

02-13-2002



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TRADEMARKS
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RELATED LITIGATION

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TODD A. DENYS
TIMOTHY X. GIBSON
DAVID P. KRIVOSHIK

December 26, 2001

PATENT AGENT
BRIAN L. BUCKWALTER, Ph.D.

H. HUME MATHEWS (1911-1989)

Via First Class Mail

Commissioner For Trademarks
Assignment Branch
Crystal Gateway #4
Room 300
Washington, DC 20231

Attention: Trademark Assignment Branch

RE: Registrant Change of Name Regarding:
U.S. Trademark Registration No. 1,672,913 and 1,677,190
For the Marks: "AMSCO SALES CORAPRATION"
and "MISCELLANEOUS DESIGN"
Our Respective File Nos.: 4314-104 and 4314-105

Dear Sir or Madam:

Enclosed please find a true copy of the "Certificate of Ownership and Merger" of Amsco Sales Corporation into FCX Performance, Inc. effecting a change of ownership of the above-captioned registrations to FCX Performance, Inc. Please record and index this document against the above-captioned U.S. Trademark Registrations.

1-30-02

1. The Name of the Party conveying an interest:

AMSCO SALES CORPORATION
6 Audrey Place
Fairfield, New Jersey 07006

Entity:

- Individual Association
- General Partnership Limited Partnership
- Corporation – a New Jersey corporation
- Other _____

02/13/2002 T01A21 00000021 1677190
25.00 DP 40.00 DP
481

TRADEMARK
REEL: 002442 FRAME: 0184

2. Name and Address of Party Receiving an Interest:

FCX PERFORMANCE, INC.
3000 E. 14th Avenue
Columbus, Ohio 43219

Entity:

- Individual Association
- General Partnership Limited Partnership
- Corporation – a corporation of Delaware
- Other _____

If not domiciled in the United States, a domestic representative designation is attached:

- Yes Not applicable
- No

3. Interest Conveyed:

- Assignment Change of Name
- Security Agreement Merger

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

Additional sheet attached: Yes No

A. APPLICATION SERIAL NO.(s)

B. TRADEMARK REGISTRATION NO.(s)

1,677,190
1,672,913

5. Name and Address of party of whom correspondence concerning document should be mailed.

Robert G. Shepherd, Esq.
MATHEWS, COLLINS, SHEPHERD & GOULD, PA
100 Thanet Circle, Suite 306
Princeton, NJ 08540-3674
Tel. No. (609) 924-8555

6. Number of applications and registrations involved:

Two(2)

7. Amount of fee enclosed or authorized to be charged:

\$65.00

8. Deposit account number (Attach duplicate copy of this form if paying by deposit account):

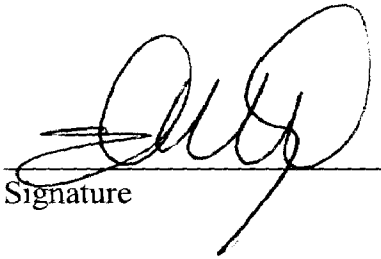
13-2165

Your prompt attention to expediting the recordation of this assignment request is greatly appreciated.

If you have any questions, please do not hesitate to telephone me directly at (609) 924-8555.

9. Date of execution of attached document: December 31, 1999

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on:



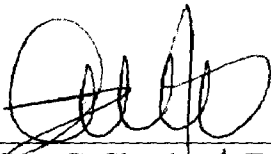
Signature

12/24/01
Date

Robert G. Shepherd
Name of Person Signing

Very truly yours,

MATHEWS, COLLINS, SHEPHERD & GOULD

By: 
Robert G. Shepherd, Esq.

RGS:fem

- Encls.
1. A true copy of Certificate of Amendment and Certificate of Corporation
 2. Check in the amount of \$65.00
 3. This Official Letter of Transmittal
 4. Acknowledgement Postcard

cc: FCx Performance, Inc.

State of Delaware
Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AMSCO SALES CORPORATION", A NEW JERSEY CORPORATION, WITH AND INTO "FCX PERFORMANCE, INC." UNDER THE NAME OF "FCX PERFORMANCE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTIETH DAY OF DECEMBER, A.D. 1999, AT 9:01 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel

Edward J. Freel, Secretary of State

3027109 8100M

991570237

AUTHENTICATION: 0174872

DATE: 01-03-00

CERTIFICATE OF OWNERSHIP AND MERGER

OF

AMSCO SALES CORPORATION
(a New Jersey corporation)

INTO

FCX PERFORMANCE, INC.
(a Delaware corporation)

It is hereby certified that:

1. FCX Performance, Inc. (hereinafter sometimes referred to as the "Corporation") is a business corporation of the State of Delaware.
2. The Corporation is the owner of all of the outstanding shares of the capital stock of AmSCO Sales Corporation ("AmSCO"), which is a business corporation of the State of New Jersey.
3. The laws of the jurisdiction of organization of AmSCO permit the merger of a business corporation of that jurisdiction with a business corporation of another jurisdiction.
4. The Corporation hereby merges AmSCO into the Corporation.
5. The following is a copy of the resolutions adopted on December 28, 1999 by the Board of Directors of the Corporation to merge AmSCO with and into the Corporation:

RESOLVED, that AmSCO be merged into this Corporation, and that all of the estate, property, rights, privileges, powers, and franchises of AmSCO be vested in and held and enjoyed by this Corporation as if by and entirely and without change or diminution as the same were before held and enjoyed by AmSCO in its name; and be it further

RESOLVED that this Corporation assume all of the obligations of AmSCO; and be it further

RESOLVED that this Corporation shall cause to be executed and filed and/or recorded the documents prescribed by the laws of the State of New Jersey, and by the laws of any other appropriate jurisdiction and will cause to be

performed all necessary acts within the State of New Jersey and with the jurisdiction of incorporation of this Corporation, and in any other appropriate jurisdiction.

6. The merger herein certified shall become effective on the close of business on December 31, 1999.

Executed on December 29, 1999

FCX Performance, Inc.

By: Charles D. Hale
Charles D. Hale, Vice President