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Commissioner of Patent and Trademarks
Box Assignments
Washington, D.C. 20231

01-08-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #66

Subject: *Recording Articles of Amendment against
Registration No. 1,175,322
Our Ref: 300-2*

Dear Sir or Madam:

Attached for recording against **Registration No. 1,175,322** is **Articles of Amendment to Articles of Incorporation** which was executed **February 24, 1989**, changing registrant's name as follows:

from: **Intervinyls, Inc. (a corporation of Alabama)**
Muscle Shoals, Alabama

to **E S ROBBINS CORPORATION (a corporation of Alabama)**
2802 E. Avalon Avenue
Muscle Shoals, AL 35662

A check in the amount of **\$40.00** for recording against one registration is enclosed. In addition, the Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in connection with this application by this firm) to our Account No. 14-1140.

Please address all correspondence regarding this document to:

Robert W. Adams
Nixon & Vanderhye PC
1100 North Glebe Road - Eighth Floor
Arlington, Virginia 22201
Tel: (703) 816-4022

To the best of my knowledge and belief, the attached document is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,

Date: 1/7/02

Robert W. Adams

RWA/srh
Attachments 1 Articles of Amendment - 5 pages
2 Check in the amount of \$40.00

01/17/2002 DBYRME 00000184 1175322

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REEL: 002426 FRAME: 0549

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STATE OF ALABAMA

I, Glen Browder, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

pursuant to the provisions of Section 10-2A-26, Code of Alabama 1975, the corporate name E. S. Robbins Corporation is reserved as available based only upon an examination of the corporation records on file in this office for the exclusive use of E. S. Robbins Corporation

for a period of one hundred twenty days from this date. In the case of a domestic corporation, the name of the county in which the corporation was or is proposed to be incorporated is Colbert. I further certify that as set out in the application for reservation of corporate name, the Secretary of State's office does not assume any responsibility for the availability of the corporate name requested nor for any duplication which might occur.

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FILE 0667 FRAME 44



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

October 27, 1988 - expires - 2-25-89

Date

Glen Browder

Glen Browder

Secretary of State

83030910

STATE OF ALABAMA)

COLBERT COUNTY)

ARTICLES OF AMENDMENT TO ARTICLES
OF INCORPORATION
OF
INTERVINYLS, INC.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, as President and Secretary of Intervinyls, Inc., a corporation organized and existing under the laws of the State of Alabama, hereby certify that, in accordance with the Code of Alabama 1975, Sections 10-2A-113, the Articles of Incorporation were amended by a unanimous vote of the Directors and the Shareholders, on the 24th day of February, 1989, on which date there were 100 shares outstanding and entitled to vote thereon, as follows:

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"ARTICLE FIRST of the Articles of Incorporation is hereby deleted in its entirety, and there is substituted in lieu thereof the following:

'FIRST: The name of the Corporation shall be E S Robbins Corporation, and any and all references to Intervinyls, Inc. shall hereafter be deemed to refer to E S Robbins Corporation.'

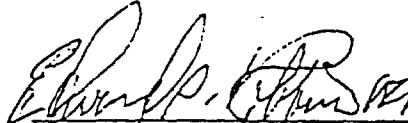
We further certify that the within Articles of Amendment are being filed in the Office of the Judge of Probate of Colbert County,


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Alabama, for the purpose of effecting such amendment in accordance with the requirements of Code of Alabama 1975, Section 10-2A-114.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 24th day of February, 1989.

 (SEAL)
Edward S. Robbins III
President

 (SEAL)
William G. Newman
Secretary

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REEL 066
FRAME 446

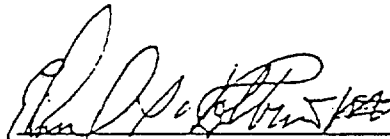
89030911

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REEL: 002426 FRAME: 0552

VERIFICATION

I, the undersigned, as President of Intervynyls, Inc., do hereby verify that the above and foregoing instrument represents Articles of Amendment to the Articles of Incorporation of Intervynyls, Inc., an Alabama corporation, duly approved and adopted by a unanimous vote of the Directors and the Shareholders of the Corporation and that the statements contained herein are true and correct.

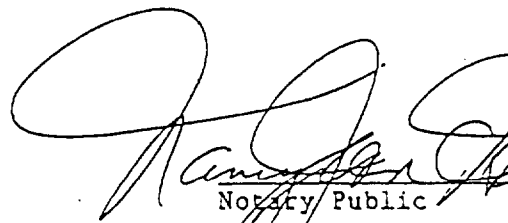
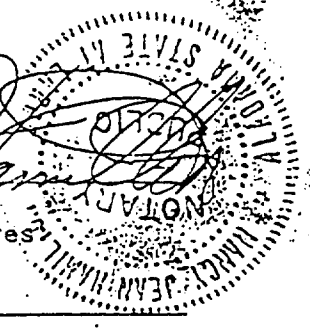
This 24th day of February, 1989.


