

RECORD
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01-27-2003

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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102347323

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

Name of conveying party(ies):

1-22-03

Banc of America Commercial Finance
Corporation

Individual(s)

☐ Association

General Partnership

☐ Limited Partnership

X Corporation-State Delaware

Other

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

Nature of conveyance:

☐ Assignment☐ Merger☐ Security Agreement☐ Change of Name☒ Other Confirmatory Assignment of

Trademark Security Interest

Execution Date: December 30, 2002

2. Name and address of receiving party(ies)

Name: General Electric Capital Corporation

Internal Address:

Street Address: 335 Madison Avenue

City: New York State: NY ZIP: 10017

☐ Individual(s) citizenship☐ Association☐ General Partnership☐ Limited Partnership☒ Corporation-State Delaware☐ OtherIf 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

Application number(s) or patent number(s):

A. Trademark Application No.(s)

1978623

B. Trademark Registration No.(s)

Additional numbers attached? ☒ Yes ☐ NoName and address of party to whom correspondence
concerning document should be mailed:

Name: Laura Konrath

Internal Address: Winston & Strawn

33rd Floor

Street Address: 35 West Wacker Drive

City: Chicago State: IL ZIP: 60601

01/24/2003 8TOM11 00000113 1978623

01 FC:8521

40.00 DP

02 FC:8522

550.00 DP

DO NOT USE THIS SPACE

6. Total number of applications and
registrations involved: 23

7. Total fee (37 CFR 3.41).....\$590.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

N/A

(Attach duplicate copy of this page if paying by deposit account)

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.

Laura Konrath

Name of Person Signing

Signature

Date

1/9/03

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

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments

TRADEMARK

REEL: 002658 FRAME: 0206

SCHEDULE 1**TRADEMARKS AND TRADEMARK REGISTRATIONS**

Trademark	Registration Number	Registration Date
COLORMATCH	1,978,623	June 4, 1996
COMFORTECH	1,947,335	January 9, 1996
DURA-COVE	1,474,193	January 26, 1988
GEM FINISHES	2,124,243	December 23, 1997
GENESES	2,233,414	March 23, 1999
JOHNSONITE	867,337	April 1, 1989
OPTIX	2,127,677	January 6, 1998
PRIMA	2,078,112	July 8, 1997
PRISTINE FINISHES	2,185,272	September 1, 1998
ROUNDEL	1,388,394	April 1, 1986
SAFE-T-FIRST	2,006,547	October 8, 1996
SAFE-T-RIB	904,827	December 22, 1990
TERRA-TURF	1,853,407	September 13, 1994
THRUST-A-PAD	725,793	January 2, 1982
TIGHTLOCK	2,052,008	April 15, 1997
VENT-COVE	1,922,029	September 26, 1995

TRADEMARK APPLICATIONS

Trademark	Serial Number	Registration Date
BRONZE REFLECTIONS	75/624,421	January 20, 1999
DURAMAX	75/778,195	August 17, 1999
DURAMAX	75/778,194	August 17, 1999
FLAGSTONE	75/314,639	June 25, 1997
METALLICS	75/624,422	January 20, 1999
SAFETY STRIDE	75/567,799	October 9, 1998
SPECKSTONE	75/624,423	January 20, 1999

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CONFIRMATORY ASSIGNMENT OF TRADEMARK SECURITY INTEREST

**(TRADEMARKS, TRADEMARK APPLICATIONS
AND TRADEMARK LICENSES)**

WHEREAS, DURAMAX, INC., an Ohio corporation with a place of business at 16025 Johnson Street, Middlefield, Ohio 44062, has granted to Banc of America Commercial Finance Corporation, a Delaware corporation (the "ASSIGNOR"), pursuant to that certain Trademark Security Agreement, dated as of September 30, 1999, a security interest in and to certain trademarks identified in Schedule 1 hereto, including the trademark registrations and applications for registration thereof, the common law rights pertaining thereto, and in and to the goodwill of the business symbolized by the trademarks and connected with the use thereof, (hereinafter the "SECURITY INTEREST") and ASSIGNOR has recorded said SECURITY INTEREST with the U.S. Patent and Trademark Office Assignment Division; and

WHEREAS, General Electric Capital Corporation, a Delaware corporation with a place of business at 335 Madison Avenue, 12th Floor, New York, New York 10017 (hereinafter "ASSIGNEE"), has succeeded by that certain Omnibus Amendment Agreement, dated December 31, 2002, and is desirous of succeeding of record, to the rights thus owned by ASSIGNOR and acquiring of record therefrom all of ASSIGNOR's right, title and interest in, to and under the SECURITY INTEREST;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. ASSIGNOR effective December 31, 2002, did and hereby does assign, transfer and convey to ASSIGNEE, its successors, legal representatives and assigns, all of ASSIGNOR's right, title, and interest in and to the SECURITY INTEREST in all jurisdictions.

2. ASSIGNOR hereby agrees to authorize and request the Commissioner of Patents and Trademarks of the United States of America and the appropriate officers of all other jurisdictions in which the SECURITY INTEREST is recorded or in which an application for recordation of the SECURITY INTEREST is pending, to record the title of ASSIGNEE, its successors, legal representatives and assigns, as owner of all right, title and interest in and to the SECURITY INTEREST, and to issue the Notice of Recordation resulting from any such application for recordation of the SECURITY INTEREST to ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

ASSIGNOR agrees that it will execute and deliver, or cause to be executed and delivered, to ASSIGNEE or ASSIGNEE's legal representatives, any other or additional assignments, documents, certificates, powers or other writings, and take all additional actions, as may be necessary to transfer the SECURITY INTEREST to ASSIGNEE, to effectuate and validate this Confirmatory Assignment, to record this Confirmatory Assignment of the SECURITY INTEREST to ASSIGNEE with the United States Patent and Trademark Office and the appropriate agencies and offices of all jurisdictions in which the SECURITY INTEREST is or

NY:742062.4

may be recorded or in which applications for recordation of the SECURITY INTEREST are pending, under the relevant laws of the United States or any other jurisdictions.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned has executed this Confirmatory Assignment as of this 30th day of December, 2002.

BANC OF AMERICA COMMERCIAL FINANCE CORPORATION, a Delaware corporation

By: Steven W. Dempsey

Name: Steven W. Dempsey

Title: Vice President

State of CT)
) ss
County of Ffld)

On this 30th day of December, 2002, before me personally appeared Steven W. Dempsey to me personally known, who being duly sworn, did say that he/she is the Vice President of BANC OF AMERICA COMMERCIAL FINANCE CORPORATION and that he/she duly executed the foregoing instrument for and on behalf of BANC OF AMERICA COMMERCIAL FINANCE CORPORATION, being duly authorized to do so and that said individual acknowledged said instrument to be the free act and deed of said corporation.

Patricia M. Hurd
Notary Public

SEAL

My Commission Expires Mar. 31, 2005

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