

Resub

Atty. Doc. No.: Ever-1

Form PTO-1594
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)
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08-07-2001
101801695

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks

original documents or copy thereof.

1. Name of conveying party(ies):

CV Home Furnishing Limited

5-300) 07-31-01

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

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

2. Name and address of receiving party(ies)

Ever 1438 Limited

Name: _____
Internal Address: Eversheds London Scottish House

Street Address: 24 Mount Street

City: Manchester State/Country: United Kingdom

Zip Code: M2 3DB

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership 30
- Corporation-State
- Other

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

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other _____

Execution Date: **February 7, 2001**

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,641,314

Additional number(s) attached Yes No

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

Name: Peter L. MICHAELSON

Internal Address: _____

MICHAELSON & WALLACE

Street Address: Parkway 109 Office Center

328 Newman Springs Road, P.O. Box 8489

City: Red Bank State: New Jersey Zip: 07701

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

13-3083

(Attach duplicate copy of this page if paying by deposit account)

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.

Peter L. MICHAELSON

Name of Person Signing

Peter L. Michaelson

Signature

July 27, 2001

Date

Total number of pages including cover sheet, attachments, and document: 11

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

(e1assrec:1/ka)

TRADEMARK
REEL: 002341 FRAME: 0959

06-05-2001

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)

U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office



101739656

Tab settings

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CV Home Furnishing Limited

5300

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

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2. Name and address of receiving party(ies)

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Zip Code: M2 3DB

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Signature

Signature

Date

Date

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(e1assrec:1/ka)

TRADEMARK

REEL: 002341 FRAME: 0960

DATED

7 February

2001

- (1) C V HOME FURNISHINGS LIMITED
- (2) EVER 1438 LIMITED

**INTELLECTUAL PROPERTY
ASSIGNMENT**

EVERSHEDS

London Scottish House
24 Mount Street
Manchester M2 3DB
Tel: 0161 832 6666
Fax: 0161 832 5337

TRADEMARK
REEL: 002341 FRAME: 0961

7 February

BETWEEN

- (1) CV HOME FURNISHINGS LIMITED (Registered No. 0011136) whose registered office is at Newton Mill, Lees Street, Swinton, Manchester M27 6DB ("CVHF")
- (2) EVER 1438 LIMITED (Registered no: 4118155) whose registered office is at Eversheds London Scottish House, 24 Mount Street, Manchester M2 3DB ("the Assignee").

OPERATIVE PROVISIONS

1. DEFINITIONS

1.1 In this Assignment the following words shall have the following meanings unless inconsistent with the context:

"Business" the business of the design, sourcing, production, manufacture and sale of towels and towelling products carried on by CVHF under the names Stott & Smith and Chortex

"Business Intellectual Property" all Intellectual Property Rights owned by CVHF relating exclusively to the Business including but not limited to the Trade Marks but excluding the Retained Rights and the trade marks INDULGENCE, ROYAL ASCOT by CHORTEX and RHAPSODY (UK registration number 620446);

"Encumbrances" any interest or equity of any person (including any right to acquire, option or right of pre-emption) or any mortgage, charge, pledge, lien, assignment, hypothecation, security, interest, title retention or any other security agreement or arrangement;

"Intellectual Property Rights" patents, trade marks, service marks, registered designs, design rights, database rights, rights to prevent passing off, copyright, know-how, confidential information and all other intellectual or industrial property rights, in each case whether registered or unregistered, and any applications or rights to apply for the same and together with all extensions and renewals of them, and in each and every case, all rights or forms of protection having equivalent or similar effect anywhere in the world, together with any and all goodwill relating or attached thereto;

"Retained Rights" the registered and unregistered trade marks "HORROCKSES" and "OSMAN", including but not limited to those trade marks detailed in

“Trade Marks”

the registered and United Kingdom unregistered trade marks detailed in the Schedule 1.

1.2 In this Assignment the headings are for convenience only and shall not affect the meaning.

2. ASSIGNMENT

2.1 In consideration of the payment by the Assignee of £1 (the receipt of which CVHF hereby acknowledges), CVHF assigns to the Assignee:

2.1.1 all its right title and interest in and to the Business Intellectual Property, subject to clause 2.2 with full title guarantee and free from any Encumbrances, with all rights attached to them together with any associated goodwill including the right to sue for damages and other remedies in respect of any past present or future infringement of such rights; and

2.1.2 the right to apply to prosecute and obtain protection throughout the world in respect of the Business Intellectual Property including the right to claim priority from such rights to the intent that the grant of any intellectual property right or similar protection shall be in the name of and vest in the Assignee.

