

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

CORRECTIVE

RECORDATION FORM COVER SHEET

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:

Martin Industries, Inc.

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State Delaware
☐ Other _____

Additional names of conveying parties attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other: Record to Correct Registration Number previously

recorded at Reel 2763/Frame 0848

Execution Date: February 28, 2003

2. Name and address of receiving party:

Name: Monessen Hearth Systems Company

Street Address: 149 Cleveland Drive

City: Paris State: Kentucky Zip: 40361

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☒ Corporation-State Kentucky
☐ 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 numbers or registration numbers:

A. Trademark Application No.

None.

B. Trademark Registration No.

2,198,846

Additional numbers attached ☐ Yes ☒ No

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

Name: Susan J. Wharton

Internal Address: Stinson Morrison Hecker LLP

Street Address: 1201 Walnut, Suite 2800

City: Kansas City State: Missouri Zip: 64106-2150

6. Total number of applications and registrations involved: _____

1

7. Total fee (37 CFR 3.41)..... \$ No Fee Due

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

19-4409

(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.

Susan J. Wharton

Name of Person Signing

Susan J. Wharton

Signature

12/19/03

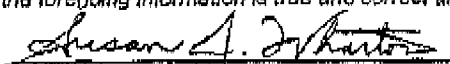
Date

Total number of pages including cover sheet, attachments, and document: 5

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services
Director of the United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

TRADEMARK

REEL: 002767 FRAME: 0305

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)		RECORDATION FORM COVER SHEET 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: Martin Industries, Inc. <input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation-State <u>Delaware</u> <input type="checkbox"/> Other _____ Additional names of conveying parties attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party: Name: <u>Monessen Health Systems Company</u> Street Address: <u>149 Cleveland Drive</u> City: <u>Paris</u> State: <u>Kentucky</u> Zip: <u>40361</u> <input type="checkbox"/> Individual(s) citizenship _____ <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input checked="" type="checkbox"/> Corporation-State <u>Kentucky</u> <input type="checkbox"/> Other _____ If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>February 28, 2003</u>			
4. Application numbers or registration numbers: A. Trademark Application No. None. Additional numbers attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		B. Trademark Registration Nos. 2,776,471 1,193,112 1,130,778 1,162,616 1,275,988 2,263,906 1,380,272 2,173,787 2,234,564 2,139,668 2,198,848 2,388,987 1,187,536 1,173,069 2,124,905 2,101,816	
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Susan J. Wharton</u> Internal Address: <u>Stinson Morrison Hecker LLP</u> Street Address: <u>1201 Walnut, Suite 2800</u> City: <u>Kansas City</u> State: <u>Missouri</u> Zip: <u>64108-2150</u>		6. Total number of applications and registrations involved: 16 7. Total fee (37 CFR 3.41): \$ <u>415.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>10-4402</u> (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. <u>Susan J. Wharton</u> <u></u> <u>12/15/03</u> Name of Person Signing Signature Date Total number of pages including cover sheet, attachments, and documents: 4			

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services
Director of the United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

DTMDOCS 854385v1

10-203-740-5206

FEB 28 '03

12:31 NO.001 P.14

ASSIGNMENT OF TRADEMARKS

WHEREAS, Martin Industries, Inc., a Delaware corporation ("Martin"), of 301 East Tennessee Street, Florence, Alabama 35630, is the owner of certain trademarks and applications therefor listed on Schedule A attached hereto and by this reference incorporated herein (the "Trademarks"); and

WHEREAS, Monessen Hearth Systems Company, a Kentucky corporation ("Monessen"), is desirous of acquiring the entire interest of Martin in and to the Trademarks; and

WHEREAS, contemporaneously with the execution and delivery of this Agreement, Martin and Monessen have consummated the transactions contemplated by that certain Asset Purchase Agreement dated as of February 22, 2003, pursuant to which Monessen has purchased certain of the assets of Martin, including the Trademarks;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Martin, by these presents does sell, assign and transfer unto Monessen all of its right, title and interest in and to the Trademarks and applications therefor, together with the goodwill of the business symbolized by the Trademarks and the registrations thereof, the same to be held and enjoyed by Monessen, for its own use and benefit and that of its successors, assigns and legal representatives, together with all claims for damages by reason of past infringement of the Trademarks, with the right to sue for and collect the same for its own use and for the use of its successors, assigns or other legal representatives. Martin does hereby covenant and agree with Monessen to execute and deliver such other and further instruments and to take such other and further actions as may be reasonably necessary and appropriate to transfer the Trademarks, claims for damages by reason of past infringement and right to sue and collect therefor to Monessen.

