

03-06-2000



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RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

OPR/FINANCE
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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
- Nunc Pro Tunc Assignment
- Merger
- Change of Name
- Other

Effective Date
Month Day Year
01 13 2000

Conveying Party

Mark if additional names of conveying parties attached

Name

Execution Date
Month Day Year
01 13 2000

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/AKATA

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.)

03/03/2000 BCDATES 00000211 1463395

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40.00 DP

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: 002029 FRAME: 0911

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="1463395"/>	<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

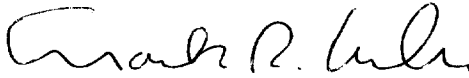
Deposit Account (Enter for payment by deposit account or if additional fees can be charged to the account.)

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.

Mark R. Leslie  January 21, 2000

Name of Person Signing Signature Date Signed

RELEASE OF INTEREST IN TRADEMARKS

THIS RELEASE OF INTEREST IN TRADEMARKS ("Agreement") is executed as of the 13th day of January, 2000, by THE ROYAL BANK OF SCOTLAND plc, having its registered office at 36 St. Andrew Square, Edinburgh, Scotland, United Kingdom EH2 2YB, and having a United States mailing address at 88 Pine Street, New York, New York 10005-1801 (the "Bank").

WITNESSETH:

WHEREAS, the Bank and Trianco Heatmaker Inc., a Massachusetts corporation (the "Assignor"), entered into a Security Agreement and Assignment (the "Security Agreement") dated as of January 31, 1994 for the purpose of securing the complete and timely satisfaction of all of the Obligations (as that term is defined in the Security Agreement) of the Assignor under the Security Agreement;

WHEREAS, pursuant to the Security Agreement, the Assignor granted to the Bank a security interest in all General Intangibles (as that term is defined in the Security Agreement), including, among other things, those certain United States and foreign trademarks and trademark registrations set forth on Schedule III to the Security Agreement, a copy of the relevant portion of which is attached as Exhibit A hereto (the "Trademarks");

WHEREAS, the Security Agreement was recorded in the United States Patent and Trademark Office on August 25, 1994, at Reel 7113, Frame 272; and

WHEREAS, the Assignor has paid the Obligations in a complete and timely manner and is desirous of the Bank's acknowledging the termination of its security interest in and to the Trademarks.

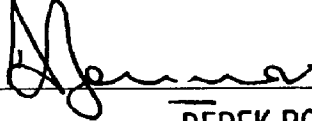
THEREFORE, the Bank, intending to be legally bound, hereby agrees as follows:

1. The foregoing recitals are hereby incorporated into and made a part of this Agreement.
2. The Bank hereby releases, terminates, waives, relinquishes, and forever discharges any and all security interests, rights, liens, privileges, title and interest whatsoever it has in the Trademarks.
3. The provisions of this Agreement are severable, and if any clause or provision shall be held invalid and unenforceable in whole or in part in any jurisdiction, then such invalidity or unenforceability shall affect only such clause or provision, or part thereof, in such jurisdiction, and shall not in any manner affect such clause or provision in any other jurisdiction, or any clause or provision of this Agreement in any jurisdiction.
4. The benefits and burdens of this Agreement shall inure to the benefit of and be binding upon the respective successors and permitted assigns of the Bank and the Assignor.

5. The Bank and the Assignor shall record this document in the United States Patent and Trademark Office.

WITNESS the execution hereof under seal as of the day and year first above written.

THE ROYAL BANK OF SCOTLAND plc

By: 
Title: DEREK BONNAR
VICE PRESIDENT

CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF NEW YORK :
: SS:
COUNTY OF NEW YORK :

Before me, the undersigned, a Notary Public in and for the county aforesaid, on this 13th of Jun., ~~1999~~ ²⁰⁰⁰, personally appeared Derek Pinnard, who acknowledged himself to be the Vice President of The Royal Bank of Scotland plc, and that he as such, being authorized to do so, executed the foregoing Release of Interest in Patents for the purposes stated therein on behalf of The Royal Bank of Scotland plc.

In WITNESS WHEREOF, I have set my hand and official seal.

Robin B. Klueber
Notary Public

ROBIN B. KLUEBER
Notary Public, State of New York
No. 30-4717884
Qualified in New York County
Commission Expires February 28, 2001

My commission expires: _____

EXHIBIT A

Trademark Registrations

1. South Korea Trademark Registration No. 146,059 for "H₂OTMAKER" for Water Heaters issued 10/6/87.
2. U.S. Trademark Registration No. 1,463,395 for "HEATMAKER" for Hot Water Boiler for Commercial and Residential Use issued 11/3/87.
3. South Korea Trademark Registration No. 148,976 for "HEATMAKER" for gas boilers issued 12/23/87.
4. Japan Trademark Registration No. 2085708 for "H₂OTMAKER" for Water Heaters and All Other Goods Belonging to this Class issued 10/26/88.
5. Japan Trademark Application No. 7649/1989 for "HEATMAKER" for Gas Water Heaters and All Other Goods Belonging to this Class issued 6/5/90.

Trademark Pending Applications

1. Canada Trademark Application No. 617,770 for "HEATMAKER" for Hot Water Boilers dated 10/6/88.

REEL 113 FRAME 305