2.2 If any of the unregistered Business Intellectual Property is owned by any third party (or any third party has any rights in it) or is licensed to CVHF for use in the Business or if any third party has rights in any of the registered Business Intellectual Property, CVHF will not be deemed to sell such Business Intellectual Property with full title guarantee and CVHF's right to possess and use such Business Intellectual Property will pass to the Assignee to the greatest extent to which CVHF is able to pass the same on signature of this Assignment.

2.3 CVHF shall at the reasonable written request of the Assignee (unless prohibited by law) use its reasonable endeavours to procure the waiver of any moral rights which are of a material consequence to the Business arising under ss 77-89 of the Copyright Designs and Patents Act 1988 and any other similar rights anywhere in the world held by an employee of CVHF in the Intellectual Property Rights.

3. FURTHER ASSURANCE

CVHF shall execute such further documents and do such further acts as the Assignee may reasonably request, at the Assignee's expense, to vest the rights assigned under this Assignment to the Assignee, in the Assignee.

4. GOVERNING LAW

This Assignment shall be governed by English Law and the parties submit to the non-exclusive jurisdiction of the English Courts.

SCHEDULE 1

Trade Marks

Country	Mark	Application No.	Filing Date	Registration No.	Date	Status	Renewal	Class	Goods
United Kingdom	CHORTEX W	1141673	10-Oct-80	1141673	10-Oct-80	Registered	10-Oct-01	27	CLASS 27 BATH MATS MADE FROM TERRY CLOTH.
United Kingdom	CHORTEX W	1141672	10-Oct-80	1141672	10-Oct-80	Registered	10-Oct-01	25	CLASS 25 ARTICLES OF CLOTHING MADE FROM TERRY CLOTH
United Kingdom	CHORTEX W	710720	20-Sep-52	710720	20-Sep-52	Registered	20-Sep-01	24	CLASS 24 TOWELS AND TERRY TOWELS, ALL OF TEXTILE MATERIALS.
United Kingdom	UNFORGETTABLE BY CHORTEX	1476166	6-Sep-91	1476166	6-Sep-91	Registered	6-Sep-08	24	CLASS 24 TOWELS; ALL INCLUDED IN CLASS 24
United States of America	CHORTEX W	03/680612	25-Aug-87	1641314	16-Apr-91	Registered	16-Apr-01	24 25	CLASS 24 TOWELS. CLASS 25 BATHROBES.

Section 2 – United Kingdom unregistered trade marks

- STOTT AND SMITH
- CHORTEX
- CHORTEX ROBE BY CHORTEX
- RHAPSODY ROYALE
- ROYALE ULTRA RIB
- NOVELTY EMBELLISHED
- SEA FOLLIES
- RHAPSODY ROBE
- RHAPSODY ROYALE BY CHORTEX

TRADEMARK • • •

SCHEDULE 2

The Retained Rights

Country	Trademark	Reg. Number	Status	Reg. Date	Goods
Australia	HORROCKSES	A210706	Registered	05/Jun/1967	CLASS 24 SHEETS, PILLOWCASES AND TOWELS.
Benelux	OSMAN	062923	Registered	28/Sep/1971	CLASS 24 TEXTILE PIECE GOODS AND HOUSEHOLD TEXTILE ARTICLES.
China	HORROCKSES	992344	Registered	28/Apr/1997	CLASS 24 TEXTILES AND TEXTILE GOODS, BED AND TABLE COVERS.
Czech Republic	HORROCKSES	95105	Registered	05/May/1935	CLASS 24
Czech Republic	HORROCKSES	95106	Registered	05/May/1935	CLASS 25
Finland	OSMAN	67741	Registered	21/Aug/1978	CLASS 24 TOWELS, BED SHEETS, BEDSPREADS, PILLOW AND BOLSTER CASES, MATTRESS COVERS, TABLE CLOTHS AND TABLE MATS OF TEXTILE MATERIALS, TABLE NAPKINS, SERVIETTES AND COTTON TEXTILE PIECE GOODS.
France	HORROCKSES	1579099	Registered	27/Apr/1927	CLASS 23 THREADS CLASS 24 PIECE GOODS, HOUSEHOLD TEXTILES CLASS 25 ARTICLES OF CLOTHING AND UNDERWEAR
Hungary	HORROCKSES	117444	Registered	01/May/1925	CLASS 24
Iceland	HORROCKSES	98/1948	Registered	05/Jul/1948	CLASSES 24 AND 25 COTTON PIECE GOODS; SHEETS, PILLOWCASES, BEDSPREADS AND TOWELS, ALL BEING COTTON GOODS NOT IN THE PIECE.
India	HORROCKSES		Pending		CLASS 24 TEXTILES, TEXTILE GOODS, BATH LINEN, BED LINEN, TABLE LINEN; ALL BEING GOODS INCLUDED IN CLASS 24.