IN WITNESS WHEREOF, the undersigned corporation has caused this instrument to be executed at FLORENCE, ALABAMA this 28th day of February, 2003.

MARTIN INDUSTRIES, INC.

William Neitzke
William Neitzke, President

ATTEST:

Diane S. McGee
Secretary

MARTIN 648

10-203-740-5206

FEB 28 '03

12:32 NO.001 P.15

STATE OF Alabama)Lauderdale COUNTY)

I, Diane S. McGee, a Notary Public in and for said county in said state, hereby certify that William Neith whose name as President of Martin Industries, Inc., a corporation organized under the laws of the State of Delaware, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the within instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal of office this 26th day of February, 2003.



[NOTARIAL SEAL]

Diane S. McGee

Notary Public

My commission expires: 08-20-04

S:\EARM\Monocuent\Martin\ndemarkassignment.2.doc

EXHIBIT A**PENDING TRADEMARK APPLICATIONS AS OF DECEMBER 11, 2002:**

<u>Mark</u>	<u>Serial Number</u>	<u>Date Filed</u>
EMBER FLAME	341,852 (76/)	11/13/2001
SPLENDOR GLOW	341,853 (76/)	11/19/2001
GRILL MAXX	677,803 (74/)	05/22/1995

ISSUED TRADEMARKS:

<u>Mark</u>	<u>Registration Number</u>	<u>Date Issued</u>
MI and Design (oblong design)	1,193,112	04/06/1982
MI Martin Industries and Design	1,130,778	012/12/1980
MARTIN	1,362,615	07/28/1981
ASPEN	1,275,988	05/01/1984
ASPEN	2,051,378	04/08/1997
THE ADVANTAGE	2,263,906	07/27/1999
DA VINCI (stylized letters)	2,101,816	09/30/1997
SAHARA (stylized letters)	1,380,272	01/28/1986
PRIME HEAT	2,173,787	07/14/1998
MAXIHEARTH	2,234,594	03/23/1999
REALTY	2,139,666	02/24/1998
4-IN-1	2,198,846	10/20/1998
6-IN-1	2,368,987	07/18/2000
WARM MORNING	1,187,536	03/26/1982
QUADRA-THERM	1,173,069	01/13/1981
THE MASTERPIECE	2,124,905	12/30/1997

S:\EAR\Monessen\Martin\Trademark Exhibit A.doc



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



700056879A

DECEMBER 16, 2003

PTAS

STINSON MORRISON HECKER LLP
SUSAN J. WHARTON
1201 WALNUT SUITE 2800
KANSAS CITY, MO 64106-2150

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/15/2003

REEL/FRAME: 002763/0848
NUMBER OF PAGES: 5

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

ASSIGNOR:
MARTIN INDUSTRIES, INC.

DOC DATE: 02/28/2003
CITIZENSHIP: DELAWARE
ENTITY: CORPORATION

ASSIGNEE:
MONESSEN HEARTH SYSTEMS COMPANY
149 CLEVELAND DRIVE
PARIS, KENTUCKY 40361

CITIZENSHIP: KENTUCKY
ENTITY: CORPORATION

APPLICATION NUMBER: 76341853
REGISTRATION NUMBER: 2776471

FILING DATE: 11/19/2001
ISSUE DATE: 10/21/2003

MARK: SPLENDOR GLOW
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

002763/0848 PAGE 2

APPLICATION NUMBER: 73206000
REGISTRATION NUMBER: 1162615

FILING DATE: 03/05/1979
ISSUE DATE: 07/28/1981

MARK: MARTIN
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73412751
REGISTRATION NUMBER: 1380272

FILING DATE: 02/07/1983
ISSUE DATE: 01/28/1986

MARK: SAHARA
DRAWING TYPE: STYLIZED WORDS, LETTERS, OR NUMBERS

APPLICATION NUMBER: 75130831
REGISTRATION NUMBER: 2139666

FILING DATE: 07/08/1996
ISSUE DATE: 02/24/1998

MARK: REALITY
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73295362
REGISTRATION NUMBER: 1187536

FILING DATE: 02/02/1981
ISSUE DATE: 01/26/1982

MARK: WARM MORNING
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 74603313
REGISTRATION NUMBER: 2101816

FILING DATE: 11/28/1994
ISSUE DATE: 09/30/1997

MARK: DA VINCI
DRAWING TYPE: STYLIZED WORDS, LETTERS, OR NUMBERS

APPLICATION NUMBER: 73268420
REGISTRATION NUMBER: 1193112

FILING DATE: 06/30/1980
ISSUE DATE: 04/06/1982

MARK: MI
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 73333857
REGISTRATION NUMBER: 1275988