Edward S. Robbins III
President

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FILE 066 REEL 47

Sworn to and subscribed before me on this 24th day of February, 1989.


Notary Public
My Commission Expires 9/9/92


UNANIMOUS WRITTEN CONSENT IN LIEU OF JOINT MEETING
OF THE BOARD OF DIRECTORS AND THE SHAREHOLDERS
OF
INTERVINYLS, INC.

The undersigned, constituting the Board of Directors and the Shareholders of Intervinyls, Inc., a corporation organized and existing under the laws of the State of Alabama, by and in accordance with Code of Alabama 1975, Sections 10-2A-56, 10-2A-66 and 10-2A-110, hereby consent to the adoption of the following resolution:

BE IT RESOLVED, That the Articles of Incorporation of Intervinyls, Inc. as filed in the Office of the Judge of Probate of Colbert County, Alabama, be amended as follows:

"ARTICLE FIRST of the Articles of Incorporation is hereby deleted in its entirety, and there is substituted in lieu thereof the following:

'FIRST: The name of the Corporation shall be E S Robbins Corporation, and any and all references to Intervinyls, Inc. shall hereafter be deemed to refer to E S Robbins Corporation.'

This written consent is to be placed with the minutes of proceedings of the Corporation, and the action taken herein is as fully effective as if enacted at a meeting duly called and held.

WITNESS this 24th day of February, 1989.

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STATE OF ALA. COLBERT CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON
1989 FEB 24 AM 10:55
RECORDED BOOK & PAGE SIGNIN
DEED --- HIG. TAX
W. Thomas Crosslin
JUDGE OF PROBATE

Edward S. Robbins III
Edward S. Robbins III

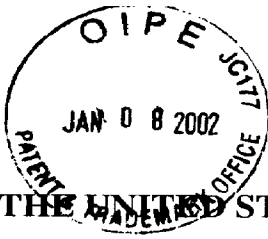
Mary Lou Robbins
Mary Lou Robbins

STATE OF ALABAMA
COLBERT COUNTY

I, W. Thomas Crosslin, Judge of Probate in and for the State and County aforesaid do hereby certify that the foregoing is a true and correct copy of an instrument as shown of record in Vol.

8903 PAGE 409-413 Given under my hand and official seal this 25th day of May 1989

W. Thomas Crosslin
Judge of Probate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX: Post Reg.
No Fee



01-08-2002

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #66

In re Trademark Registration of

E S ROBBINS CORPORATION
(Change of Name from Intervinyls, Inc.)

Registration No. 1,175,322
Issued: October 27, 1981
Mark: Design

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
Attn: James Wilson
Paralegal specialist
Post Registration Division

RESPONSE

In a communication dated December 17, 2001, registrant was advised that the Combined Section 8 Affidavit and Section 9 Renewal Application submitted on October 2, 2001, was refused. The reason stated for the refusal was that the renewal documents were not filed in the name of the current owner of the registration.

The renewal documents filed on October 2, 2001, were in the name of E S Robbins Corporation, an Alabama Corporation. The Office records indicate that the registration is owned by Intervinyls, Inc. The Examiner is advised that effective February 24, 1989, registrant changed its corporate name from Intervinyls, Inc. to E S Robbins Corporation. A mere change of name of a party is not a change of entity. Further, a mistake in setting out the registrant's name can be corrected. See *In re Atlanta Blue Print Co.*, 19 USPQ2d, 1078 (Comm'r Pats. 1990).

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REEL: 002426 FRAME: 0555

Registrant is submitting concurrently herewith a copy of Articles of Amendment to Articles of Incorporation for recording against Registration No. 1,175,322, wherein registrant's name is changed from Intervinyls, Inc. to E S. Robbins Corporation. A copy of the submission to the Assignment Branch is attached hereto as evidence that E S Robbins Corporation was the owner of the registration at the time the renewal documents were submitted. While this change of name had previously been recorded against 17 other registrations owned by registrant, it inadvertently was not been recorded against Registration No. 1,175,322.

Even though the renewal documents were filed under registrant's prior name, all requirements for filing the Combined Section 8 Affidavit and Section 9 Renewal Application were met in that the old name did not identify a legal entity separate from registrant. Accordingly, it is respectfully submitted that the documents submitted on October 2, 2001 should be accepted.

Respectfully submitted

NIXON & VANDERHYE P.C.

By: 

Robert W. Adams
1100 North Glebe Road, 8th Flr.
Arlington, Virginia 22201

Dated: 1/7/02

RWA/srh
Encl.