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Indonesia	HORROCKSES	237520	Renp	08/Aug/1988	CLASSES 24 AND 25 ALL KINDS OF MANUFACTURED AND PIECE GOODS INCLUDING GOODS FOR DOMESTIC USE: BED COVERS, PILLOW CASES, TABLE COVERS, SERVIETTES, CLEANERS AND ALL KINDS OF CLOTHING.
Ireland, Republic of	HORROCKSES		Pending		CLASS 24 TEXTILES AND TEXTILE GOODS, NOT INCLUDED IN OTHER CLASSES; BED AND TABLE COVERS.
Ireland, Republic of	OSMAN	48455	Registered	22/Jan/1908	CLASS 24 NAPKINS NOT INCLUDED IN OTHER CLASSES, BED COVERS, QUILTS, CURTAINS, BEDSPREADS, TABLE COVERS, ANTIMACASSARS, FURNITURE COVERS, BED VALANCES, MATTRESSES, COVERS, BLINDS, SHEETS, PILLOW CASES, TRAY CLOTHS, TOWELS, BLANKETS, TABLE CLOTHS, SERVIETTES, BOLSTER CASES, D'OYLEYS, HANDKERCHIEFS AND COTTON PIECE GOODS.F25
Israel	HORROCKSES	175	Registered	27/Oct/1922	CLASS 24
Italy	OSMAN	293724	Registered	23/May/1973	CLASS 24 TOWELS, BED SHEETS, BEDSPREADS, PILLOW AND BOLSTER CASES, MATTRESS COVERS, TABLE CLOTHS AND TABLE MATS OF TEXTILE MATERIALS, TABLE NAPKINS, SERVIETTES AND COTTON TEXTILE PIECE GOODS.
Jersey	HORROCKSES	50/143464	Registered	05/Jul/1933	CLASS 24 SHEETS, PILLOW CASES, BEDSPREADS AND TOWELS, ALL BEING COTTON GOODS NOT IN THE PIECE.
Jersey	HORROCKSES	57/542783	Registered	05/Jul/1933	CLASS 38 UNDERCLOTHING, OVERALLS, BLOUSES, SHIRTS AND PYJAMAS ALL MADE OF COTTON OR ARTIFICIAL SILK OR OF MIXTURES OF COTTON AND ARTIFICIAL SILK.
Malawi	HORROCKSES	679/62	Registered	03/Jul/1962	CLASS 24 ALL GOODS INCLUDED IN CLASS 24.
Namibia	HORROCKSES	2162/1950	Registered	23/Oct/1950	CLASS 25 COMPLETE ARTICLES OF CLOTHING INCLUDING FOOTWEAR

TRADEMARK

Namibia	HORROCKSES	870/34	Registered	28/May/1934	CLASS 24 PIECE GOODS WHOLLY OR MAINLY OF COTTON OR ARTIFICIAL SILK, SHEETS, PILLOWCASES, BEDSPREADS, TOWELS BEING COTTON GOODS NOT IN THE PIECE.
Namibia	HORROCKSES	873/34	Registered	28/May/1934	CLASS 25 UNDERCLOTHING, OVERALLS, BLOUSES, SHIRTS, PYJAMAS, ALL OF ARTIFICIAL SILK OR MIXTURES OF COTTON AND ARTIFICIAL SILK.
New Zealand	OSMAN	903340	Registered	11/Dec/1988	CLASS 24 COTTON GOODS OF ALL DESCRIPTIONS, DENIM AND HEMP GOODS OF ALL KINDS, ARTICLES OF CLOTHING AND LINEN TOWELS OF ALL KINDS.
Norway	HORROCKSES	39690	Registered	03/Oct/1950	CLASS 25 ARTICLES OF CLOTHING AS FAR AS THEY ARE NOT MADE OF RUBBER OR PLASTIC
Norway	OSMAN	90069	Registered	16/Jan/1974	CLASS 24 TOWELS, BED SHEETS, BEDSPREADS, PILLOW AND BOLSTER CASES, MATTRESS COVERS, TABLE CLOTHS AND TABLE MATS OF TEXTILE MATERIALS, TABLE NAPKINS, SERVIETTES AND COTTON TEXTILE PIECE GOODS. (THE REGISTRATION DOES NOT COVER PLASTIC CLOTH OR GOODS MADE THEREFROM).
Pakistan	HORROCKSES	7080	Registered	19/Apr/1943	CLASS 24 TEXTILE PIECE GOODS (INCLUDING ARTIFICIAL SILK PIECE GOODS) SHEETS, PILLOW CASES, BOLSTER CASES, BED SPREADS AND TOWELS.
Slovak Republic	HORROCKSES	95105	Registered	24/Feb/1995	CLASS 24
Slovak Republic	HORROCKSES	95106	Registered	24/Feb/1995	CLASS 25
South Africa	HORROCKSES		Pending		CLASS 24 TEXTILES AND TEXTILE GOODS; NOT INCLUDED IN OTHER CLASSES, BED AND TABLE COVERS.
South Africa	OSMAN	72/5140	Registered	13/Oct/1972	CLASS 24 TEXTILE PIECE GOODS AND FABRICS OF ALL KINDS; TEXTILE GOODS (NOT IN THE PIECE) INCLUDED IN THE CLASS.

