

02-21-2001

Attorney Docket No. KOCH

FORM PTO-1594

2-5-01

RECOI



U.S. DEPT. OF COMMERCE
PATENT AND TRADEMARK OFFICE

101617637

To The Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Koch Materials Company

Individual(s) Association
 General Partnership Limited Partnership
 Corporation--State - Delaware
 Other:

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

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

Name: Koch Waterproofing Solutions, Inc.
Internal Address:
Street Address: 4111 East 37th Street North
City: Wichita State: KS Zip: 67220

Individual(s) citizenship
 Association
 General Partnership
 Limited Partnership
 Corporation--State - Delaware
 Other:

3. Nature of Conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other:

Execution Date: January 8, 2001

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No

(Designations must be a separate document from assignment)
Additional name(s) & address(es) attached? Yes No

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

A. Trademark Application No(s): 76/101,781;
76/101,782; 76/114,738; 76/114,736; 76/114,735;
76/144,652; 76/114,737

B. Trademark Registration No(s): 1,327,810; 2, 209,759; 2,209,722;
2,090,533; 2,209,758

Additional numbers attached? Yes No

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

Name: Joan Optican Herman
Internal Address: Shook, Hardy & Bacon L.L.P.
One Kansas City Place
Street Address: 1200 Main Street
City: Kansas City
State: Missouri
Zip: 64105-2118

6. Total number of applications and registrations involved 12

7. Total fee (37 CFR 3.41) \$315.00

Enclosed
 Authorized to be charged to deposit account


8. Deposit Account No.: 19-2112
(Attach duplicate copy of this page if paying by deposit account)

02/20/2001 DBYRNE 00000148 76101781
01 FC:481 40.00 OP
02 FC:442 275.00 OP

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.

Joan Optican Herman  2/2/01

Name of person signing Signature Date

Total number of pages including cover sheet, attachments, and document: 3

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

**ASSIGNMENT
Registered and Pending Marks**

WHEREAS, Koch Materials Company, a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 4111 East 37th Street North, Wichita, Kansas 67220 (hereinafter referred to as "Assignor"), is the owner of the registered and pending word and design trade marks set forth in Schedule A, attached hereto (the "Marks"); and

WHEREAS, Koch Waterproofing Solutions, Inc., a corporation organized and existing under the laws of the State of Delaware, having a business address at 4111 East 37th Street North, Wichita, Kansas 67220 (hereinafter referred to as "Assignee"), is desirous of acquiring the entire right, title and interest in and to the Marks;

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby sells, assigns and transfers unto Assignee, its successors, assigns and legal representatives the entire right, title and interest in and to the Marks, together with all of the good will of the business symbolized by the Marks and all causes of action arising prior to or after the date hereof for infringement of the Marks, and all claims for damages for past infringement of the same; and

Assignor further agrees to execute any and all powers of attorney, applications, assignments, declarations, affidavits and any other papers in connection therewith necessary to perfect such rights, title and interest in Assignee, its successors, assigns and legal representatives.

IN WITNESS WHEREOF, Assignor has executed this Assignment this 8th day of January, 2001, to be effective January 1, 2001.

Koch Materials Company

By: *R. J. Witte* **DJB**

Name: R. J. WITTE

Title: President

Attest: *Nancy J. Smith*

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

On this the 8th day of January, 2001, before me, a Notary Public in and for the State and County aforesaid, personally appeared *R. J. Witte*, to me well known and known by me to be the person of the above name who signed the foregoing instrument, and acknowledged the same to be his own free act and deed.



Janice R. Walley
Notary Public
My commission Expires: 10-31-2004

EXHIBIT A

Registered Word Trade Marks

<u>Mark</u>	<u>Registration Number</u>	<u>Registration Date</u>
TUFF-N-DRI	1327810	4-2-1985
WATCHDOG	2209759	12-8-1998
WATCHDOG WATERPROOFING	2209722	12-8-1998

Registered Design Trade Marks

<u>Design plus words</u>	<u>Registration Number</u>	<u>Registration Date</u>
GUARANTEED DRY BASEMENT	2090533	8-26-1997
TUFF-N-DRI EXTERIOR FOUNDATION WATERPROOFING SYSTEM		



2209758 12-8-1998




WATCHDOG
WATERPROOFING®

Pending Word Trade Marks

<u>Mark</u>	<u>Serial Number</u>	<u>File Date</u>
POLYPRO DAMPPROOFING	76101781	8-2-2000
POLYPRO XP DAMPPROOFING	76101782	8-2-2000
FRONTLINE	76114738	8-22-2000
MULSEAL	76114736	8-22-2000
WATCHDOG+ARMOR	76114735	8-22-2000
BEARICADE WATERPROOFING	76144652	10-10-2000

Pending Design Trade Mark

<u>Design only</u>	<u>Serial Number</u>	<u>File Date</u>
	76114737	8-22-2000