



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

102343267  
**TRADEMARKS ONLY**

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

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

1. Name of conveying party(ies):

EMHART LLC

- Individual(s)
- General Partnership
- Corporation-State
- Other Limited Liability Company
- 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: Oct. 28 and 30, 2002

2. Name and address of receiving party(ies)

Name: Newfrey LLC

Internal

Address: Drummond Plaza Office Park

Street Address: 1423 Kirkwood Highway

City: Newark State: DE Zip: 19711

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

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) 0399390

Additional number(s) attached  Yes  No

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

Name: Edward D. Murphy, Esquire

Internal Address: TW-199

Street Address: 701 E. Joppa Road

City: TOWSON State: MD Zip: 21286

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 40

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

02-2550

**DO NOT USE THIS SPACE**

9. Signature.

Edward D. Murphy

Name of Person Signing

Signature

13 Dec 02  
Date

4

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

01/22/2003

SCOPER

0000029 022350

0399390

01 FC:0521

40.00 CH

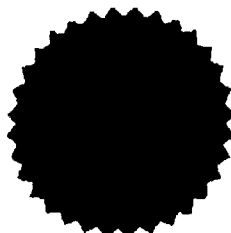
Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "EMHART LLC", CHANGING ITS NAME FROM "EMHART LLC" TO "NEWFREY LLC", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF OCTOBER, A.D. 2002, AT 5:30 O'CLOCK P.M.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2064304

DATE: 10-31-02

2206688 8100

020671970

TRADEMARK  
REEL: 002653 FRAME: 0291

DB

**CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF FORMATION  
OF  
EMHART LLC**

It is hereby certified that:

- 1. The name of the limited liability company is Emhart LLC.
- 2. The Certificate of Formation of the limited liability company is hereby amended by striking out Article 1 and by substituting in lieu thereof the following:

“1. The name of the limited liability company is Newfrey LLC (the “Company”).”

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment to the Certificate of Formation of Emhart LLC as of the 28<sup>th</sup> day of October, 2002.



Charles E. Fenton  
Vice President and Secretary  
Authorized Person

**NEWFREY LLC****ACTION OF DIRECTORS BY UNANIMOUS WRITTEN CONSENT**

THE UNDERSIGNED, being all the directors of Newfrey LLC, a Delaware limited liability company (the "Company"), consent to the adoption of the following resolutions and the recording of the resolutions among the minutes of the proceedings of the Board of Directors.

RESOLVED, that each person holding the title of (a) General Patent Counsel, (b) Senior Group Patent Counsel, (c) Trademark Counsel, (d) Director of Patents, (e) European Patents Manager, (f) Group Patent Counsel, (g) Senior Patent Attorney, or (h) Patent Attorney, and employed by The Black & Decker Corporation or its subsidiaries, is authorized and empowered to execute all documents, including but not limited to Powers of Attorney, Application Forms and Declarations, Affidavits, Assignments and similar documents that may be required by the United States or any foreign Patent and Trademark Offices for the purpose of filing, prosecuting, appealing and obtaining all forms of Patents, Designs, Trademarks, and Copyrights on behalf of, and in the name of, Newfrey LLC and for the purpose of entering opposition or revocation proceedings in any such Patent and Trademark Office in the name of Newfrey LLC against any Patent, Design, Trademark, Copyright or application therefor of a third party.

RESOLVED, that the foregoing resolution shall supersede any prior resolutions adopted by this Board of Directors relating to the same subject that shall hereafter be no longer effective.

Dated and effective as of November 11, 2002.

  
\_\_\_\_\_  
Lowell R. Bowen

  
\_\_\_\_\_  
Paul A. Gustafson

  
\_\_\_\_\_  
Morris F. DeFeo