

08-15-2001



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

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

101814734

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

1. Name of conveying party(ies):
The New Albany Company
located and doing business at 5906 East
Dublin Granville Road, New Albany, Ohio
43054

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

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

3. Nature of conveyance:

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

Execution Date: **March 30, 2001**

2. Name and address of receiving party(ies)
Name: **The New Albany Company Limited Partnership**

Internal Address:
Address: **6525 West Campus Oval**
Street Address:
City: **New Albany** State: **Ohio** Zip: **43054**

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- 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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,828,539

Additional number(s) attached Yes No

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

Name: **Frank J. Colucci**
Internal Address: **Colucci & Unaus**

Street Address: **101 East 52nd Street**

City: **New York** State: **NY** Zip: **10022**

6. Total number of applications and registrations involved: **1**

7. Total fee (37 CFR 3.41).....\$ **paid**

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

20-0050 for any additional fees

(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.

Frank J. Colucci

Frank J. Colucci

8/10/01

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: **5**

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box 1, Assignments
Washington, D.C. 20231

D



05-07-2001

U.S. Patent & TM Office/TM Mail Report #72

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5-7-01

05-22-2001



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May 4, 2001 I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

Honorable Commissioner of
Patents and Trademarks
Assignment Branch
Washington, D.C. 20231

Re: Our File D85-013

Susan B. Jacobson

Signature
5/4/01

Date of Signature

Dear Sir:

Please record the following enclosed documents:

1. Assignment from The New Albany Company to The New Albany Company Limited Partnership; and
2. Certificate of Merger of The New Albany Company Limited Partnership into The New Albany Company LLC

in respect of the following United States service mark registration:

<u>Service Mark</u>	<u>Registration No.</u>
NEW ALBANY FOUNDED 1837	1,828,539

Our firm's checks each in the amount of \$40.00 to cover the Patent and Trademark Office fee for recordal of the above documents are enclosed. If for any reason, the fee should exceed said sum, please charge any additional amount to our firm's deposit Account No. 20-0050.

Sincerely yours,

Susan B. Jacobson

Susan B. Jacobson

SBJ:mc
Enc.

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05-07-2001

U.S. Patent & TMO/TM Mark Rept Dt. #72

ASSIGNMENT

WHEREAS, on September 13, 1991, The New Albany Company, a general partnership formed under the laws of the State of Ohio and then having an address at 5906 East Dublin-Granville Road, New Albany, Ohio 43054 (the "Assignor"), filed an application, Serial No. 74203218 (the "Application"), with the United States Patent and Trademark Office, to register the service mark NEW ALBANY and Design as indicated in the Application (the "Mark"); and

WHEREAS, on December 1, 1992, the general partners of the Assignor, being Rocky Fork Development Corporation and Community Projects, Inc., both Ohio corporations, together with N.A. Property, Inc., a Delaware corporation, entered into an agreement pursuant to which, among other things, the Assignor was reorganized from a general partnership under the laws of the State of Ohio into a limited partnership organized under the laws of the State of Delaware and continued to conduct its business as a Delaware limited partnership under the name The New Albany Company Limited Partnership (the "Assignee"), with Community Projects, Inc. and N.A. Property, Inc. serving as the general partners thereof; and

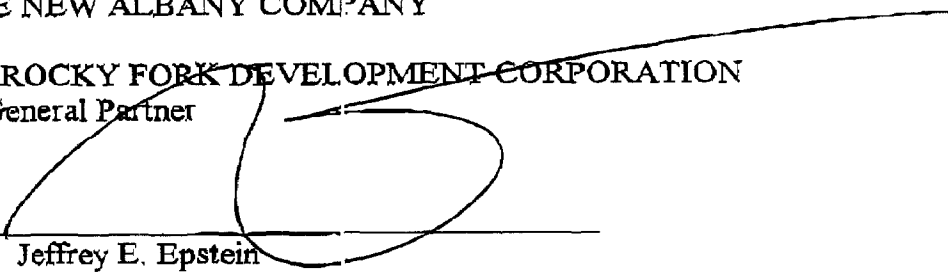
WHEREAS, on March 29, 1994, the United States Patent and Trademark Office issued Registration No. 1,828,539 for the Mark in the name of the Assignor; and

WHEREAS, this Assignment is intended to confirm that, in connection with the reorganization of the Assignor into the Assignee and the Assignee's continued conduct of the Assignor's business, the Assignor assigned to the Assignee the Mark, the good will of the business symbolized by the Mark, the Application and any registration issued as a result of the Application (i.e., the Registration);

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Assignor does hereby assign *nunc pro tunc* as of December 1, 1992 unto the Assignee all right, title and interest in and to the Mark, the good will of the business symbolized by the Mark, the Application and any registration issued as a result of the Application (i.e., the Registration).

THE NEW ALBANY COMPANY

By: ~~ROCKY FORK DEVELOPMENT CORPORATION~~
General Partner

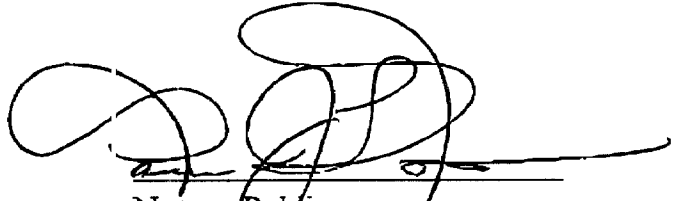
By: 
Jeffrey E. Epstein
President

STATE OF NEW YORK)
 ss.
COUNTY OF NEW YORK)

I, ^{Lauren J.}~~Kwintner~~, a Notary Public in and for the State and County

aforementioned, do hereby certify that Jeffrey E. Epstein, who appeared before me and who executed the foregoing instrument in my presence, acknowledged to me that he was the last person elected as the President of Rocky Fork Development Corporation, a corporation organized and, as of December 1, 1992, existing under the laws of the State of Ohio, which corporation, as of December 1, 1992, was a general partner of The New Albany Company, which was then an Ohio general partnership and is the assignor described in the foregoing instrument; that he did not heretofore resign and was not heretofore removed as the President of the said corporation; that, therefore, he has authority, under the articles of incorporation and the by-laws of the said corporation to represent the said corporation, and that the foregoing instrument signed solely by him in his capacity as such officer is binding on the said corporation on behalf of the said general partnership, The New Albany Company.

Dated: March 30, 2001



Notary Public
My Commission Expires:

LAUREN J. KWINTNER
Notary Public, State of New York
No. 02KW6016886
Qualified in New York County
Commission Expires November 30, 20 01



NOTARIAL CERTIFICATION

I, Susan B. Jacobson, an attorney and Notary Public in and for the State of New York, hereby certify that:

1. Attached hereto is a true and correct copy of the Certificate of Merger of The New Albany Company Limited Partnership into The New Albany Company LLC, dated as of October 7, 1998.

2. I further certify that attached hereto is a true and correct copy of the Certificate of Merger of The New Albany Company Limited Partnership into The New Albany Company LLC, dated as of October 7, 1998.

Dated: New York, New York
May 4, 2001


Susan B. Jacobson

SUSAN B. JACOBSON
Notary Public, State of New York
No. 02JA6024823
Qualified in New York County
Commission Expires MAY 17, 2001