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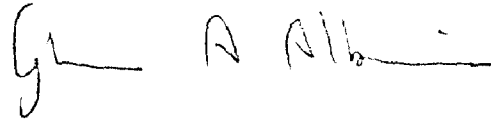
OSMAN	404873	Registered	10/May/1973	CLASS 20 AND 24 TOWELS, BED SHEETS, BEDSPREADS, PILLOWCASES, TABLE CLOTHS, TABLE MATS OF TEXTILE MATERIALS, TABLE NAPKINS, SERVIETTES AND COTTON TEXTILE PIECE GOODS.
HORROCKSES CREST	1159207	Registered	10/Aug/1981	CLASS 24 TOWELS (TEXTILE) AND TOWELLING INCLUDED IN CLASS 24, ALL BEING COTTON GOODS. +F47
HORROCKSES MILLER Device	103134	Registered	12/Jan/1891	CLASS 24 COTTON TEXTILES AND COTTON PIECE GOODS.
HORROCKSES	1221993	Registered	02/Jul/1984	CLASS 24 TEXTILE PIECE GOODS; BED SHEETS, PILLOW CASES, BEDSPREADS, VALANCES (TEXTILE DRAPERIES), QUILTS, QUILT COVERS, LOOSE COVERS MADE OF STRETCH TEXTILE MATERIALS FOR FURNITURE; TOWELS AND CURTAINS, ALL MADE OF TEXTILE MATERIALS.
HORROCKSES	131183	Registered	08/Dec/1923	CLASS 24 COTTON TEXTILES AND COTTON PIECE GOODS.
HORROCKSES	143464	Registered	05/Jul/1933	CLASS 25 SHEETS, PILLOW CASES, BEDSPREADS AND TOWELS; ALL MADE OF COTTON, NOT IN THE PIECE.
HORROCKSES	542783	Registered	05/Jul/1933	CLASS 25 UNDERCLOTHING, OVERALLS, BLOUSES, SHIRTS AND PYJAMAS; ALL MADE OF COTTON OR ARTIFICIAL SILK OR OF MIXTURES OF COTTON AND ARTIFICIAL SILK.
HORROCKSES	B684136	Registered	22/Nov/1949	CLASS 25 COMPLETE ARTICLES OF UNDERCLOTHING, OVERALLS, BLOUSES, SHIRTS, PYJAMAS, HOUSECOATS AND WOMEN'S DRESSES; AND DRESSES, SKIRTS, SHORTS AND BRASSIERES, ALL FOR BEACH WEAR; AND PLAYSUITS AND SWIMMING SUITS; ALL THE AFOREMENTIONED GOODS BEING MADE OF COTTON OR ARTIFICIAL SILK OR MIXTURES OF COTTON WITH ARTIFICIAL SILK.
OSMAN	1101268	Registered	08/Sep/1978	CLASS 24 SHEETS, PILLOW CASES, BOLSTER CASES, TOWELS, COTTON DRESS FABRICS, RAYON DRESS FABRICS, GINGHAMS, HANDKERCHIEFS, QUILTS, COVERS FOR QUILTS AND FOR DUVETS; BEDSPREADS AND TABLE CLOTHS; ALL BEING ARTICLES OF TEXTILE MATERIALS.

