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

U.S. Patent & TMOs/TM Mail Rcpt Dt. #11

Department of Commerce  
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### 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 Effective Date  
Month Day Year  
04021995
- Change of Name
- Other \_\_\_\_\_

#### Conveying Party

Mark if additional names of conveying parties attached

Name  Execution Date  
Month Day Year  
03301995

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  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.)
- Corporation  Association
- Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization

#### FOR OFFICE USE ONLY

03/23/2001 DBYBNE 00000104 500517 1888543

01 FC:481 40.00 CH  
02 FC:482 25.00 CH

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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: 002257 FRAME: 0177

**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.

Randel S. Springer

Name of Person Signing

Signature

March 6, 2001

Date Signed

95 093 9019

ARTICLES OF MERGER  
OF  
ACME-MCCRARY SALES CORPORATION  
INTO  
ACME-MCCRARY CORPORATION

0-0002606

FILED  
9:00 AM

MAR 31 1995

EFFECTIVE 12:01 A.M. 4/2  
RUFUS L. EDMISTEN  
SECRETARY OF STATE  
NORTH CAROLINA

Acme-McCrary Corporation, a corporation organized under the laws of North Carolina (the "Surviving Corporation"), hereby submits these Articles of Merger for the purpose of merging Acme-McCrary Sales Corporation, a corporation organized under the laws of North Carolina (the "Merging Corporation"), into the Surviving Corporation:

I. The following Plan of Merger was duly adopted by the Boards of Directors of each of the corporations participating in the merger in the manner prescribed by law:

A. Corporations Participating in the Merger.

Acme-McCrary Sales Corporation, a North Carolina corporation (the "Merging Corporation"), shall merge with and into Acme-McCrary Corporation, a North Carolina corporation which shall be the surviving corporation (the "Surviving Corporation").

B. Name of Surviving Corporation.

Upon the effectiveness of the merger, the name of the Surviving Corporation shall be "Acme-McCrary Corporation."

C. Terms and Conditions of the Merger.

The merger of the Merging Corporation into the Surviving Corporation shall be effected pursuant to the following terms and conditions:

1. The merger shall become effective upon the later to occur of 12:01 a.m. on April 2, 1995 or the filing of Articles of Merger setting forth this Plan of Merger with the Secretary of State of North Carolina (the "Effective Time").

2. At the Effective Time, the corporate existence of the Merging Corporation shall be merged into the Surviving Corporation, and the corporate existence of the Surviving Corporation shall continue. Except insofar as the same may be continued by law or to carry out the purposes of this Plan of Merger, and except as continued in and merged into the Surviving Corporation, the separate existence of the Merging Corporation shall cease as of the Effective Time and the Surviving Corporation shall be the successor of the Merging Corporation.

3. The Articles of Incorporation and bylaws of the Surviving Corporation as of the Effective Time shall be the

Articles of Incorporation and bylaws, respectively, of the Surviving Corporation until altered, amended, or repealed as provided therein.

4. The directors and officers of the Surviving Corporation as of the Effective Time shall be the directors and officers of the Surviving Corporation until their successors are elected or appointed according to the bylaws of the Surviving Corporation.

**D. Conversion of Shares.**

As of the Effective Time, the outstanding shares of the corporations participating in the merger shall be converted as follows:

1. Shares of capital stock of the Surviving Corporation outstanding immediately prior to the Effective Time shall not be converted or altered in any manner as a result of the merger and shall remain outstanding as shares of capital stock of the Surviving Corporation.

2. Each of the shares of capital stock, par value \$100.00 per share, of the Merging Corporation outstanding immediately prior to the Effective Time (other than shares held by the Surviving Corporation and shares held by dissenting shareholders of the Merging Corporation) shall be converted into 97.9569 shares of common stock, par value \$5.00 per share, of the Surviving Corporation; provided, however, that no fractional shares shall be issued and any shareholder of the Merging Corporation who would otherwise be entitled to receive a fractional share of common stock, par value \$5.00 per share, of the Surviving Corporation shall receive in lieu thereof cash at the rate of \$51.09 per share.

3. Shares of capital stock of the Merging Corporation held by the Surviving Corporation immediately prior to the Effective Time shall be cancelled as of the Effective Time.

