATENT LICENSES

<u>Title</u> <u>Date</u>	<u>Appln No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue</u>
MAGNETIC PAINT COMPOSITION AND METHOD Maintenance fees due June 24, 2000, June 24, 2004 and June 24, 2008	08/296,351	08/25/94	5,587,102	12/24/96
AEROSOL MAGNETIC PAINT COMPOSITION AND METHOD Abandoned February 21, 1997	08/348,609			
MAGNETIC PAINT COMPOSITION AND METHOD Abandoned November 1, 1996	08/334,870	11/04/94		
TEST SWAB AND METHOD OF MAKING AND USING SAME	08/156,623	11/21/93	5,364,792	11/15/94
TEST SWAB DEVICE AND METHOD OF DETECTING LEAD, MERCURY ARSENIC AND BISMUTH	08/750,312	8/27/91	5,330,917	7/19/94
TEST SWAB TO DETECT A SUBSTANCE ON A SURFACE AND METHOD OF MAKING AND USING SAME	08/015,827	2/10/93	5,278,075	1/11/94
TEST SWAB CARTRIDGE TYPE DEVICE AND METHOD FOR DETECTING LEAD AND CADMIUM	449,488	5/7/90	5,039,618	8/13/91

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EXHIBIT B
TRADEMARKS

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HOMAX PRODUCTS, INC.

TRADEMARKS

Mark: HOMAX
Ser. No. 360,591
Reg. No. 1,252,169
Reg. Date: 9/27/83

Renewal due by 9/27/03.

Mark: PAINT 'N TEX
Serial No. 75/053,648
Filing Date: 2/5/96
Reg. No. 2,164,999

Affidavit of use due June 6, 2004.
Renewal due June 16, 2008.

Mark: HOMAX EASY TOUCH SPRAY TEXTURE
Serial No. 75/386,112
Published for opposition April 27, 1999

Mark: ACOUSTI-TEX
Serial No. 75/053,075
Filing Date: 2/5/96

This application was abandoned 11/10/97.

Mark: SLIP FREE
Serial No. 75/053,081
Filing Date: 2/5/96

This application was abandoned 3/28/97.

Mark: EASY TOUCH
Serial No. 75/053,333
Filing Date: 2/5/96

This application was abandoned 11/10/97.

10/0017 v1; L000011000

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NO.035 P831

TRADEMARK LICENSES

<u>MARK</u>	<u>Country</u>	<u>Reg. No.</u>	<u>Appl. No.</u>
LEADCHECK	U.S.A.	1,684,214	7
LEADCHECK (& Des.)	U.S.A.	1,687,437	8

1040217 v1: L00451LDOC

RECORDED: 12/07/1999

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