

10-22-2002

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P.03

Form PTO-151  
(Rev. 03/01)

*MAILED*  
*5/15/02*



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Pa

102254302

attached original documents or copy hereof.

1. Name of conveying party(ies):

EMCO LIMITED

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

- Association
- Limited Partnership
- Canada

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

3. Nature of conveyance:

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

Execution Date: January 1, 2002

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

Name: EMCO BUILDING PRODUCTS LTD.  
Address: 620 Richmond Street  
London, Ontario, N6A 5J9, Canada

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State Canada
- 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) & addresses attached?  Yes  No

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

A. Trademark Application No.(s)  
76/007,128 and OTHERS

B. Trademark Registration No.(s).  
2,021,236 and OTHERS

Additional Numbers attached?  Yes  No

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

Name: Patrick Boisson  
Internal Address: Fross Zelnick Lehrman & Zissu, P.C.  
Street Address: 866 United Nations Plaza  
City: New York State: NY Zip: 10017

6. Total number of applications and registration involved:.....13

7. Total fee (37 CFR 3.41) ..... \$ 340.00

- Enclosed
- Authorized to be charged to deposit account  
(Only if total fee is not sufficient)

8. Deposit account number:

23-0825-0576900

(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.

Patrick Boisson  
Name of Person Signing

Signature

5/15/2002  
Date

Total number of pages comprising cover sheet: \_\_\_\_\_

## SCHEDULE "A"

## TRADEMARKS

<u>Trademark</u>	<u>Country</u>	<u>Serial No. Filing Date</u>	<u>Registration No. Registration Date</u>	<u>Status</u>
BP REMODELING CENTRE	U.S.A.	74-561503 1994-08-16	2021236 1996-12-03	Registered
DAKOTA	U.S.A.	75-470648 1998-04-20	2280958 1999-09-28	Registered
ENERMAX	U.S.A.	75-420366 1998-01-20	2280721 1999-09-28	Registered
EVEREST	U.S.A.	76-007128 2000-03-22	n/a	Suspension Letter Mailed
GRIPGARD	U.S.A.	75-096934 1996-04-30	2231310 1999-03-16	Registered
HARMONY	U.S.A.	75-092065 1996-04-22	2233166 1999-03-23	Registered
MIRAGE	U.S.A.	75-092066 1996-04-22	2250711 1999-06-08	Cancellation Pending
MONTB CARLO	U.S.A.	76-159668 2000-11-03	n/a	Non-Final Action Counted -- Mailed

- 2 -

MOSAIC	U.S.A.	76-159667 2000-11-03	n/a	Suspension Letter - Mailed
NIAGARA	U.S.A.	76-195116 2001-01-16	n/a	Non-Final Action Counted - Mailed
WEATHER-TITE	U.S.A.	75-470647 1998-04-20	2280957 1999-09-28	Registered
ESCLAD	U.S.A.	73-604488 1986-06-16	1452147 1987-08-11	Sections 8 & 15 - Accepted And Acknowledged
ECLIPSE	U.S.A.	74-377384 1993-04-07	1923662 1995-10-03	Sections 8 & 15 - Accepted And Acknowledged
<del>DREAMPROFS.COM</del>	<del>U.S.A.</del>	<del>N/A</del>	<del>N/A</del>	<del>Not Yet Filed</del>
<del>FOOTS-DR-REVUE.COM</del>	<del>U.S.A.</del>	<del>N/A</del>	<del>N/A</del>	<del>Not Yet Filed</del>
<del>ROOMMASTER</del>	<del>France</del>	<del>-</del>	<del>1480409</del>	<del>Registered</del>

McCarthy Terrani LLP DKMS-LONDON #5188938 v. 2 - MS WORD

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No. 1,923,662

Mark: **ECLIPSE**

Registration Date: October 3, 1995

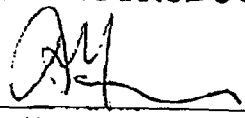
Our Ref: EOC 0200234

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehrman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No. 1,452,147  
 Mark: **ESCLAD**  
 Registration Date: August 11, 1987  
 Our Ref: EOC 0200234

Assistant Commissioner for Trademarks  
 2900 Crystal Drive  
 Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehrman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
 [Signature]

Name: Andrew N. Fredbeck  
 [Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No.: 2,280,957  
Mark: **WEATHER-TITE**  
Registration Date: September 28, 1999  
Our Ref: EOC 9803180

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehrman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No.: 2,250,711  
Mark: **MIRAGE**  
Registration Date: June 8, 1999  
Our Ref: EOC 9603967

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehrman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No.: 2,233,166  
Mark: **HARMONY**  
Registration Date: March 23, 1999  
Our Ref: EOC 9603966