FILING DATE: 10/23/1981
ISSUE DATE: 05/01/1984

MARK: ASPEN
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 75194315
REGISTRATION NUMBER: 2173787

FILING DATE: 11/07/1996
ISSUE DATE: 07/14/1998

MARK: PRIME HEAT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 74723438
REGISTRATION NUMBER: 2198746

FILING DATE: 08/31/1995
ISSUE DATE: 10/20/1998

MARK: HAZEL WALKER'S ARKANSAS TRAVELERS
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

002763/0848 PAGE 3

APPLICATION NUMBER: 73241849
REGISTRATION NUMBER: 1173069

FILING DATE: 12/07/1979
ISSUE DATE: 10/13/1981

MARK: QUADRA-THERM
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73191653
REGISTRATION NUMBER: 1130778

FILING DATE: 11/03/1978
ISSUE DATE: 02/12/1980

MARK: SOLAR WAREHOUSE
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75106935
REGISTRATION NUMBER: 2263906

FILING DATE: 05/20/1996
ISSUE DATE: 07/27/1999

MARK: THE ADVANTAGE
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75055806
REGISTRATION NUMBER: 2234594

FILING DATE: 02/09/1996
ISSUE DATE: 03/23/1999

MARK: MAXIHEARTH
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75194316
REGISTRATION NUMBER: 2368987

FILING DATE: 11/07/1996
ISSUE DATE: 07/18/2000

MARK: 6-IN-1
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75106934
REGISTRATION NUMBER: 2124905

FILING DATE: 05/20/1996
ISSUE DATE: 12/30/1997

MARK: THE MASTERPIECE
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



STINSON
MORRISON
HECKER LLP

Susan J. Wharton
(816) 691-3118
swharton@stinsonmoheck.com
www.stinsonmoheck.com

1201 Walnut, Suite 2800
Kansas City, MO 64106-2150

Tel (816) 842-8600
Fax (816) 691-3495

December 19, 2003

VIA FACSIMILE - (703) 746-3130

U.S. Patent and Trademark Office
Assignment Division
2900 Crystal Drive
Arlington, VA 22202-3514

Re: Request for Correction of Notice of Recordation
recorded at Reel 2763/Frame 0848
Our Reference No. 506552-0001

Dear Sir/Madam:

Attached please find the following:

- 1) Notice of Recordation of Assignment Document
Reel 2763/Frame 0848 (Pages 1 through 3)
- 2) Previously recorded Trademark Recordation Cover Sheet
(Page 4)
- 3) Corrective Trademark Recordation Cover Sheet (page 5)
- 4) Assignment Document (Pages 6 through 8)

On December 16, 2003, we filed an Assignment to be recorded against 16 trademark registrations, however, recordation against Registration No. 2,198,846 was wrongly recorded against another registration. Please record the attached Corrective Recordation Cover Sheet to correct the error, which is coded in the right hand corner as page 5 of this facsimile.

Because this was of no fault of Registrant, no fee is due at this time. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Susan J. Wharton".
Susan J. Wharton

KANSAS CITY
OVERLAND PARK
WICHITA
WASHINGTON, D.C.
PHOENIX
ST. LOUIS
OMAHA
JEFFERSON CITY

SJW:cmb

Attachments

DTMDOCS 859004v1

TRADEMARK
REEL: 002767 FRAME: 0313

STINSON
MORRISON
HECKER LLP

Tel (816) 842-8600
Fax (816) 691-3495
1201 Walnut, Suite 2800
Kansas City, MO 64106-2150

Facsimile

To:	Facsimile #	Firm	Firm Telephone #
Assignment Recordation Services	(703) 306-5995	Commissioner of Patents and Trademarks	

From: Susan J. Wharton

Date: December 19, 2003

Pages: 10, (including this cover sheet.)

Sender ID#: 2097

Client-Matter #: 506552-0001

The original of this document was sent by

☐ First Class Mail
☐ Messenger

☐ Overnight Mail
☒ No Other Delivery

Comment: Following is a Trademark Recordation Form Cover Sheet and Assignment for recordation.

Certification of Facsimile Transmission Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office to the attention of Assignment Recordation Services, fax number (703) 306-5995 on:

Date: December 19, 2003

Signature: Christina Barton

Printed Name: Christina Barton

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

KANSAS CITY

LEAWOOD

OMAHA

OVERLAND PARK

PHOENIX

ST. LOUIS

WASHINGTON, D.C.

WICHITA

Return Original To: C Barton

Notify When Complete: C Barton

THIS TRANSMITTAL AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify us at (816) 842-8600.