

12-28-2000



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12/8/00

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
01 20 1994

Conveying Party

Mark if additional names of conveying parties attached

Name

Execution Date
Month Day Year
01 20 1994

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

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

12/26/2000 GTON11 00000067 839791

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Mail documents to be recorded with required cover sheet(s) information to:
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TRADEMARK
REEL: 002200 FRAME: 0883

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)

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.

J. JOSEPH MULLER

Name of Person Signing

J. Joseph Muller #28,450

Signature

12/05/00

Date Signed


ASSIGNMENT

WHEREAS, Eastern Container Company, Inc., a Maryland corporation, located and doing business at 8933 Yellow Brick Road, Baltimore, MD 21237, has adopted, used and is using the mark Philcan which is registered in the United States Patent and Trademark Office, Registration No. 839,791 dated December 5, 1967; and

WHEREAS, United States Can Company, a Delaware corporation located and doing business at 900 Commerce Drive, Suite 302, Oak Brook, IL 60521, is desirous of acquiring said mark and the registration thereof;

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Eastern Container Company, Inc. does hereby assign unto United States Can Company all of its right, title and interest in and to the said mark, together with the good will of the business symbolized by the mark, and the above-identified registration thereof.

EASTERN CONTAINER COMPANY, INC.

By: 
Jay M. Wilson
President

Dated: 1/20/94

AFFIDAVIT OF PATRICIA M. COSGROVE

I, Patricia M. Cosgrove, am a resident of the State of Illinois, am over the age of 21 years, and am competent to make this affidavit. I am providing this affidavit in connection with the filing of the attached Assignment before the United States Patent and Trademark Office (USPTO). I aver as follows:

1. The United States Can Company (U.S. Can) has employed me since May 1999. I hold the title of Assistant General Counsel and Assistant Secretary. In connection with my position, I am responsible for providing legal advice regarding U.S. Can's intellectual property. In the course of providing such advice, I regularly review records regarding corporate transactions and the intellectual property transferred as a result of such transactions. I am making this affidavit based on my review of corporate records, made and kept in the regular course of business for U.S. Can.
2. On October 4, 2000, U.S. Can consummated a recapitalization of its publicly held stock. In connection with its recapitalization, U.S. Can entered into various financing arrangements and secured its obligations, in part, with its intellectual property assets. In connection with the recapitalization, U.S. Can performed a search of its intellectual property records, including a review of its prior corporate transactions, to confirm that it had properly recorded all owned intellectual property assets.
3. I personally reviewed the transaction documents related to U.S. Can's purchase of the assets of Eastern Container Company, Inc. and Eastern Metal Decorating, Inc., dated January 20, 1994. In connection with this transaction, U.S. Can obtained a signed Assignment of the Philcan trademark, registered in the USPTO, registration no. 839,791, dated December 5, 1967. The original signed Assignment was attached as an appendix to the Asset Purchase Agreement. Based on my review of the Asset Purchase Agreement, the attached Assignment is an original document, signed by Jay M. Wilson, in his capacity as President of Eastern Container Company, Inc. In that capacity, Mr. Wilson had authority to execute such Assignment. Due to an oversight, the original Assignment was attached to a copy of the Asset Purchase Agreement instead of being filed with the USPTO contemporaneously with the close of the transaction.
4. Based on my personal review of the corporate records related to the above-referenced Asset Purchase Agreement, the Philcan trademark is owned by U.S. Can.

5. Accordingly, United States Can Company owns the above-referenced trademark. As such, the undersigned, on behalf of United States Can Company, petitions the United States Patent and Trademark Office to record the Assignment and correct all governmental records related to the above-referenced trademark to reflect ownership in the name of United States Can Company.

FURTHER AFFIANT SAYETH NOT.

UNITED STATES CAN COMPANY

By Patricia M. Cosgrove

Patricia M. Cosgrove

Assistant General Counsel and Assistant Secretary

Dated this 4th day of December, 2000

SUBSCRIBED AND SWORN to before
me this 4th day of December, 2000.

Michelle L. Greaves

Notary Public