TRADEMARK

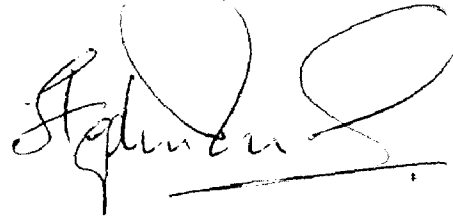
REEL: 002341 FRAME: 0968

United Kingdom	OSMAN	1143819	Registered	12/Nov/1980	CLASS 24 PILLOW CASES, BOLSTER CASES, COVERS FOR QUILTS AND FOR DUVETS, BED COVERS, CUSHION COVERS, DRAPES (IN THE NATURE OF CURTAINS) FOR BEDHEADS, NIGHT DRESS CASES, FILTER CLOTH, TEA CLOTHS, TOWELS, HANDKERCHIEFS, TABLE COVERS, BLINDS, CURTAINS, COVERS FOR TOILET SEATS, SERVIETTES AND WALL HANGINGS, ALL MADE OF TEXTILE MATERIALS; COTTON DRESS CLOTHS, RAYON DRESS CLOTHS, GINGHAMS, FURNISHING FABRICS, LININGS FOR BOOTS AND FOR SHOES AND COTTON TICKING, ALL BEING TEXTILE PIECE GOODS.
United Kingdom	OSMAN	695361	Registered	17/Jan/1951	CLASS 24 SHEETS, PILLOW CASES, BOLSTER CASES, TOWELS, COTTON DRESS CLOTHS, RAYON DRESS CLOTHS, GINGHAMS, HANDKERCHIEFS, QUILTS, BEDSPREADS AND TABLECLOTHS, ALL BEING ARTICLES OF TEXTILE MATERIAL.
Zambia	HORROCKSES	679/62	Registered	03/Jul/1962	CLASS 24 ALL GOODS INCLUDED IN CLASS 24.
Zimbabwe	HORROCKSES	679/62	Registered	03/Jul/1962	CLASS 24 ALL GOODS INCLUDED IN CLASS 24.

SIGNED by GLENN A ALBINSON)
Duly authorised to sign for and on behalf)
of **CV HOME FURNISHINGS**)
LIMITED)



SIGNED by STEPHEN RUSSELL)
Duly authorised to sign for and on behalf)
of **EVER 1438 LIMITED**)



MICHAELSON & WALLACE

A Partnership of Intellectual Property and Technology Lawyers

July 27, 2001

Peter L. Michaelson
NJ, NY, PA, AK Bars

Robert M. Wallace
CA Bar

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328 Newman Springs Rd.
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Offices also in:

Ventura, California
Silicon Valley, California

Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

Re: U.S. Trademark Registration No.: 1,641,314
Mark: CHORTEX
Our File: Ever-1(PDB/0990/116320/1/KJS)

Dear Sir:

Enclosed is a Recordation Form Cover Sheet and an Assignment document dated February 7, 2001 (with duplicate copy) for resubmission in connection with the above-captioned Trademark Registration. Also enclosed is a copy of the Notice of Non-Recordation of Document, the original form PTO-1594 Recordation Form Cover Sheet with the official date of receipt stamp from the PTO, the original executed transmittal cover letter (in duplicate).

This assignment was originally submitted on May 25, 2001, along with the recordation fee of \$40.00. Enclosed is a copy of our check #13746 reflecting that fee and a copy of the date stamped postcard receipt.

Kindly record this Assignment and return the recorded document to us. Please maintain the original date of filing of this assignment document as outlined under 37 CFR 3.51.

Please charge any additional cost, as appropriate, to our Deposit Account number 13-3083. To facilitate that charge, a duplicate copy of this letter is enclosed herewith.

Respectfully submitted,

MICHAELSON & WALLACE



Peter L. Michaelson, Attorney
Customer No. 007265

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **July 28, 2001** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Commissioner for Patents and Trademarks, **Box Assignments**, Washington, D.C. 20231.

Patricia L. Resnikoff
Signature

30,090
Reg. No.

(eltmo:1/ka)

MICHAELSON & WALLACE

A Partnership of Intellectual Property and Technology Lawyers

July 27, 2001

Peter L. Michaelson
NJ, NY, PA, AK Bars

Robert M. Wallace
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Christopher R. Balzan
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Eric J. Aagaard
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732-224-0132 (ISDN)

Offices also in:

Ventura, California
Silicon Valley, California

Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

Re: U.S. Trademark Registration No.: 1,641,314
Mark: CHORTEX
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MICHAELSON & WALLACE



Peter L. Michaelson, Attorney
Customer No. 007265

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **July 28, 2001** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Commissioner for Patents and Trademarks, **Box Assignments**, Washington, D.C. 20231.

Patricia C. Henderson
Signature

30,030
Reg. No.

(eltmo:1/ka)