

06-04-2003

Form PTO-1594

(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings ⇨ ⇨ ⇨ ▼

RE



102463313

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):

TRIARCH INDUSTRIES, INC.

6.2.03

☐

Individual(s)

☐

Association

☐

General Partnership

☐

Limited Partnership

☒

Corporation-State

☐

Other

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

## 3. Nature of conveyance:

☒

Assignment

☐

Merger

☐

Security Agreement

☐

Change of Name

☐

Other

Execution Date: 01/17/03

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

Name: DRYVIT SYSTEMS, INC.

Internal

Address:

Street Address: One Energy Way

City: West Warwick State: RI Zip: 02893

☐

Individual(s) citizenship

☐

Association

☐

General Partnership

☐

Limited Partnership

☒

Corporation-State Rhode Island

☐

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) & address(es) attached? ☐ Yes ☐ No

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

See Schedule A

Additional number(s) attached ☒ Yes ☐ No

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

Name: Timothy J. Connors

Internal Address:

CALFEE, HALTER &amp; GRISWOLD LLP

Street Address: 800 Superior Avenue

Suite 1400

City: Cleveland

State: OH

Zip: 44114

## 6. Total number of applications and registrations involved:

4

7. Total fee (37 CFR 3.41) \$ 115.00

☒

Enclosed

☐

Authorized to be charged to deposit account

## 8. Deposit account number:

03-0172

FINANCE SECTION

MAY 12 2003

06/03/2003 DRYVIT 00000103 1599011

DO NOT USE THIS SPACE

01 FC:8581  
02 FC:8522

Signature.

40.00 OP  
75.00 OP

Timothy J. Connors

Name of Person Signing

Signature

May 29, 2003  
Date

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

3

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231TRADEMARK  
REEL: 002745 FRAME: 0171

# SCHEDULE A

## Trade Names

Triarch Industries, Inc.

## Registered U.S. Trademarks

<u>Mark</u>	<u>Registration Number</u>	<u>Date</u>
DUROPLEX	1599081	June 5, 1990
PLEXTURE	1697272	June 30, 1992
POLYGLAZ	1701280	July 21, 1992
FAULUX	2256770	June 29, 1999

## Common Law Trademarks

FRESCO  
SKIMM  
DUROFLOAT  
CT-100  
ELAST-O-FLEX  
DUROPLEX DIMENSIONAL METALS

## ASSIGNMENT OF MARKS

WHEREAS, TRIARCH INDUSTRIES, INC., a Texas corporation with a principal place of business at 4816 Campbell Road, Houston Texas 77041 ("Assignor"), has adopted, used and is using in commerce certain trade names and marks in the United States and/or elsewhere (collectively, the "Marks"), including but not limited to those Marks shown on Schedule A attached hereto, and is the owner of the registrations and applications for registration for the Marks also shown in Schedule A; and

WHEREAS, DRYVIT SYSTEMS, INC., a Rhode Island corporation with a principal place of business at One Energy Way, West Warwick, Rhode Island 02893 ("Assignee"), is desirous of acquiring all right, title and interest in and to the Marks, all registrations and applications for registration for the Marks, and the goodwill associated with the Marks;

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, and intending to be legally bound, Assignor hereby sells, assigns and transfers to Assignee, effective as of January 17, 2003, all worldwide right, title and interest in and to (i) the Marks, (ii) all registrations and applications for registration of the Marks including but not limited to those shown in Schedule A, (iii) all income, royalties, damages and payments now or hereafter due or payable with respect to the Marks, (iv) all rights of action arising from the Marks, including all claims for damages by reason of past, present and future infringement of the Marks and the right to sue and collect damages for such infringement, to be held and enjoyed by Assignee for its own use and benefit and for its successors and assigns as the same would have been held by Assignor had this assignment not been made, and (v) the goodwill of the business symbolized by the Marks.

Dated: January 17, 2003

ASSIGNOR

By: 

Printed Name: Bruce R. Wingate  
Title: President

STATE OF TEXAS

:


SS

COUNTY OF HARRIS

:

Subscribed and sworn to before me on

January 17, 2003

  
Notary Public

