

07-26-2002

HEET

Docket No.:

LY

E/1151

Tab settings



102168880

To the Honorable Commissioner of F

ne attached original documents or copy thereof.

1. Name of conveying party(ies):

HGP INDUSTRIES, INC.

7-23-02

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State **DELAWARE**
☐ Other

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

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

☒ Other **CERTIFICATE OF AMENDMENT TO THE
RESTATE CERTIFICATE OF INCORPORATION OF**

Execution Date: **DECEMBER 31, 1998** **HGP INDUSTRIES, INC.**

2. Name and address of receiving party(ies):

Name: **OLDCASTLE GLASS, INC.**

Internal Address: **2805 DALLAS PARKWAY**

Street Address: **SUITE 450**

City: **PLANO** State: **TX** ZIP: **75093**

- ☐ Individual(s) citizenship
☐ Association
☐ General Partnership
☐ Limited Partnership
☒ Corporation-State **DELAWARE**
☐ Other

If assignee is not domiciled in the United States, a domestic designation is ☐ Yes ☒ No

(Designations must be a separate document from
Additional name(s) & address(es) ☐ Yes ☒ No

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,656,520

Additional numbers ☐ Yes ☒ No

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

Name: **JOHN F. A. EARLEY III**

Internal Address:

HARDING, EARLEY, FOLLMER & FRAILEY

P.O. BOX 750

Street Address:

City: **VALLEY FORGE** State: **PA** ZIP: **19482-0750**

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:

05-0208

**CHARGE ANY FEES OR CREDIT ANY
OVERPAYMENTS TO MY DEPOSIT
ACCOUNT NO. 05-0208**

JOHN F. A. EARLEY

John F. A. Earley III

DO NOT USE THIS SPACE

7/26/2002 RAHMD1 00000011 1656520
1 FC:581 40.00 DP

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.

JOHN F. A. EARLEY III

Name of Person Signing

John F. A. Earley III

Signature

07/15/02

Date

Total number of pages including cover sheet, attachments, and

3

TRADEMARK

REEL: 002554 FRAME: 0727

CERTIFICATE OF AMENDMENT
TO THE
RESTATED
CERTIFICATE OF INCORPORATION
OF
HGP INDUSTRIES, INC.

HGP Industries, Inc. (the "Corporation"), a corporation organized and existing under and by virtue of the laws of the State of Delaware, DOES HEREBY CERTIFY that:

1. The name of the Corporation is HGP Industries, Inc.
2. The Corporation was originally incorporated and the original Certificate of Incorporation of the Corporation was filed with the Secretary of the State of Delaware on June 9, 1987. A Restated Certificate of Incorporation of the Corporation was filed with the Secretary of State of the State of Delaware on September 11, 1987. A second Restated Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on December 17, 1987. An amendment to the second Restated Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on August 9, 1988.
3. On December 31st 1998, the Board of Directors of the Corporation by unanimous written consent, duly adopted resolutions declaring the adoption of an Amendment to the Restated Certificate of Incorporation of the Corporation advisable and in the best interest of the Corporation.
4. Said Amendment to the Restated Certificate of Incorporation was duly adopted by the stockholders of the Corporation in accordance with Sections 228 and 242 of the General Corporation Law of the State of Delaware.
5. The text of said Amendment to the Restated Certificate of the Incorporation is as follows:

Article I of the Corporation's Restated Certificate of Incorporation shall be amended in its entirety to read:

"The name of the corporation is Oldcastle Glass, Inc."

The undersigned acknowledges, under the penalties of perjury, that this Certificate is executed on December 31st, 1998, that the execution of the Certificate is the act and deed of the Corporation, and that to the best of the undersigned's knowledge and belief, the facts stated in this Certificate are true.

HGP Industries, Inc.



John Wittstock
President

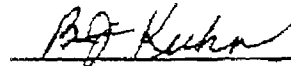
County of Dallas)

) ss."

State of Texas)

On the 31 day of December, 1998, personally appeared before me
John L. Wittstock, known to me to be the President of HGP
Industries, Inc. and also known to me to be the person who executed the foregoing Certificate on
behalf of said Corporation and who acknowledged to me that said Corporation execute such
Certificate and that the facts stated in the Certificate are true.

IN WITNESS WHEREOF, I have set my hand and official seal this 31 day of
December, 1998.



Notary Public

DA983530.029/2+