

11-21-2003

Docket No.:

1492023US1AT



Tab settings

To the Director of the United States Patent a.

102606316

ched original documents or copy thereof.

1. Name of conveying party(ies):

MARTIN MARIETTA MAGNESIA SPECIALTIES, LLC

10-30-03

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

Additional names(s) of conveying party(ies)  Yes  No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: October 16, 2003

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

Name: MIDWEST INDUSTRIAL SUPPLY, INC.

Internal Address: P. O. Box 8431

Street Address: 30

City: Canton State: OH ZIP: 44711

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

If assignee is not domiciled in the United States, a domestic designation is  Yes  N  
(Designations must be a separate document from Additional name(s) & address(es)  Yes  N

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,493,458

Additional numbers  Yes  No

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

Name: Joseph A. Sebolt, Reg. No. 35,352

Internal Address: Sand & Sebolt

Aegis Tower, Suite 1100

Street Address: 4940 Munson Street, N.W.

City: Canton State: OH ZIP: 44718

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:

19-0083

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.

Joseph A. Sebolt, Reg. No. 35,352

Name of Person Signing

Signature

October 28, 2003

Date

11/20/2003 ECOOPER 00000136 1493458

Total number of pages including cover sheet, attachments, and

**3**

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

TRADEMARK  
REEL: 002867 FRAME: 0726

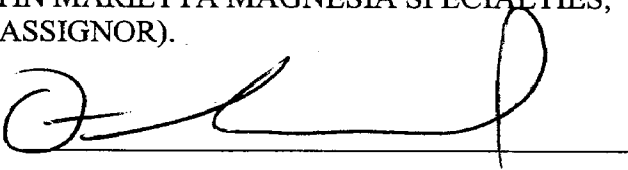
ASSIGNMENT NUNC PRO TUNC

WHEREAS, MARTIN MARIETTA MAGNESIA SPECIALTIES, LLC (ASSIGNOR) owned and used in its business the marks and related registrations listed on Exhibit A attached hereto (Marks); and

WHEREAS, by Asset Purchase Agreement dated June 30, 2003, Assignor sold all of its assets used in connection with the Marks to MIDWEST INDUSTRIAL SUPPLY, INC. (ASSIGNEE) and, pursuant to the Asset Purchase Agreement, agreed to formally assign all of its right, title and interest in the Marks to ASSIGNEE;

THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee, its successors or assigns, the entire right, title and interest in and to the Marks and any and all registrations therefor, including any renewals that may be granted thereon, together with the goodwill of the business connected therewith and any right to recover damages for past infringement thereof.

MARTIN MARIETTA MAGNESIA SPECIALTIES, LLC (ASSIGNOR).

By: 

(TYPED NAME) Dan Shephard

(TITLE) President

Date: October 16, 2003

STATE OF North Carolina §  
COUNTY OF Wake §

BEFORE ME, the undersigned authority, on this day personally appeared Dan Shephard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me under oath that he executed the same as the act and deed of Martin Marietta Magnesia Specialties, LLC, as officer thereof, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office, this 16th day of October, 2003.



Patricia A. Gibson  
Notary Public

*My commission expires July 21, 2008*

**EXHIBIT A**

<u>Docket Number</u>	<u>Mark</u>	<u>Filing Date</u>	<u>Serial Number</u>	<u>Registration Number</u>	<u>Country</u>
1492023IN1AT	DUST-BUSTER	1/22/96	695,188		India
1492023JP1AT	DUST-BUSTER	12/1/95	124,019/95	4370045	Japan
1492023KR1AT	DUST-BUSTER	4/1/93	93/10,700	293,170	Korea
1492023MX1AT	DUST-BUSTER	4/12/93	165,139	468,979	Mexico
1492023TW1AT	DUST-BUSTER	8/20/93	82/041087	639,264	Taiwan
1492023US1AT	DUST-BUSTER	8/12/86	73/603,792	1,493,458	U.S.