

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 [X] Corporation-State Delaware [] Other Additional names of conveying parties attached? [] Yes [X] No

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 [X] Corporation-State Kentucky [] Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: [] Yes [X] No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? [] Yes [X] No

3. Nature of conveyance: [] Assignment [] Merger [] Security Agreement [] Change of Name [X] Other: Record to Correct Registration Number previously recorded at Reel 2763/Frame 0848 Execution Date: February 28, 2003

4. Application numbers or registration numbers: A. Trademark Application No. None. B. Trademark Registration No. 1,130,788 Additional numbers attached [] Yes [X] 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) \$ 25.00 [] Enclosed [X] 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 Signature Date 12/19/03

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: 002769 FRAME: 0418

CH \$40.00 194409 1130788

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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>Monassen Hearth 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																				
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			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																				
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9. Statement and signature. <i>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.</i> <u>Susan J. Wharton</u> <u><i>Susan J. Wharton</i></u> <u>12/15/03</u> Name of Person Signing Signature Date Total number of pages including cover sheet, attachments, and documents: 4																							

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DTMDOCS 854335v1

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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 28, 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. McLee

Secretary

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Martin CLU

10-203-740-5206

FEB 28 '03

12:52 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 Neitz 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.



Diane S. McGee
Notary Public
My commission expires: 08-20-04

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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

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