4. Shares of capital stock of the Merging Corporation held by holders who did not vote in favor of the merger and who otherwise perfect dissenters' rights under Article 13 of the North Carolina Business Corporation Act shall not be converted into or become shares of capital stock of the Surviving Corporation, but such shares of capital stock of the Merging Corporation shall represent only the right to receive the "fair value" of such shares as provided in the North Carolina Business Corporation Act. If any such holder shall have failed to perfect or shall have effectively withdrawn or forfeited such dissenters' rights, such shares of capital stock of the Merging Corporation shall thereupon be deemed to have been converted and become shares of capital stock of the Surviving Corporation as provided herein as of the Effective Time without any interest thereon.

5. From and after the Effective Time, each holder of shares of capital stock of the Merging Corporation shall be entitled, upon presentation and surrender to the Surviving Corporation of the certificates representing such shares, to receive in exchange therefor certificates representing the number of whole shares of capital stock of the Surviving Corporation, and a check representing the amount of cash for fractional shares, if any, into which such shares shall have been converted. The surrendered certificates shall be cancelled. Until such surrender, each outstanding certificate which prior to the Effective Time represented shares of capital stock of the Merging Corporation shall be deemed for all corporate purposes to evidence ownership of the number of shares of capital stock of the Surviving Corporation into which the same shall have been converted. In the event any certificate representing shares to be converted pursuant to the merger shall have been lost, stolen or destroyed, upon receipt of evidence as to such loss, theft or destruction and as to ownership thereof and upon receipt of appropriate indemnification therefor, certificates representing shares of capital stock of the Surviving Corporation shall be issued and exchanged therefor as described above, together with a check representing cash in lieu of fractional shares, if any.

#### **E. Abandonment.**

This Plan of Merger may be terminated and the merger abandoned at any time prior to the Effective upon termination of the Agreement and Plan of Merger dated as of March 13, 1995 between the Surviving Corporation and the Merging Corporation.

II. The foregoing Plan of Merger was approved by the shareholders of the Merging Corporation in the manner prescribed by law.

III. Approval of the Plan of Merger of the shareholders of the Surviving Corporation was not required in accordance with Section 55-11-03(g) of the North Carolina Business Corporation Act.

IV. The merger will become effective at 12:01 a.m. on April 2, 1995.

This the 30th day of March, 1995.

**ACME-MCCRAY CORPORATION**

By:   
William H. Redding, Jr.  
President



March 7, 2001

03-07-2001

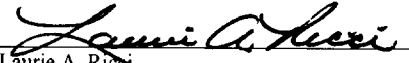
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**VIA EXPRESS MAIL**

Commissioner for Trademarks  
U.S. Patent & Trademark Office  
Box ASSIGNMENTS, 2900 Crystal Drive  
Arlington, Virginia 22202-3513

EXPRESS MAIL No. EL576725710US

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee," in an envelope addressed to: Commissioner for Trademarks, U.S. Patent and Trademark Office, Box ASSIGNMENTS, 2900 Crystal Drive, Arlington, VA 22202-3513 on March 7, 2001.

  
Laurie A. Ricci

Re: *Recordation of Trademark Conveyance Document*  
*Our Reference: 20579.0004.3*

Dear Sir or Madam:

Enclosed for recording against the United States trademark registrations identified in the enclosed Recordation Form Cover Sheet (Form PTO- 1618) is a copy of Articles of Merger, dated March 30, 1995. The enclosed conveyance document evidences the assignment of the referenced trademark registrations from Acme-McCrary Sales Corporation, a North Carolina corporation, to Acme-McCrary Corporation, a North Carolina corporation with a business address of 159 North Street, P.O. Box 1287, Asheboro, North Carolina 27203-1287.

The Commissioner is hereby authorized to charge the \$65.00 filing fee for this recordal to Deposit Account NO. 50-0517. The Commissioner is also authorized to charge any deficiency in the payment of the required fee to Deposit Account No. 50-0517.

Please send us evidence of the recording of the conveyance document at your earliest convenience. To the best of my knowledge and belief, the information contained in the cover sheet is true and correct. If you should have any questions with regard to the enclosed conveyance document, please feel free to contact the undersigned at the address or telephone number listed above. Please direct all correspondence concerning this request to the undersigned. Thank you in advance for your prompt attention to this matter.

Very truly yours,

  
Randel S. Springer

Enclosures

cc: Mr. William H. Redding, Jr.