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Tab settings



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

102441040

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

OFFICE OF TRADEMARK RECORDS  
2003 MAY -2 M 9:45  
FINANCE SECTION

1. Name of conveying party(ies):  
**Gaylord Industries, Inc.**  
**10900 S.W. Avery Street**  
**Seaside, Oregon 97062**

5.2.03

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other \_\_\_\_\_

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

2. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other **Nunc Pro Tunc Assignment**

Execution Date: 5/1/02

2. Name and address of receiving party(ies)

Name: **Hobart LLC**  
Internal Address: **701 South Ridge Avenue**

Street Address: \_\_\_\_\_  
City: **Troy** State: **Ohio** Zip: **45374**

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State \_\_\_\_\_

Other **Delaware 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

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)  
**2,321,643 1,817,661 1,347,407**  
**1,792,310 800,820**

Additional number(s) attached  Yes  No

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

Name: **Deborah Schavey Ruff**  
Internal Address: **Mayer, Brown Rowe & Maw**

05/06/2003 BTOM11 0000097 2321643  
01 FC:8521 40.00 DP  
02 FC:8522 100.00 DP

Street Address: **P.O. Box 2828**

City: **Chicago** State: **IL** Zip: **60690-2828**

6. Total number of applications and registrations involved: 5

7. Total fee (37 CFR 3.41).....\$**140.00**

- 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)

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.

Deborah Schavey Ruff  
Name of Person Signing

Deborah Schavey Ruff  
Signature

5/2/02  
Date

Total number of pages including cover sheet, attachments, and document: 1

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

TRADEMARK  
REEL: 002726 FRAME: 0342

## NUNC PRO TUNC ASSIGNMENT

WHEREAS, Gaylord Industries, Inc., previously an Oregon corporation having offices at 10900 S.W. Avery Street, Tualatin, Oregon 97062 (hereinafter called "SELLER", which expression shall include its successors and assigns) has sold all right, title and interest in and to certain trademarks and the registrations pertaining thereto to Hobart LLC, a Delaware limited liability company having offices at 701 South Ridge Avenue, Troy, Ohio 45374 (hereinafter called "PURCHASER", which expression shall include its successors and assigns), along with all other assets of SELLER pursuant to an Agreement and Plan of Merger between Hobart Corporation, a Delaware corporation, Wittco Foodservice Equipment, Inc., a Delaware corporation, ICI Products, Inc., a Delaware corporation, Stanley Knight Corporation, a Delaware corporation, Traulsen & Co. Inc., a Delaware corporation, The Wolf Range Company LLC, a Delaware limited liability company, Gaylord Industries, Inc., an Oregon corporation, KaiRak, Inc., a California corporation, and Hobart LLC, a Delaware limited liability company, effective January 1, 2002 (the "Merger Agreement");

WHEREAS, SELLER, as part of the Merger Agreement, was merged into PURCHASER, and, as of January 1, 2002, SELLER ceases to exist; and


WHEREAS, as part of the Asset Purchase Agreement, SELLER transferred all of its assets, including the marks listed on Schedule A and the goodwill associated therewith, to PURCHASER; however, the parties failed to execute a formal Trademark assignment document in conjunction with the Asset Purchase Agreement.

### WITNESSETH:

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that SELLER, for and in consideration, receipt, adequacy and sufficiency of which is hereby acknowledged by SELLER, does hereby assign *nunc pro tunc*, effective January 1, 2002, unto PURCHASER the entire right, title and interest in and to the marks listed on Schedule A, the goodwill associated therewith, and the right to recover for all past infringements thereof.

FURTHER, because SELLER ceases to exist separate and apart from PURCHASER, Hobart Corporation, the former parent corporation of SELLER agrees to execute or cause to be executed all documents on behalf of SELLER, and otherwise to do all things which will vest all right, title and interest in and to the marks listed on Schedule A in PURCHASER.

Gaylord Industries, Inc., By its previous sole shareholder,  
Hobart Corporation, a Delaware corporation

By:   
Allan C. Sutherland  
Vice President

Date: May 1, 2002

**SCHEDULE A**

<b>Mark</b>	<b>Country</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Classes</b>	<b>Application Number</b>	<b>Application Date</b>
ENERGY PLUS	US	2,321,643	02/22/2000	3	75/657,057	03/08/1999
ENERGY PLUS & DESIGN	US	1,792,310	09/14/1993	3	74/341,755	12/21/1992
FORMULA G-510 & DESIGN	US	1,817,661	01/25/1994	3	74/385,933	05/03/1993
GAYLORD	US	800,820	12/21/1965	11	72/188,744	03/16/1964
THE GAYLORD QUENCHER	US	1,347,407	07/09/1985	9	73/497,292	08/31/1984
GAYLORD	Australia	B380,764	09/08/1989	9		09/08/1982
GAYLORD	Australia	B380,765	09/08/1989	11		09/08/1982
GAYLORD	Japan	874,453	04/26/1996			
GAYLORD	New Zealand	B95,557	12/02/1970			12/02/1970
GAYLORD	South Africa	90/1423	02/26/1990		90/1423	02/26/1990
GAYLORD	Taiwan	90/1423	02/26/1990		90/1423	02/26/1990

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**RECORDED: 05/02/2003**

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