

11-21-2003



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patent & Trademarks, Box Assignments, Washington, D.C. 20231, on the date shown below: Laura March (Typed or Printed Name of Person Signing Certificate) October 22, 2003 (Date)

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

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2003) Tab settings

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

1. Name of conveying party(ies): 11-19-03 Scarlet Tanager Holdings III LLC

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

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

- Nature of conveyance: Assignment Merger Security Agreement Change of Name Other

Execution Date: 03/18/2002

2. Name and address of receiving party(ies) Name: Scarlet Tanager LLC

Internal Address: c/o Niles Kinerk

Street Address: 7602 Hyland Lane

City: Guilford State: IN Zip: 47022

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Other LLC-Delaware

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) 0934186

Additional number(s) attached Yes No

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

Name: Candace Lynn Bell, Esq.

Internal Address: Kavinoky & Cook, LLP

Street Address: 120 Delaware Avenue

City: Buffalo State: NY Zip: 14202

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

- Enclosed Authorized to be charged to deposit account

8. Deposit account number: 50-1024

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9. Signature.

Candace Lynn Bell, Esq. Name of Person Signing

Signature

10/22/2003 Date

Total number of pages including cover sheet, attachments, and document: 3

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

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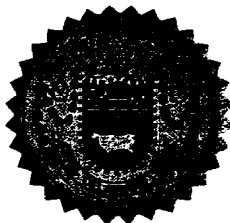
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# Delaware

*The First State*

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Laura Manch  
(Typed or Printed Name of Person Signing Certificate)  
*Laura Manch*  
October 22, 2003  
(Date)

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "SCARLET Tanager HOLDINGS III LLC", CHANGING ITS NAME FROM "SCARLET Tanager HOLDINGS III LLC" TO "SCARLET Tanager LLC", FILED IN THIS OFFICE ON THE EIGHTEENTH DAY OF MARCH, A.D. 2002, AT 9 O'CLOCK A.M.



3443484 8100  
020179641

*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1674302

DATE: 03-19-02

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STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 03/18/2002  
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Laura Manch  
(Typed or Printed Name of Person Signing Certificate)  
*Laura Manch*  
October 22, 2003  
(Date)

CERTIFICATE OF AMENDMENT  
OF  
THE CERTIFICATE OF FORMATION  
OF  
SCARLET Tanager HOLDINGS III LLC

It is hereby certified that:

1. The name of the limited liability company is Scarlet Tanager Holdings III LLC (hereinafter referred to as the "Company").
2. The Certificate of Formation of the Company was filed on October 5, 2001.
3. The Certificate of Formation of the Company is hereby amended by striking out Article "1." thereof and by substituting in lieu of said Article "1." the following new Article:

"1. The name of the limited liability company is: Scarlet Tanager LLC."

IN WITNESS WHEREOF, the undersigned manager and chief executive officer of the Company has executed this Certificate of Amendment of the Certificate of Formation of Scarlet Tanager Holdings III LLC this 29<sup>th</sup> day of February, 2002.

  
\_\_\_\_\_  
Niles Kinerk, Authorized Person