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No.: 2,231,310  
Mark: **GRIPGARD**  
Registration Date: March 16, 1999  
Our Ref: EOC 9603370

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehrman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No.: 2,280,721  
Mark: ENERMAX  
Registration Date: September 28, 1999  
Our Ref: EOC 9710647

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehrman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By: \_\_\_\_\_

[Signature]

Name: Andrew N. Fredbeck

[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No.: 2,280,958  
Mark: DAKOTA  
Registration Date: September 28, 1999  
Our Ref: EOC 9803179

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

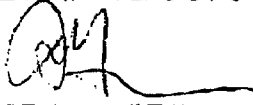
Registration No.: 2,021,236  
Mark: **BP REMODELING CENTER and Design**  
Registration Date: December 3, 1996  
Our Ref: EOC 9406303

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above registration, hereby appoints the law firm of Fross Zelnick Lehrman & Zissu, P.C. of 866 United Nations Plaza, New York, New York 10017 (Tel: 212-813-5900), its attorneys and representatives upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Serial No.:** 76/007,128  
**Mark:** EVEREST  
**Filing Date:** March 22, 2000  
**Class:** 19  
**Our Ref:** EOC 0002584

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

Assistant Commissioner for  
Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above-identified trademark application, hereby appoints the firm Fross Zelnick Lehrman & Zissu P.C., attorneys at law, of 866 United Nations Plaza, New York, New York 10017 (telephone 212-813-5900), its attorneys and representative upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Serial No.:** 76/159,668  
**Mark:** MONTE CARLO  
**Filing Date:** November 3, 2000  
**Class:** 19  
**Our Ref:** EOC 0010515

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

Assistant Commissioner for  
Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above-identified trademark application, hereby appoints the firm Fross Zelnick Lehrman & Zissu P.C., attorneys at law, of 866 United Nations Plaza, New York, New York 10017 (telephone 212-813-5900), its attorneys and representative upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Serial No.:** 76/159,667  
**Mark:** MOSAIC  
**Filing Date:** November 3, 2000  
**Class:** 19  
**Our Ref:** EOC 0010480


**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

Assistant Commissioner for  
Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above-identified trademark application, hereby appoints the firm Fross Zelnick Lehrman & Zissu P.C., attorneys at law, of 866 United Nations Plaza, New York, New York 10017 (telephone 212-813-5900), its attorneys and representative upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 76/195,116  
Mark: NIAGARA  
Filing Date: January 16, 2001  
Class: 19  
Our Ref: EOC 0100499

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Assistant Commissioner for  
Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

EMCO BUILDING PRODUCTS LTD., a corporation organized and existing under the laws of Canada located at 620 Richmond Street, London, Ontario, N6A 5J9, the owner of the above-identified trademark application, hereby appoints the firm Fross Zelnick Lehrman & Zissu P.C., attorneys at law, of 866 United Nations Plaza, New York, New York 10017 (telephone 212-813-5900), its attorneys and representative upon whom notices or process in proceedings affecting the above-identified mark may be served.

EMCO BUILDING PRODUCTS LTD.

By:   
[Signature]

Name: Andrew N. Fredbeck  
[Printed or typed]

Title: Attorney

Date: May 15, 2002

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\*\* TOTAL PAGE.19 \*\*

TRADEMARK  
REEL: 2564 FRAME: 0249



**TRADEMARK ASSIGNMENT - U.S.A.**

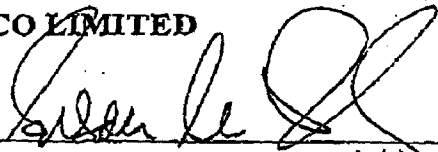
WHEREAS Emco Limited (the "Assignor"), the full post office address of whose principal office or place of business is 620 Richmond Street, London, Ontario, N6A 5J9, is the owner of the trademarks and trademark applications listed in the attached Schedule "A" (collectively, the "Trademarks");

AND WHEREAS Emco Building Products Ltd. (the "Assignee"), the full post office address of whose principal office or place of business is 620 Richmond Street, London, Ontario, N6A 5J9, wishes to acquire the entire right, title and interest of Assignor in and to the Trademarks and all goodwill associated therewith;

NOW THEREFORE THIS ASSIGNMENT WITNESSES THAT, in consideration of the sum of \$1.00 of lawful money of the United States of America now paid by the Assignee to the Assignor and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the Assignor hereby sells, assigns and transfers unto the Assignee, its successors and assigns, its entire right, title and interest in and to the Trademarks and all goodwill associated therewith.

DATED as of the 1<sup>st</sup> day of January, 2002.

EMCO LIMITED

By:   
(c/s)

And: 